

BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION

In the Matter of:

DOCKET NO. 090505-EI

REVIEW OF REPLACEMENT FUEL COSTS
ASSOCIATED WITH THE FEBRUARY 26,
2008 OUTAGE ON FLORIDA POWER &
LIGHT COMPANY'S ELECTRICAL
SYSTEM.



PROCEEDINGS: COMMISSION CONFERENCE AGENDA
ITEM NO. 3

COMMISSIONERS
PARTICIPATING: CHAIRMAN ART GRAHAM
COMMISSIONER LISA POLAK EDGAR

DATE: Tuesday, February 8, 2011

PLACE: Betty Easley Conference Center
Room 148
4075 Esplanade Way
Tallahassee, Florida

REPORTED BY: JANE FAUROT, RPR
Official FPSC Reporter
(850) 413-6732

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FPSC-COMMISSIONER

P R O C E E D I N G S

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2 **CHAIRMAN GRAHAM:** Item Number 3 is just
3 one person. It is a sole panel.

4 **COMMISSIONER EDGAR:** I'm ready when you
5 are, Mr. Chairman, and I would ask our staff to go
6 ahead and introduce the item, please.

7 **MR. YOUNG:** Thank you.

8 Madam Commissioner, Keino Young, legal
9 staff. Item Number 3 is staff's recommendation in
10 Docket Number 090505, which is FPL's motion for
11 reconsideration of the review of the replacement
12 fuel costs associated with the February 26, 2008,
13 outage at Florida Power and Light Company. Staff is
14 available for any questions.

15 **COMMISSIONER EDGAR:** Thank you.

16 And then, Mr. Chairman and Commissioners,
17 just a brief few comments, recognizing that this
18 situation is a little unusual that I am on this one
19 by myself, but I'm so glad that you all are here
20 with me physically and in other ways. I recognize,
21 of course, that this is a motion for
22 reconsideration, and that the standard of review is
23 whether there was a fact or law that the Commission
24 overlooked or failed to consider, and that in
25 considering that question, I am bound by the record

1 and the four corners of the motion for
2 reconsideration.

3 I do take this issue, as every issue, very
4 seriously, and I want you and all of the parties to
5 know that I have gone back and read and reviewed and
6 re-read and re-reviewed the relevant portions of the
7 docket and the relevant portions of the record for
8 this docket, the motions, the transcript, et cetera.

9 This issue is, of course, or the issue
10 that was before us about the calculation of net
11 replacement power costs, with two factors,
12 basically, the method and the duration for that
13 calculation of costs. I do believe that this
14 instance and other replacement power cost issues is
15 very fact specific, that this case is unique. I
16 recognize that this outage was due to a remote
17 transmission event, and that at the agenda
18 conference where the Commission considered this item
19 after the hearing there was great discussion,
20 particularly about how to calculate the duration or
21 the time period to figure out the amount of refund.

22 So with all of that, Mr. Chairman and
23 Commissioners, I do not believe that the standard
24 for reconsideration has been met. I do not believe
25 that the Commission missed a fact or application of

1 the law, and therefore I agree with the staff
2 recommendation on all items.

3 **CHAIRMAN GRAHAM:** So, I guess -- Ms.
4 Helton, did she move staff and second it and then
5 vote?

6 **MS. HELTON:** Yes, sir.

7 **CHAIRMAN GRAHAM:** So are we done with Item
8 Number 3, or how do we put the --

9 **MS. HELTON:** I think, as Commissioner
10 Edgar did say, that she is in agreement with staff's
11 recommendation, I guess you could approve staff's
12 recommendation, or move staff's recommendation and
13 that would be sufficient for the record and for the
14 order.

15 **COMMISSIONER EDGAR:** Then, Mr. Chairman, I
16 would, for the record, state and restate that I do
17 approve the staff recommendation after careful
18 consideration of the information before me.

19 **CHAIRMAN GRAHAM:** Thank you very much,
20 Commissioner Edgar, for handling this item for us.
21 And I am very happy that you didn't handle all of
22 these items today for us.

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STATE OF FLORIDA)

: CERTIFICATE OF REPORTER

COUNTY OF LEON)

I, JANE FAUROT, RPR, Chief, Hearing Reporter Services Section, FPSC Division of Commission Clerk, do hereby certify that the foregoing proceeding was heard at the time and place herein stated.

IT IS FURTHER CERTIFIED that I stenographically reported the said proceedings; that the same has been transcribed under my direct supervision; and that this transcript constitutes a true transcription of my notes of said proceedings.

I FURTHER CERTIFY that I am not a relative, employee, attorney or counsel of any of the parties, nor am I a relative or employee of any of the parties' attorney or counsel connected with the action, nor am I financially interested in the action.

DATED THIS 10th day of February, 2011.



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