

**ORIGINAL**

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

**In re: Fuel and purchased power  
cost recovery clause with  
generating performance incentive  
factor.**

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**Docket No. 050001-EI  
Filed: October 14, 2005**

**FLORIDA POWER & LIGHT COMPANY'S MOTION  
FOR LEAVE TO FILE SUPPLEMENTAL PETITION FOR APPROVAL OF  
LEVELIZED FUEL COST RECOVERY FACTORS AND SUPPLEMENTAL  
TESTIMONY OF K. M. DUBIN WITH ACCOMPANYING APPENDIX A**

Florida Power & Light Company ("FPL"), pursuant to Rule 28-106.204, F.A.C., hereby moves for leave to file the attached supplemental petition of Florida Power & Light Company for approval of levelized fuel cost recovery factors (the "Supplemental Petition") and supplemental direct testimony of K. M. Dubin with accompanying Appendix A (the "Supplemental Testimony"). In support of its motion, FPL states as follows:

1. On September 9, 2005, FPL filed its petition for approval of levelized fuel cost recovery ("FCR") factors for January through December 2006 (the "Projection Petition"). The Projection Petition also sought approval for a revised 2005 estimated/actual FCR true-up under-recovery of \$761,656,548 and to spread recovery of that amount over two years. The revised estimated/actual true-up reflected in the Projection Petition was based on actual data for January through July 2005 and estimates for August through December 2005.

2. FPL now has actual fuel cost data available for the months of August and September 2005. Substituting this actual data for the estimated August and September 2005 fuel costs increases the under-recovery by \$203,370,845, to a total 2005 estimated/actual true-up under-recovery of \$965,027,393. This latter amount is reflected in the calculation of the revised FCR factors for January through December 2006 for which the Supplemental Petition seeks

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approval. The Supplemental Testimony supports and explains the calculation of the \$965,027,393 estimated/actual true-up under-recovery for 2005 and the resulting 2006 FCR factors.

3. In Order No. 13694 in Docket No. 840001-EI, dated September 20, 1984, the Commission stated that:

[A]ll regulated utilities [are] on notice that testimony given at hearing, whether verbal or prefiled, must be true and correct as of the date it is incorporated in the record. While we recognize that fuel adjustment projections are compiled significantly in advance of hearing and are composed of many assumptions that are subject to change, we must, at the time of hearing, have the benefit of the most accurate and current information available to the utilities. This is not to say that every known change must be brought to our attention. Rather, *we are concerned with material and significant changes in the basic assumptions supporting a company's request.* A changed assumption that would either result in, or have the potential to result in, a mid-course correction should certainly be brought to our attention. Likewise, changes in the assumptions regarding nuclear or other base load units should be updated. A certain element of judgment will have to be exercised in updating assumptions of limited materiality. We will expect such updates at hearing and shall evaluate failures to update on a case-by-case basis.

(Emphasis added). The actual fuel cost data for August and September 2005 represents a “material and significant change in the basic assumptions supporting” FPL’s requested FCR factors for 2006. Accordingly, filing the Supplemental Petition and Supplemental Testimony is consistent with the Commission’s direction in Order No. 13694. Use of the revised FCR factors instead of those FPL filed on September 9 will result in customers’ paying fuel charges that more accurately reflect FPL’s actual fuel costs and will reduce the extent of the final true-up for 2005 that otherwise would be required.

4. FPL has contacted counsel for all other parties of record. None has an objection to the motion at this time.

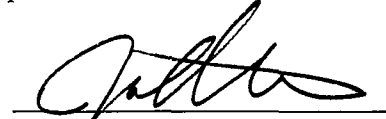
WHEREFORE, FPL moves the Commission for leave to file the attached Supplemental Petition of Florida Power & Light Company for Approval of Levelized Fuel Cost Recovery Factors and supplemental direct testimony of K. M. Dubin with accompanying Appendix A.

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**CERTIFICATE OF SERVICE**  
**Docket No. 050001-EI**

I **HEREBY CERTIFY** that a true and correct copy of the foregoing has been furnished by hand delivery (\*) or United States mail this 14<sup>th</sup> day of October, 2005, to the following:

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