

# EXHIBIT 31

## BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Nuclear Power Plant                    )  
Cost Recovery Clause                            )

Docket No. 100009-EI  
Filed: May 3, 2010

### **FLORIDA POWER & LIGHT COMPANY'S PETITION FOR APPROVAL OF NUCLEAR POWER PLANT COST RECOVERY AMOUNT FOR THE PERIOD JANUARY – DECEMBER 2011**

Florida Power & Light Company ("FPL"), pursuant to Section 366.93, Florida Statutes, and Rule 25-6.0423, Florida Administrative Code, hereby petitions the Florida Public Service Commission (the "Commission") for approval to recover a Nuclear Power Plant Cost Recovery ("NPPCR") amount of \$28,754,660 through the Capacity Cost Recovery Clause ("CCRC") during the period January – December 2011.

FPL's requested NPPCR amount is detailed in the accompanying Nuclear Filing Requirement ("NFR") schedules, and is supported by the testimony of witnesses including those employees responsible for FPL's nuclear power plant extended power uprate project at its existing St. Lucie and Turkey Point nuclear power plants (the "EPU" or "Uprate Project"), and for development of two additional nuclear-fueled generating units at FPL's Turkey Point electric generation site ("Turkey Point 6 & 7"). The NPPCR amount sought for recovery through the CCRC in 2011 equates to a monthly, 1,000 kilowatt hour residential bill impact of thirty-one cents (\$0.31).

FPL's requested NPPCR amount consists of (i) carrying charges on construction costs, recoverable operations and maintenance ("O&M") costs, and base rate revenue requirements for in-service systems for the Uprate Project; and (ii) carrying charges on site selection costs, pre-construction costs, and carrying charges on preconstruction costs for the continued development

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of Turkey Point 6 & 7, all as provided for in Section 366.93 and Rule 25-6.0423, Florida Administrative Code. FPL also requests that the Commission enter a finding that FPL's 2010 actual/estimated and 2011 projected costs for the Uprate Project and Turkey Point 6 & 7 are reasonable and that the Commission review and approve the feasibility analyses provided by FPL for both projects. In support of this Petition, FPL states as follows:

## INTRODUCTION

1. FPL is a corporation with headquarters at 700 Universe Boulevard, Juno Beach, Florida 33408. FPL is an investor-owned utility operating under the jurisdiction of this Commission pursuant to the provisions of Chapter 366, Florida Statutes. FPL is a wholly-owned subsidiary of FPL Group, Inc., a registered holding company under the federal Public Utility Holding Company Act and related regulations. FPL provides generation, transmission, and distribution service to approximately 4.5 million retail customers.

2. Any pleading, motion, notice, order or other document required to be served upon FPL or filed by any party to this proceeding should be served upon the following individuals:

R. Wade Litchfield, Vice President of  
Regulatory Affairs and Chief Regulatory Counsel  
Wade.Litchfield@fpl.com  
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561-691-7135 (fax)

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Managing Attorney  
Bryan.Anderson@fpl.com  
Florida Power & Light Company  
700 Universe Boulevard  
Juno Beach, FL 33408  
561-304-5253  
561-691-7135 (fax)

3. This Petition is being filed consistent with Rule 28-106.201, Florida Administrative Code. The agency affected is the Florida Public Service Commission, located at 2540 Shumard Oak Blvd, Tallahassee, FL 32399. This case does not involve reversal or

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May 3, 2010

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-VIA HAND DELIVERY -

Ms. Ann Cole, Director  
Division of the Commission Clerk and Administrative Services  
Florida Public Service Commission  
2540 Shumard Oak Blvd.  
Tallahassee, FL 32399-0850

Re: Docket No. 100009-EI

Dear Ms. Cole:

Please find enclosed for filing in the above docket the original and seven (7) copies of Florida Power & Light Company's Petition for Approval of Nuclear Power Plant Cost Recovery Amount for the Period January – December 2011, with a diskette containing the electronic version of same. The enclosed diskette is HD density, the operating system is Windows XP, and the word processing software in which the documents appear is Word 2003.

Also enclosed for filing are the original and fifteen (15) copies of the prefiled testimony and documents of Florida Power & Light Company witnesses Steven Scroggs; Terry Jones; Steven Sim; Winnie Powers; Nils Diaz, The ND2 Group, LLC; and John Reed, Concentric Energy Advisors.

If there are any questions regarding this transmittal, please contact me at 561-304-5253.

COM	5	DNs	03674-10	SCROGGS
APA	1	PETITION	03675-10	JONES
ECR	1	1 APA	03676-10	APPENDICES I, II, III
GCL	1	1 GCL	03677-10	SIM
RAD	1	1 RAD	03678-10	POWERS
SSC	1	ECR	03679-10	DIAZ
ADM	1		03680-10	REED
OPC				
CLK	CTR			

Sincerely,

Bryan S. Anderson  
FL Auth. House Counsel No. 219511

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modification of an agency decision or an agency's proposed action. Therefore, subparagraph (c) and portions of subparagraphs (e), (f) and (g) of subsection (2) of such rule are not applicable to this Petition. In compliance with subparagraph (d), FPL states that it is not known which, if any, of the issues of material fact set forth in the body of this Petition, or the supporting testimony, exhibits and NFR schedules filed herewith, may be disputed by others planning to participate in this proceeding.

## **BACKGROUND AND OVERVIEW**

4. Section 366.93, Florida Statutes was adopted by the Legislature in 2006 to promote utility investment in nuclear power plants. Rule 25-6.0423, Florida Administrative Code ("the Rule"), implements this statute and provides for the annual review of expenditures and annual recovery of eligible costs through the CCRC. The Uprate Project and Turkey Point 6 & 7 qualify for cost recovery pursuant to Section 366.93, Florida Statutes, and the Rule. FPL's pursuit of this additional nuclear generation is made possible by the available cost recovery mechanism.

5. By Order No. PSC-08-0021-FOF-EI, issued January 7, 2008, the Commission made an affirmative determination of need for FPL's Uprate Project. By Order No. PSC-08-0237-FOF-EI, issued April 11, 2008, the Commission made an affirmative determination of need for Turkey Point 6 & 7. These projects were approved in large part because of the significant customer benefits they were – and still are – projected to provide. For example, assuming a Medium Fuel Cost and the "Environmental II" scenario as explained in FPL's testimony and exhibits, FPL expects that the EPU project will:

- Provide estimated fuel cost savings for FPL's customers of approximately \$146 million in the first full year of operation;

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- Provide estimated fuel cost savings for FPL's customers over the life of the project of approximately \$6 billion (nominal);
- Diversify FPL's fuel sources by decreasing reliance on natural gas by 3% beginning in the first full year of operation;
- Reduce annual fossil fuel usage by the equivalent of 5 million barrels of oil or 31 million mmBTU of natural gas; and
- Reduce CO<sub>2</sub> emissions by an estimated 33 million tons over the life of the project, which is the equivalent of operating FPL's entire generating system with zero CO<sub>2</sub> emissions for ten months.

Similarly, assuming the same Medium Fuel Cost, "Environmental II" scenario, FPL expects that Turkey Point 6 & 7 will:

- Provide estimated fuel cost savings for FPL's customers of approximately \$1.3 billion (nominal) in the first full year of operation;
- Provide estimated fuel cost savings for FPL's customers over the life of the project of approximately \$95 billion (nominal);
- Diversify FPL's fuel sources by decreasing reliance on natural gas by approximately 12% beginning in the first full year of operation;
- Reduce annual fossil fuel usage by the equivalent of 28 million barrels of oil or 177 million mmBTU of natural gas; and
- Reduce CO<sub>2</sub> emissions by an estimated 284 million tons over the life of the project, which is the equivalent of operating FPL's entire generating system with zero CO<sub>2</sub> emissions for 7 years.

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The ultimate fuel cost savings and other benefits of each project will depend upon the actual fuel prices and other variables that exist in the future over the service life of the completed projects. FPL's testimony and exhibits provide estimated economic results over a variety of such scenarios.

6. The NPPCR amount sought for recovery through the CCRC of \$28,754,660 (31 cents on a monthly, 1,000 kilowatt hour residential bill) is made up of: (i) the difference between FPL's 2009 actual costs and the 2009 actual/estimated costs presented last year in Docket No. 090009-EI; (ii) the difference between FPL's 2010 actual/estimated costs and the 2010 projected costs presented last year in Docket No. 090009-EI; and (iii) FPL's 2011 projected NPPCR recoverable costs. Approval of the true-up of FPL's 2009 actual costs was requested in the petition filed in this docket on March 1, 2010, and explained and supported in the direct testimony, exhibits, and NFRs filed therewith. FPL's 2010 actual/estimated and 2011 projected costs are the subject of this petition and supported by the accompanying testimony, exhibits, and NFRs.

7. The testimony and exhibits of FPL Witnesses Winnie Powers, Terry Jones, Steven Scroggs, John Reed, and Nils Diaz, filed with this Petition and incorporated herein by reference, explain the computation of the total NPPCR amount for recovery during 2011, describe FPL's 2010 actual/estimated and 2011 projected costs, and demonstrate that FPL's 2010 and 2011 costs are reasonable. Exhibit TOJ-14 to the testimony of FPL Witness Jones and Exhibits SDS-9 and SDS-10 to the testimony of FPL Witness Scroggs, both of which are co-sponsored by FPL Witness Powers, consist of Appendices I, II and III, containing schedules A/E-1 through A/E-7 and P-1 through P-8 of the NFRs as well as the True Up to Original ("TOR") Schedules. The form of these NFR schedules was developed by the Commission Staff

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working with FPL, the Office of Public Counsel, Progress Energy Florida and others.<sup>1</sup> The “A/E Schedules” and the “P Schedules” support the 2010 actual/estimated and 2011 projected costs, respectively.

8. Additionally, the testimony of FPL Witness Sim demonstrates the continued feasibility of proceeding with the Uprate Project and the development of Turkey Point 6 & 7, and provides the annual long-term feasibility analyses required by Rule 25-6.0423(5)(c)5, Florida Administrative Code. Using updated inputs for capital costs, fuel costs, and environmental compliance costs, as well as an updated load forecast and other updated system assumptions, each project continues to be cost-effective when compared to the addition of the most economic non-nuclear base load generation option, a highly fuel-efficient combined cycle generating unit. As requested by the Staff of the Commission during a February 2010 workshop focused on further improving the Commission’s NCRC process, FPL has also included in its filing additional information addressing specific, qualitative project feasibility topics in which Staff expressed an interest.

## **2010 ACTUAL/ESTIMATED COSTS**

### **Uprate Project**

9. FPL is working to deliver the substantial benefits of additional nuclear generating capacity to customers without expanding the footprint of its existing nuclear generating plants by performing an EPU of its existing nuclear units. In 2010, FPL expects to complete the Engineering Analysis Phase of the project. FPL has submitted the PSL 1 EPU License

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<sup>1</sup> The NFRs consist of T, AE, P and TOR Schedules. The T Schedules are to be filed each March and provide the true-up for the prior year. In May, there are three sets of schedules to be filed: the AE Schedules provide the actual/estimated cost information for the current year, the P Schedules provide the projected expenditures for the subsequent year and the TOR schedules provide a summary of the actual and projected costs for the duration of the project.

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Amendment Request (“LAR”) and will submit the PSL 2 and PTN 3 & 4 LARs to the Nuclear Regulatory Commission (“NRC”) for approval, while responding to Requests for Additional Information from the NRC as the project continues. FPL will also continue the Long Lead Procurement, Engineering Design Modification, and Implementation phases of the project, which work is explained in detail in the testimony of Mr. Jones, to support the planned unit outages in 2010 and 2011.

10. FPL has incurred or expects to incur during 2010 approximately \$318,166,769 in construction costs (\$302,009,710 jurisdictional, net of participant credits) and \$3,210,753 in O&M costs (\$3,139,397 jurisdictional, net of participant credits). All of FPL’s uprate costs are separate and apart from other nuclear plant expenditures, would not be incurred but for the Uprate Project, and are reasonable. The carrying charges on the 2010 construction costs are estimated to total \$42,352,262. Pursuant to the Rule, FPL requests recovery of the true-up of its carrying charges and O&M costs in the 2011 NPPCR amount.

11. FPL will be placing items associated with the Uprate Project into service in 2010. The estimated amount of \$139,345,988 (\$137,479,791 jurisdictional, net of participants) of associated costs will be transferred to plant in service at various times throughout the year as systems are placed into service, resulting in base rate revenue requirements of approximately \$1,481,719 through the end of 2010. Additionally, there are carrying charges of (\$462,651) on the over recovery of previously projected 2010 base rate revenue requirements of \$15,877,677. Consistent with the applicable statute, Rule and the Commission’s Order No. PSC-08-0749-FOF-EI in Docket No. 080009-EI, carrying charges on construction costs related to the plant being placed in service have been included in FPL’s NPCCR amount up to the in-service date, followed by the related base rate revenue requirements through the end of the year. As required



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by subsection 7(a) of Rule 25-6.0423, FPL will file a separate petition for Commission approval of a base rate adjustment for the plant in service.

## **Turkey Point 6 & 7 Project**

12. FPL is continuing to apply a thoughtful, step-wise approach to the development of the Turkey Point 6 & 7 new nuclear generation units. The primary focus at this stage of the project has been, and remains, obtaining the necessary federal, state and local approvals for construction and operation of Turkey Point 6 & 7. FPL's current assessment is that the developments at the national level, state level, and project level needed for a clear path to construction have not achieved a high level of predictability. Therefore expenditures beyond those required to obtain the necessary licenses, permits and approvals would be premature in 2010 and 2011.

13. By continuing to seek the necessary licenses, permits and approvals, FPL is maintaining progress toward delivering the benefits of new nuclear generation to FPL's customers without experiencing unnecessary cost or schedule risks. Once this phase of the project is complete, FPL will be able to review the then-existing economics, the accumulated experience of other new nuclear projects and the state and federal energy policy environment in its consideration of project next steps. As a result of this decision, revised in-service dates of 2022 for Unit 6 and 2023 for Unit 7 are being used for planning purposes. As explained in the testimony of Mr. Scroggs, the revised in-service date for planning purposes is derived by sequencing the Preparation and Construction phase activities, based upon currently available information, to begin after the expected receipt of a Combined License from the NRC and completion of other necessary licensing and permitting work.

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14. FPL has incurred or expects to incur \$42,629,655 of pre-construction costs (\$42,125,853 jurisdictional), including carrying charges of (\$4,734,838); and \$145,927 of site selection costs for Turkey Point 6 & 7 in 2010. The pre-construction costs are related to licensing and permitting activities. The site selection costs consist of a return on the deferred tax asset/liability that is created by the difference in timing between the recovery of site selection costs (i.e., taxable income) and the offsetting deductions that are recovered when the plant is placed into service. All of these costs are related to or resulting from the project and are reasonable. Pursuant to subsection (5)(a) of the Rule, FPL requests recovery of the true-up of its jurisdictional costs in its 2011 NPPCR amount.

## **2011 PROJECTED COSTS**

### **Uprate Project**

15. During 2011, FPL will be responding to NRC Requests for Additional Information on its LAR submittals and expects to be nearing completion of its Long Lead Equipment Procurement. Additionally, FPL will be implementing engineered modification packages during three scheduled outages and preparing the modification packages for implementation during the outages scheduled in 2011 and 2012. FPL projects that it will incur \$547,756,895 in construction costs (\$521,701,593 jurisdictional, net of participant credits) and \$4,161,728 in O&M costs (\$3,916,249 jurisdictional, net of participant credits) in 2011. All of FPL's uprate costs are separate and apart from other nuclear plant expenditures, would not be incurred but for the Uprate Project, and are reasonable. The carrying charges on the 2011 construction costs are estimated to total \$49,101,231. Pursuant to the Rule, FPL requests recovery of these carrying charges and its O&M costs in the 2011 NPPCR amount.

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16. FPL also plans to place a number of systems associated with the Uprate Project into service during 2011, as described in the testimony and exhibits of Mr. Jones. The projected \$701,683,862 (\$667,295,960 jurisdictional, net of participants) of associated costs will be transferred to plant in service at various times throughout the year as systems are placed into service, resulting in base rate revenue requirements of approximately \$26,313,195 through the end of 2011. Carrying charges on construction costs related to these systems have been included in FPL's request up to each system's projected in-service date, followed by the related base rate revenue requirements through the end of the year, consistent with the applicable statute, Rule and the Commission's Order No. PSC-08-0749-FOF-EI in Docket 080009-EI. As required by subsection 7(a) of Rule 25-6.0423, FPL will file a separate petition for Commission approval of a base rate adjustment for the plant in service.

### **Turkey Point 6 & 7 Project**

17. During 2011, FPL will incur expenses related to the continued support of the licenses, permits, and other approvals necessary to maintain the option to add new nuclear generation from Turkey Point 6 & 7 to FPL's system. FPL projects that it will incur \$29,469,475 of pre-construction costs (\$29,121,201 jurisdictional), including carrying charges of \$2,189,166; and \$171,032 of site selection costs for Turkey Point 6 & 7 in 2011. The site selection costs consist of carrying charges accrued on the unrecovered balance of the deferred tax asset/liability. All of the costs are related to or resulting from the project and are reasonable. Pursuant to subsection (5)(a) of the Rule, FPL requests recovery of these jurisdictional costs in its 2011 NPPCR amount.

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## LONG TERM FEASIBILITY ANALYSES

18. Rule 25-6.0423(5)(c)5, Fla. Admin. Code, requires that utilities “submit for Commission review and approval a detailed analysis of the long-term feasibility of completing the power plant.” The Commission stated last year in Order No. PSC-09-0783-FOF-EI at page 14 (referring to Order No. PSC-08-0237-FOF-EI), that FPL was required to include updated fuel forecasts, environmental forecasts, break-even costs, and capital cost estimates, and that FPL should account for “sunk costs” in its feasibility analysis. Further, the Commission specifically ordered FPL to update its non-binding capital cost estimates in this docket (*see* Order No. PSC-09-0783-FOF-EI, p. 16). FPL has complied with these requirements. Using updated assumptions and inputs, each project continues to be a solidly cost-effective generation addition for FPL’s customers, as described in detail by FPL Witness Sim.

### Uprates Project Feasibility

19. As described in Mr. Jones’s testimony, FPL has updated its project assumptions for the incremental power that is expected to be produced by the Uprates and for the total project cost. Upon completion, the Uprates will produce a minimum of 399 megawatts of electric power (“MWe”) and could produce a theoretical maximum of up to 463 MWe for FPL’s customers. The minimum reflects FPL’s need determination assumption (414 MWe), less the St. Lucie Unit 2 co-owners’ share of the output. The maximum reflects the turbine vendor’s estimate of the turbine generator’s performance (approximately 500 MWe) if the “best case scenario” of plant parameters are achieved, less the co-owners’ share of PSL Unit 2 and increased house loads caused by operating the uprated equipment. Taking into account the current uncertainty of whether “best case” plant parameters will be achieved, FPL’s current estimate is that a total of about 450 MWe will be produced by the uprated units for FPL customers. FPL has also updated

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its non-binding total cost estimate (including transmission, carrying costs, etc.) consistent with the Commission's direction in Order No. PSC-09-0783-FOF-EI. FPL's updated non-binding cost estimate is a forecast range of approximately \$2,050 million to \$2,300 million as described by Mr. Jones. FPL used the high end of this range as the starting point for its feasibility analysis.

20. As described by Dr. Sim, the Uprates Project continues to be a cost-effective addition for FPL's customers, taking into account all updated assumptions. FPL's analysis for the Uprates Project was performed by comparing the cumulative present value of revenue requirements ("CPVRR") of a resource plan that included the Uprates with a resource plan that does not. The "Resource Plan with Nuclear Uprates" is projected to have a lower cumulative present value of revenue requirements than the "Resource Plan without Nuclear Uprates" in all seven fuel and environmental compliance cost scenarios analyzed. For example, in the Medium Fuel Cost, Environmental II scenario, the project is currently expected to reduce costs to customers by more than \$1.1 billion in CPVRR compared to the plan without the project. Accordingly, the resource plan that includes the Uprates Project remains an economically superior resource plan for FPL's customers. Additionally, as explained by Mr. Jones, the EPU Project remains feasible with respect to other, non-economic considerations.

### **Turkey Point 6 & 7 Feasibility**

21. Pursuant to the Commission's direction in Order No. PSC-09-0783-FOF-EI, FPL performed a thorough re-assessment of its project cost estimate. As explained in Mr. Scroggs's testimony, FPL re-evaluated each line item in its original cost estimate and added new line items to capture what additional information is currently available. The revised cost estimate indicates an overnight cost of \$4,991/kW in 2010 dollars. This cost estimate "check" was then compared to FPL's non-binding cost estimate range. After adjusting the original cost estimate range for the

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known size of the selected unit technology, the revised overnight cost estimate range is \$3,397/kW to \$4,940/kW in 2010 dollars. The revised cost estimate check confirms that the Turkey Point 6 & 7 project costs are consistent with, but at the high end of, the revised cost estimate range. Additionally, as explained by Mr. Reed, FPL's cost estimate range falls within a reasonable range of comparable projects currently under development in the United States.

22. As described by Dr. Sim, Turkey Point 6 & 7 continues to be a cost-effective addition for FPL's customers, taking into account all updated assumptions, including the currently projected in-service dates. FPL's analysis of Turkey Point 6 & 7 was performed by calculating a "breakeven capital cost" – the capital cost amount FPL could spend on new nuclear and breakeven with what it would spend for a combined cycle resource addition on a CPVRR basis – and comparing it to its current project cost estimate. The breakeven costs are higher than FPL's cost estimate (i.e., the results are favorable) in all seven fuel and environmental compliance cost scenarios analyzed. Accordingly, Turkey Point 6 & 7 continues to be an economically sound choice for FPL's customers. Additionally, as explained by Mr. Scroggs, the Turkey Point 6 & 7 project remains feasible with respect to other, non-economic considerations.

## CONCLUSION

23. FPL's 2010 actual/estimated and 2011 projected costs for the Uprate Project and for Turkey Point 6 & 7 consist of reasonable amounts that are expected to be expended for the projects during those years. FPL's planned expenditures are subject to a rigorous planning and budgeting process, and key decisions affecting those expenditures receive the benefit of informed, thorough and multi-disciplined assessment as well as executive management review, all as described and shown in FPL's testimony and exhibits, including NFRs. Additionally, each project continues to be cost-effective for customers, as demonstrated by FPL's 2010 feasibility

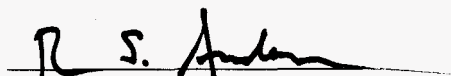
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analyses. For all the foregoing reasons, as discussed in the testimony of FPL's witnesses, FPL's 2010 actual/estimated and 2011 projected costs are reasonable, and its feasibility analyses should be approved.

WHEREFORE, Florida Power & Light Company respectfully requests that the Commission enter an order (i) approving recovery of an NPPCR jurisdictional amount of \$28,754,660 through the CCRC during the period January – December 2011, reflecting the 2009 true-up, 2010 true-up and 2011 projected carrying charges on construction costs, O&M costs, and base rate revenue requirements for the Uprate Project as well as the 2009 true-up, 2010 true-up and 2011 projected site selection costs, pre-construction costs and associated carrying charges for Turkey Point 6 & 7; (ii) determining that FPL's 2010 actual/estimated and 2011 projected costs for the Uprate Project and Turkey Point 6 & 7 are reasonable; and (iii) approving FPL's Uprates Project feasibility analysis and Turkey Point 6 & 7 feasibility analysis.

Respectfully submitted this 3rd day of May, 2010.

By:



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## CERTIFICATE OF SERVICE DOCKET NO. 100009-EI

I HEREBY CERTIFY that a true and correct copy of FPL's Petition for Approval of Nuclear Power Plant Cost Recovery Amount for the Period January – December 2011, was served by hand delivery\* and/or U.S. Mail this 3rd day of May, 2010 to the following:

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