

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Before Commissioners: Pat Wood, III, Chairman;
Nora Mead Brownell, and Joseph T. Kelliher.

Florida Power & Light Company –
New England Division

Docket No. ER04-714-000

ORDER APPROVING UNCONTESTED SETTLEMENT AGREEMENT

(Issued January 26, 2005)

1. On November 1, 2004, Florida Power & Light Company – New England Division (FPL-NED) filed a settlement, by and between FPL-NED and FPL Energy Seabrook, LLC, that resolves all issues in this proceeding that the Commission set for hearing in *Florida Power & Light Company – New England Division*, 107 FERC ¶ 61,186 (2004), except for the return on equity and incentive adder issues, which the Commission consolidated with ongoing proceedings in Docket Nos. ER04-157-000 and ER04-157-001 (*Bangor Hydro-Electric Co.*, 106 FERC ¶ 61,280 (2004)).
2. On November 10, 2004, the Federal Energy Regulatory Commission Trial Staff submitted comments in support of the settlement. No other comments were filed. On December 7, 2004, the settlement judge certified the settlement to the Commission as uncontested.
3. The subject settlement is in the public interest and is hereby approved. The Commission's approval of this settlement does not constitute approval of, or precedent regarding, any principle or issue in this proceeding.
4. The proposed rate schedule that was submitted with this settlement is not paginated in conformance with Order No. 614 (FERC Statutes and Regulations, Regulations Preambles July 1996-December 2000, ¶ 31,096 (2000)). The revised tariff sheets start at the wrong page (page 165 rather than page 161 of Attachment G), and the term "original" is not revised to read "substitute" on pages on which revisions were made. Accordingly, FPL-NED is directed to file the corrected designations properly paginated, within thirty (30) days of the date of this order.

5. Also within thirty (30) days from the date of this order, any amounts collected in excess of the settlement rates shall be refunded together with interest computed under section 35.19a of the Commission's Regulations. Within fifteen (15) days after making such refunds, FPL-NED shall file with this Commission a compliance report showing monthly billing determinants, revenue receipt dates, revenues under the prior, present, and settlement rates, the monthly revenue refund, and the monthly interest computed, together with a summary of such information for the total refund period. FPL-NED shall furnish copies of the report to the affected wholesale customers and to each state commission within whose jurisdiction the wholesale customers distribute and sell electric energy at retail.

6. This order terminates Docket No. ER04-714-000. New subdockets will be assigned upon receipt of the required compliance filings.

By the Commission. Commissioner Kelly not participating.

(S E A L)

Linda Mitry,
Deputy Secretary.