

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for approval of)
modifications to BuildSmart Program)
by Florida Power & Light Company)
_____)

Docket Nos. 040660-EG and 040029-EG
Consolidated

Dated: July 22, 2005

COMPLIANCE DATA SERVICES, INC. ("Calcs-Plus") RESPONSES TO
FLORIDA POWER & LIGHT COMPANY'S ("FPL")
SECOND REQUEST FOR PRODUCTION OF DOCUMENTS
TO COMPLIANCE DATA SERVICES, INC. (NOS. 39-48)

Compliance Data Services, Inc. and its principals, Dennis J. Stroer and Jon F. Klongerbo, file the following responses to FPL's second Request for Production of Documents (Nos. 39-48) dated June 22, 2005.

DOCUMENTS REQUESTED

39. Please provide copies of any and all documents relied upon, identified, or referenced in your responses to FPL's Second Set of Interrogatories.

Copies of documents cited in legal memoranda, pleadings, testimony or in response to requests to identify case or statutory law are available via the internet, in FPL's law library or other location for its hardbound statutory and case law books, or in public libraries, including universities, law schools and courts. Florida Statutes and Laws may be found via <http://www.flsenate.gov/Statutes>. Florida Administrative Code may be found via <http://election.dos.state.fl.us/fac/index.shtml>. Any unpublished case cited will be provided with the pleading or testimony citing it. Documents available on the internet will be identified when used to support legal memoranda, pleadings, testimony or in response to requests for information and copies may be obtained from the site cited.

The following documents in official records are available on the internet and are not copied but are referenced by the internet site from which they may be obtained. They were used in responses to the interrogatories and in preparing the protest, as amended, and in developing issues related to the protest in docket 04-0660:

1. All dockets relating to DSM programs at Florida Utilities subject to FEECA found at the FPSC website, including filed testimony of witnesses, and may be found under Dockets at www.psc.state.fl.us;
2. Energy Star homes website conducted by USEPA and may be found at www.energystar.gov/index.cfm?c=new_homes.hm_index;
3. USDOE supported Building Codes Assistance Project may be found at www.bcap-energy.org;
4. Information on the Florida Building Energy Efficiency Rating System which may be found both at the Florida Department of Community Affairs website for its Office of

Building Codes & Standards at www.floridabuilding.org and at the Florida Solar Energy Center website at www.fsec.ucf.edu;

5. *Information on residential rating systems in the United States found at the Residential Energy Services Network ("RESNET") at www.natresnet.org/ratings/default.htm;*
6. *Information from the Florida Power & Light websites at www.fplgroup.com & www.fpl.com;*
7. *"Florida's Energy Future: A Report to Florida's Department of Environmental Protection" found via www.fsec.ucf.edu; and*
8. *Various documents from governmental agencies involved in energy policy, particularly EPA's www.energystar.gov and USDOE's www.eere.energy.gov/EE/buildings.html.*

The following documents were initiated at the request of, or generated by, the Petitioners and are provided in hard copy and electronic format (excel spreadsheet and adobe):

1. *None at present*

40. Please provide copies of any and all documents related to or supporting any assertion that FPL's modifications to its BuildSmart Program are not intended to increase the market penetration of the Program, including stating with specificity each and every way in which you believe the Program will not increase market penetration.

Copies of documents cited in legal memoranda, pleadings, testimony or in response to requests to identify case or statutory law are available via the internet, in FPL's law library or other location for its hardbound statutory and case law books, or in public libraries, including universities, law schools and courts. Florida Statutes and Laws may be found via <http://www.flsenate.gov/Statutes>. Florida Administrative Code may be found via <http://election.dos.state.fl.us/fac/index.shtml>. Any unpublished case cited will be provided with the pleading or testimony citing it. Documents available on the internet will be identified when used to support legal memoranda, pleadings, testimony or in response to requests for information and copies may be obtained from the site cited.

There are no current documents that were initiated at the request of, or generated by, the Petitioner and not available on the internet as cited.

41. Please provide copies of any and all documents related to or supporting the assertion in Paragraph 1 of the January 18 Response that FPL's proposed revised BuildSmart program is in "violation of F.S. Section 366.03."

Copies of documents cited in legal memoranda, pleadings, testimony or in response to requests to identify case or statutory law are available via the internet, in FPL's law library or other location for its hardbound statutory and case law books, or in public libraries, including universities, law schools and courts. Florida Statutes and Laws may be found via <http://www.flsenate.gov/Statutes>. Florida Administrative Code may be found via <http://election.dos.state.fl.us/fac/index.shtml>. Any unpublished case cited will be provided with the pleading or testimony citing it. Documents available on the internet will be identified when used to support legal memoranda, pleadings, testimony or in response to requests for information and copies may be obtained from the site cited.

We would particularly draw your attention to the filings made in the National Energy Rater's Association Complaint filed with the Commission on January 30, 2002, that may be found in Docket # 020084-EI.

42. Please provide copies of any and all documents related to or supporting the assertion in Paragraph 1 of the January 18 Response that FPL's proposed revised BuildSmart program is in "violation of ... the intent and purposes of F.S. Sections 366.80-366.85."

Copies of documents cited in legal memoranda, pleadings, testimony or in response to requests to identify case or statutory law are available via the internet, in FPL's law library or other location for its hardbound statutory and case law books, or in public libraries, including universities, law schools and courts. Florida Statutes and Laws may be found via <http://www.flsenate.gov/Statutes>. Florida Administrative Code may be found via <http://election.dos.state.fl.us/fac/index.shtml>. Any unpublished case cited will be provided with the pleading or testimony citing it. Documents available on the internet will be identified when used to support legal memoranda, pleadings, testimony or in response to requests for information and copies may be obtained from the site cited.

We would particularly draw your attention to the filings made in the National Energy Rater's Association Complaint filed with the Commission on January 30, 2002, that may be found in Docket # 0200084-EI.

43. Please provide copies of any and all documents related to or supporting the assertion in Paragraph 1 of the January 18 Response that FPL's program design "does not try to incorporate positive private and public sector efforts."

Copies of documents cited in legal memoranda, pleadings, testimony or in response to requests to identify case or statutory law are available via the internet, in FPL's law library or other location for its hardbound statutory and case law books, or in public libraries, including universities, law schools and courts. Florida Statutes and Laws may be found via <http://www.flsenate.gov/Statutes>. Florida Administrative Code may be found via <http://election.dos.state.fl.us/fac/index.shtml>. Any unpublished case cited will be provided with the pleading or testimony citing it. Documents available on the internet will be identified when used to support legal memoranda, pleadings, testimony or in response to requests for information and copies may be obtained from the site cited.

There are no current documents that were initiated at the request of, or generated by, the Petitioner and not available on the internet as cited.

44. Please provide copies of any and all documents related in any way to the "flaws" in the "FPL program design and the PSC staff analysis" referenced in Paragraph 4 of the January 18 Response.

Copies of documents cited in legal memoranda, pleadings, testimony or in response to requests to identify case or statutory law are available via the internet, in FPL's law library or other location for its hardbound statutory and case law books, or in public libraries, including universities, law schools and courts. Florida Statutes and Laws may be found via <http://www.flsenate.gov/Statutes>. Florida Administrative Code may be found via <http://election.dos.state.fl.us/fac/index.shtml>. Any unpublished case cited will be provided with the pleading or testimony citing it. Documents available on the internet will be identified when used to support legal memoranda, pleadings, testimony or in response to requests for information and copies may be obtained from the site cited.

There are no current documents that were initiated at the request of, or generated by, the Petitioner and not available on the internet as cited.

45. Please provide copies of any and all documents related in any way to the "errors" referred to in Paragraph 4 of the January 18 Response.

Copies of documents cited in legal memoranda, pleadings, testimony or in response to requests to identify case or statutory law are available via the internet, in FPL's law library or other location for its hardbound statutory and case law books, or in public libraries, including universities, law schools and courts. Florida Statutes and Laws may be found via <http://www.flsenate.gov/Statutes>. Florida Administrative Code may be found via <http://election.dos.state.fl.us/fac/index.shtml>. Any unpublished case cited will be provided with the pleading or testimony citing it. Documents available on the internet will be identified when used to support legal memoranda, pleadings, testimony or in response to requests for information and copies may be obtained from the site cited.

There are no current documents that were initiated at the request of, or generated by, the Petitioner and not available on the internet as cited.

46. Please provide copies of any and all documents relied upon or referenced in your response to FPL's Second Set of Interrogatories No. 50.

Copies of documents cited in legal memoranda, pleadings, testimony or in response to requests to identify case or statutory law are available via the internet, in FPL's law library or other location for its hardbound statutory and case law books, or in public libraries, including universities, law schools and courts. Florida Statutes and Laws may be found via <http://www.flsenate.gov/Statutes>. Florida Administrative Code may be found via <http://election.dos.state.fl.us/fac/index.shtml>. Any unpublished case cited will be provided with the pleading or testimony citing it.

47. Please provide copies of any and all documents relied upon or referenced in your response to FPL's Second Set of Interrogatories No. 51.

Copies of documents cited in legal memoranda, pleadings, testimony or in response to requests to identify case or statutory law are available via the internet, in FPL's law library or

other location for its hardbound statutory and case law books, or in public libraries, including universities, law schools and courts. Florida Statutes and Laws may be found via <http://www.flsenate.gov/Statutes>. Florida Administrative Code may be found via <http://election.dos.state.fl.us/fac/index.shtml>. Any unpublished case cited will be provided with the pleading or testimony citing it.

- 48. Please provide copies of any and all documents in any way related to the assertion in Paragraph 18 of the January 18 Response that the proposed revised BuildSmart Program will “fail to provide the market penetration” envisioned by FPL.**

Copies of documents cited in legal memoranda, pleadings, testimony or in response to requests to identify case or statutory law are available via the internet, in FPL’s law library or other location for its hardbound statutory and case law books, or in public libraries, including universities, law schools and courts. Florida Statutes and Laws may be found via <http://www.flsenate.gov/Statutes>. Florida Administrative Code may be found via <http://election.dos.state.fl.us/fac/index.shtml>. Any unpublished case cited will be provided with the pleading or testimony citing it. Documents available on the internet will be identified when used to support legal memoranda, pleadings, testimony or in response to requests for information and copies may be obtained from the site cited.

There are no current documents that were initiated at the request of, or generated by, the Petitioner and not available on the internet as cited.

Respectfully submitted this 22nd day of July, 2005.

With no files as Attachments

s\William J. Tait, Jr.
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CERTIFICATE OF SERVICE

The undersigned certifies that a true copy of the foregoing COMPLIANCE DATA SERVICES, INC. ("Calcs-Plus") RESPONSES TO FLORIDA POWER & LIGHT COMPANY'S ("FPL") SECOND REQUEST FOR PRODUCTION OF DOCUMENTS (NOS. 39-48) was served by electronic mail (*) and U.S. Mail this 22nd day of July, 2005, to Florida Power & Light Company with a courtesy copy to the Office of General Counsel at the Florida Public Service Commission as follows:

Martha Carter Brown*
Adrienne Vining*
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

R. Wade Litchfield, Esquire
Natalie F. Smith, Esquire*
Florida Power & Light Company
700 Universe Boulevard
Juno Beach, Florida 33408

\s\William J. Tait, Jr.
William J. Tait, Jr.