

State of Florida



Public Service Commission

CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BOULEVARD
TALLAHASSEE, FLORIDA 32399-0850

-M-E-M-O-R-A-N-D-U-M-

DATE: September 18, 2008
TO: Ann Cole, Commission Clerk, Office of Commission Clerk
FROM: Katherine Fleming, Senior Attorney, Office of General Counsel *KEF*
RE: Docket No. 070626 – EI - Review of Florida Power & Light Company's Sunshine Energy Program.

Please place the attached documents, which are Green Mountain's responses to Staff's Data Request dated September 12, 2008, in the above-referenced docket file. Thank you.

KEF/tfw

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September 15, 2008

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**RE: STAFF DATA REQUEST
Docket No. 070626-EI
Review of Florida Power & Light's Sunshine Energy Program**

Dear Ms. Fleming:

Green Mountain Energy Company ("Green Mountain") provides the following in response to the Public Service Commission Staff's Second Data Request dated September 12, 2008. This response is provided voluntarily.

1. With respect to possible future payments to the owner of Rothenback Park, please describe any possible revenue streams or future benefits for Green Mountain. For instance, will Green Mountain be able to sell TRECs associated with Rothenback Park? To date, has Green Mountain sold any TRECs associated with Rothenback Park?

GMEC ANSWER: Green Mountain's obligations to the owner of the Rothenback Park solar electric resource ("Project") were defined by the Energy Attributes Sale Agreement dated as of June 13, 2006 between Green Mountain and the owner-developer of the Rothenback Park Project, as amended ("Solar Tag Agreement"). Green Mountain's obligations to purchase "renewable attributes" or "renewable energy credits" ("RECs") under the Solar Tag Agreement were a substantial expense to Green Mountain, and not a possible revenue stream. Green Mountain purchased RECs from the solar electric resource at Rothenback Park exclusively for FPL's Sunshine Energy® Program ("Program"). Pursuant to its contractual commitments to FPL, Green

Mountain has sold and allocated the RECs that it purchased under the Solar Tag Agreement to FPL, to be retired on behalf of FPL's Sunshine Energy® customers.

On September 11, 2008, Green Mountain terminated the Trademark License and Services Agreement between FPL and Green Mountain ("Services Agreement") because of FPL's failure to cure certain defaults under the Services Agreement. Green Mountain also exercised its option under Section 15.12(b) of the Services Agreement to assign to FPL all of Green Mountain's rights and obligations under the Solar Tag Agreement. Coincidentally, Green Mountain's assignment of the Rothenback Park Solar Tag Agreement to FPL will benefit Florida by keeping the RECs – i.e., the environmental attributes and benefits – produced by the Rothenback Park solar project in Florida.

2. Please provide a monthly analysis showing the number and dollar amounts associated with TREC purchases for the Sunshine Energy® Program for the period January 2008 through July 2008.

GMEC ANSWER: The Services Agreement does not obligate Green Mountain to buy RECs each month for FPL's Sunshine Energy® Program. The Services Agreement requires Green Mountain to buy RECs to match Sunshine Energy® Customer Load during the course of a calendar year. Green Mountain normally purchases RECs for the Sunshine Energy® Program on a rolling quarterly basis, consistent with normal industry practice in REC markets and consistent with Green-e timelines.

For the period January 1, 2008 through July 31, 2008, Green Mountain purchased 241,368 RECs for the Sunshine Energy® Program at a cost of \$915,269. For the period January 2008 through June 2008, Green Mountain purchased RECs to match the Customer Load that FPL reported to Green Mountain for those months. FPL did not send Green Mountain a monthly Customer Load report for July 2008, as required under the Services Agreement. However, in order to be as current as possible in matching RECs to Sunshine Energy Customer Load, Green Mountain has also purchased RECs to match Green Mountain's best estimate of the Customer Load for July, based on the average number of customers enrolled in the Program during the month.

Green Mountain appreciates the Commission Staff's interest in understanding Green Mountain's efforts in support of the Sunshine Energy® Program. If you have additional questions, please call or write me any time.

Cordially yours,



Robert Scheffel Wright
YOUNG VAN ASSENDER, P.A.

Attorneys for Green Mountain Energy Company