Ilan Kaufer Attorney for Florida Power & Light Company 700 Universe Boulevard Juno Beach, FL 33408-0420 (561) 304-5675 (561) 691-7135 (Facsimile)

April 28, 2010

#### **VIA HAND DELIVERY**

Ms. Ann Cole Division of the Commission Clerk and Administrative Services Florida Public Service Commission Betty Easley Conference Center 2540 Shumard Oak Boulevard, Room 110 Tallahassee, FL 32399-0850 10 APR 28 PM 4: 25

Re: Docket No. 100077-EI; FPL's Notice of Intent to Request Confidential Classification

Dear Ms. Cole:

Enclosed for filing on behalf of Florida Power & Light Company is a Notice of Intent to Request Confidential Classification ("Notice of Intent") for confidential information provided in response to the Florida Public Service Commission Staff's First Request for Production of Documents, Nos. 1 through 3, and First Set of Interrogatories, Nos. 1 through 28. Also enclosed is a compact disc that contains a copy of the Notice of Intent without attachments.

Please contact me if you or your Staff have any questions regarding this filing.

OPC

CLK

Sincerely,

Ilan Kaufer

Enclosures

Bileiobares

cc: Parties of record w/out attachment

This docketed notice of intent was filed with Confidential Document No. <u>03471-10</u>. The document has been placed in confidential storage pending timely receipt of a request for confidentiality.

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IN RE: Investigation of the appropriatenes	s )	Docket No: 100077-EI
of the affiliate product offerings to Florida	)	
Power & Light customers.	)	
_	)	Filed: April 28, 2010

# FLORIDA POWER & LIGHT COMPANY'S NOTICE OF INTENT TO REQUEST CONFIDENTIAL CLASSIFICATION

Pursuant to Florida Administrative Code Rule 25-22.006(3)(a), Florida Power & Light Company ("FPL") files this Notice of Intent to Request Confidential Classification with respect to certain material provided to the Staff of the Florida Public Service Commission ("Staff") in response to its First Set of Interrogatories (Nos. 1-28) and First Request for Production of Documents (Nos. 1-3).

A copy of Staff's discovery requests are attached hereto as Attachment 1. FPL, pursuant to Rule 25-22.006(3)(a), requests confidential handling of the highlighted material furnished in response to this Staff request, which is enclosed in the attached envelope labeled "Attachment 2 - CONFIDENTIAL INFORMATION." This information is intended to be and has been treated as private and confidential and has not been publicly disclosed.

Respectfully submitted this 28<sup>th</sup> day of April, 2010.

John T. Butler, Managing Attorney Ilan G. Kaufer, Attorney for Florida Power & Light Company 700 Universe Boulevard Juno Beach, Florida 33408-0420 Telephone: (561) 304-5675

Facsimile: (561) 691-7135

Florida Bar No. 0065394

DOCUMENT NUMBER-DATE 03462 APR 28 º FPSC-COMMISSION CLERK

# CERTIFICATE OF SERVICE DOCKET NO. 100077-EI

**I HEREBY CERTIFY** that a true and correct copy of the foregoing without attachments has been furnished by hand delivery\* or U.S. Mail\*\* this 28th day of April, 2010, to the following:

Lisa Bennett, Esq.*	J. R. Kelly, Esq.**
Division of Legal Services	Office of Public Counsel
Florida Public Service Commission	<i>c</i> / <i>o</i> The Florida Legislature
2540 Shumard Oak Blvd	111 West Madison Street, Room 812
Tallahassee, Florida 32399-0850	Tallahassee, Florida 32399
LBENNETT@PSC.STATE.FL.US	Kelly.jr@leg.state.fl.us

flan G. Kaufer

Florida Bar No. 0065394

# Attachment 1

In re: Investigation of the appropriateness of the affiliate product offerings to Florida Power

& Light customers.

DOCKET NO. 100077-EI

**DATED: MARCH 29, 2010** 

STAFF'S FIRST REQUEST FOR PRODUCTION OF DOCUMENTS TO FLORIDA POWER & LIGHT COMPANY (NOS. 1 - 3)

Pursuant to Rule 28-106.206, Florida Administrative Code, and Rule 1.350, Florida Rules of Civil Procedure, the Staff of the Florida Public Service Commission, by and through its undersigned attorney, hereby serves the following Request for Production of Documents upon Florida Power & Light Company (FPL).

Please produce the following documents at the Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, no later than thirty days after service of this request for the purpose of inspection and copying.

**DEFINITIONS** 

As used herein, the word "documents" shall mean the original and any non-identical copies of any writing or record, including but not limited to a book, pamphlet, periodical, letter, memorandum, telegram, report, study, interoffice or intraoffice, handwritten or other notes, working paper, draft, application, permit, chart, paper, graph, survey, index, tape, disc, data sheet or data processing card, computer printout, or any other written, recorded, transcribed, filed or graphic matter, however produced or reproduced.

STAFF'S FIRST REQUEST FOR PRODUCTION OF DOCUMENTS TO FLORIDA POWER & LIGHT COMPANY (NOS. 1 - 3) DOCKET NO. 100077-EI PAGE 2

## **DOCUMENTS REQUESTED**

1.	Provide a copy of all scripts that FPL customer service representatives use when a
	residential/business customer contacts them to establish electric service (see interrogatory
	request 2).
2.	Provide a copy of each FPLES energy-related offering of product or service to FPL
	customers. (see interrogatory request 1)

3. Provide a copy of each insert included in FPL's bills during 2009.

LISA C. BENNETT Senior Attorney, Office of the General Counsel

FLORIDA PUBLIC SERVICE COMMISSION 2540 Shumard Oak Blvd. Tallahassee, FL 32399-0850 (850) 413-6199

In re: Investigation of the appropriateness of the affiliate product offerings to Florida Power & Light customers.

DOCKET NO. 100077-EI

**DATED: MARCH 29, 2010** 

### **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that the original and one correct copy of STAFF'S FIRST REQUEST FOR PRODUCTION OF DOCUMENTS TO FLORIDA POWER & LIGHT COMPANY (NOS. 1 - 3) has been served by electronic mail and by U. S. mail to Wade Litchfield, Florida Power & Light Company, 215 South Monroe Street, Suite 810, Tallahassee, FL 32301-1858 and that a true copy thereof has been furnished to the following by U. S. mail this 29th day of March, 2010:

J.R. Kelly Office of Public Counsel c/o The Florida Legislature 111 West Madison Street, Room 812 Tallahassee, FL 32399-1400

John T. Butler Florida Power & Light Company 700 Universe Boulevard Juno Beach, FL 33408-0420

LISA C. BENNETT Senior Attorney, Office of the General Counsel

FLORIDA PUBLIC SERVICE COMMISSION 2540 Shumard Oak Blvd. Tallahassee, FL 32399-0850 (850) 413-6199

In re: Investigation of the appropriateness of DOCKET NO. 100077-EI the affiliate product offerings to Florida Power & Light customers.

DATED: MARCH 29, 2010

# STAFF'S FIRST SET OF INTERROGATORIES TO FLORIDA POWER & LIGHT COMPANY (NOS. 1 - 28)

The Staff of the Florida Public Service Commission, by and through its undersigned attorney, propounds the following interrogatories, pursuant to Rule 1.340, Florida Rules of Civil Procedure, to FLORIDA POWER & LIGHT COMPANY (FPL). These interrogatories shall be answered under oath by you or your agent, who is qualified and who will be identified, with the answers being served as provided by the Rules of Civil Procedure. As provided by Rule 1.340(a), Florida Rules of Civil Procedure, each interrogatory shall be answered separately and fully in writing under oath unless it is objected to. Each answer shall be signed by the person making it.

Give the name, address, and relationship to FPL of those persons providing the answers to each of the following interrogatories.

If an interrogatory contained herein asks for information that has already been provided or is in the process of being provided to the Commission through a Commission audit, please so state, indicating the date provided and the audit document/record request number.

#### **DEFINITIONS**

"You", "your", "Company" or "FPL" refers to FLORIDA POWER & LIGHT COMPANY, its employees and authorized agents.

"Document" refers to written matter of any kind, regardless of its form, and to information recorded on any storage medium, whether in electrical, optical or electromagnetic form, and capable of reduction to writing by the use of computer hardware and software.

# "Identify" means:

- (a) With respect to a person, to state the person's name, address and business relationship (e.g., "employee") to the Company;
- (b) With respect to a document, to state the nature of the document in sufficient detail for identification in a request for production, its date, its author, and to identify its custodian. If the information or document identified is recorded in electrical, optical or electromagnetic form, identification includes a description of the computer hardware or software required to reduce it to readable form.

# **INTERROGATORIES**

1.	List each of the unregulated FPLES energ	gy-related products and services that are available
	to FPL's residential/business customers.	Does FPLES offer any of these services outside
	of FPL's service territory? If so, where?	

2. Does FPL or FPLES have a prepared script that FPL customer service representatives use when a residential/business customer contacts FPL to establish electric service?

3. List all the services/entities (affiliated and non-affiliated) that FPL customers may be referred to that are not PSC-regulated FPL services when the FPL customer calls the FPL customer service center.

4. Does FPL receive any compensation for referring its customers to affiliated or non-affiliated entities? If so, how is it determined and how much did FPL receive from each entity in 2008 and 2009?

5.	Does FPL allow FPLES to include inserts in FPL's bills?	If so, what compensation does
	FPL receive and how is it determined?	

6. Does FPL allow other non-affiliated entities to include inserts in FPL's bills? If so, what compensation does FPL receive and how is it determined?

7.	What criteria, if any, does FPL use to select/allow inserts to be included in FPL's bills?
8.	List each non-affiliated entity that has included inserts in FPL's bills during 2009.

9.	For the years 2008 and 2009 how many FPLES customers were also FPL customers?
10.	For the years 2008 and 2009, how many FPLES customers were billed using FPL's bills?

11. How much revenue did each of FPLES' energy-related products and services generate in 2008 and 2009? In responding, list the revenue source and the revenue amount by year.

12. List all services provided to FPLES by FPL.

STAFF'S FIRST SET OF INTERROGATORIES TO
FLORIDA POWER & LIGHT COMPANY (NOS. 1 - 28)
DOCKET NO. 100077-EI
PAGE 9

13.	List all	resources	shared	by FPI	and FPI FS	including personne	-1
13.	Listaii	1 CSO UI CCS	Sharcu	UYILL	and I LLD.	morading personnic	·1.

14. For each service provided to FPLES by FPL, and for each resource shared by FPL and FPLES, provide the amount of compensation received and/or FPL costs allocated to FPLES for 2008 and 2009. In addition, provide the methodology used for determining the amount of compensation received and/or the costs allocated

15. Who installs the SurgeShield device on the customer's meter, an employee of FPL, an employee of FPLES, an employee whose salary is allocated to both FPL and FPLES, or an independent contractor? If FPL's employee installs the SurgeShield device, what compensation does FPL receive? If the employee is an employee who's salary is allocated to both FPL and FPLES, explain the methodology for allocating those costs and how the employee's time is tracked for allocation purposes.

16. Does FPL permit any company, other than as listed in response to interrogatory 15, to install a surge protection device to a residential customer's meter? Explain your response, including who would be permitted and what, if any, limitations would be placed on the installation of a surge protection devise on a customer's meter.

STAFF'S FIRST SET OF INTERROGATORIES TO
FLORIDA POWER & LIGHT COMPANY (NOS. 1 - 28)
DOCKET NO. 100077-EI
PAGE 11

17.	In 2008,	how	many	claims	for	damage	recovery	were	filed	under	FPLES's	SurgeShield
	program	? Hov	w man	y of the	se c	laims we	re denied	?				

18. In 2009, how many claims for damage recovery were filed under FPLES's SurgeShield program? How many of these claims were denied?

STAFF'S FIRST SET OF INTERROGATORIES TO
FLORIDA POWER & LIGHT COMPANY (NOS. 1 - 28)
DOCKET NO. 100077-EI
PAGE 12

19.	In 2008, how many claims for damage recovery were filed under FPLES's ApplianceGard
	program? How many of these claims were denied?
20.	In 2009, how many claims for damage recovery were filed under FPLES's ApplianceGard
	program? How many of these claims were denied?

21. In 2008, how many claims for damage recovery were filed under FPLES's UtilityGard program? How many of these claims were denied?

22. In 2009, how many claims for damage recovery were filed under FPLES's UtilityGard program? How many of these claims were denied?

STAFF'S FIRST SET OF INTERROGATORIES TO
FLORIDA POWER & LIGHT COMPANY (NOS. 1 - 28)
DOCKET NO. 100077-EI
PAGE 14

23.	In 2008, how many claims for damage recovery were filed under FPLES's Power Surge
	Protection program? How many of these claims were denied?
24.	In 2009, how many claims for damage recovery were filed under FPLES's Power Surge
	Protection program? How many of these claims were denied?

25. In 2008, how many claims for damage recovery were filed related to FPLES-supplied plug-in surge protector devices? How many of these claims were denied?

26. In 2009, how many claims for damage recovery were filed related to FPLES-supplied plug-in surge protector devices? How many of these claims were denied?

27. If FPL provides billing and collection services for FPLES, provide a sample bill that includes charges for non-regulated services.

28. If non-regulated services are included on FPL's bills and the customer only makes a partial payment, is that payment apportioned between the regulated and non-regulated charges or applied to the regulated charges first? If it is apportioned, how are the apportioned amounts determined?

LISA C. BENNETT Senior Attorney, Office of the General Counsel

FLORIDA PUBLIC SERVICE COMMISSION 2540 Shumard Oak Blvd. Tallahassee, FL 32399-0850 (850) 413-6199

# **AFFIDAVIT**

STATE OF FLORIDA)				
COUNTY OF)				
I hereby certify that on this day of, 2010, before me, an				
officer duly authorized in the State and County aforesaid to take acknowledgments, personally				
appeared, who is personally known to me, and he/she acknowledged				
before me that he/she provided the answers to interrogatory number(s) from				
STAFF'S FIRST SET OF INTERROGATORIES TO FLORIDA POWER & LIGHT				
COMPANY (NOS. 1 - 28) in Docket No(s). 100077-EI, and that the responses are true and				
correct based on his/her personal knowledge.				
In Witness Whereof, I have hereunto set my hand and seal in the State and County				
aforesaid as of this day of, 2010.				
Notary Public State of Florida, at Large				
My Commission Expires:				

In re: Investigation of the appropriateness of DOCKET NO. 100077-EI the affiliate product offerings to Florida Power & Light customers.

DATED: MARCH 29, 2010

#### CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the original and one correct copy of STAFF'S FIRST SET OF INTERROGATORIES TO FLORIDA POWER & LIGHT COMPANY (NOS. 1 - 28) has been served by electronic mail and by U. S. mail to Wade Litchfield, Florida Power & Light Company, 215 South Monroe Street, Suite 810, Tallahassee, FL 32301-1858, and that a true copy thereof has been furnished to the following by electronic mail and by U. S. mail this 29th day of March, 2010:

J.R. Kelly/Joseph McGlothlin Office of Public Counsel c/o The Florida Legislature 111 West Madison Street, Room 812 Tallahassee, FL 32399-1400

John T. Butler Florida Power & Light Company 700 Universe Boulevard Juno Beach, FL 33408-0420

LISA C. BENNETT Senior Attorney, Office of the General Counsel

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#### STATE OF FLORIDA

COMMISSIONERS:
NANCY ARGENZIANO, CHAIRMAN
LISA POLAK EDGAR
NATHAN A. SKOP
DAVID E. KLEMENT
BEN A. "STEVE" STEVENS III



Office of Commission Clerk Ann Cole Commission Clerk (850) 413-6770

# Hublic Service Commission

#### **ACKNOWLEDGEMENT**

**DATE:** April 28, 2010

Ilan Kaufer
Diamond Wiliams, Office of Commission Clerk
Acknowledgement of Receipt of Confidential Filing

This will acknowledge receipt of a CONFIDENTIAL DOCUMENT filed in Docket Number 100077-El or, if filed in an undocketed matter, concerning Response to the FPSC Staff's First Request for Production of Documents Nos. 1 through 3, and the First Set of Interrogatories, Nos. 1 through 28, and filed on behalf of Florida Power And Light Company. The document will be maintained in locked storage.

If you have any questions regarding this document, please contact Kim Peña, Records Management Assistant, at (850) 413-6393.

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