

RUTLEDGE, ECENIA & PURNELL

PROFESSIONAL ASSOCIATION
ATTORNEYS AND COUNSELORS AT LAW

STEPHEN A. ECENIA
RICHARD M. ELLIS
JOHN M. LOCKWOOD
MARTIN P. McDONNELL
J. STEPHEN MENTON

POST OFFICE BOX 551, 32302-0551
119 SOUTH MONROE STREET, SUITE 202
TALLAHASSEE, FLORIDA 32301-1841

TELEPHONE (850) 681-6788
TELECOPIER (850) 681-6515

R. DAVID PRESCOTT
HAROLD F. X. PURNELL
MARSHA E. RULE
GARY R. RUTLEDGE
MAGGIE M. SCHULTZ
GOVERNMENTAL CONSULTANTS
JONATHAN M. COSTELLO
MARGARET A. MENDUNI

July 1, 2009

Ms. Ann Cole, Director
Commission Clerk and Administrative Services
Florida Public Service Commission
2540 Shumard Oak Boulevard
Betty Easley Conference Center
Room 110
Tallahassee, FL 32399-0850

HAND DELIVERY

Re: Docket Nos. 080677-EI and 090130-EI

Dear Ms. Cole:

Enclosed for filing on behalf of Florida Power & Light Company ("FPL") are the original and fifteen copies of FPL's Notice of Intent to Request Confidential Classification.

Please acknowledge receipt of these documents by stamping the extra copy of this letter "filed" and returning the copy to me.

Thank you for your assistance with this filing.

Sincerely,



Marsha E. Rule

MER/rl
Enclosures
F:\USERS\ROXANNE\FPL\Cole.july 01 09.wpd

- COM _____
- ECR** _____
- GCL 2 _____
- OPC _____
- RCP _____
- SSC _____
- SGA _____
- ADM _____
- CLK 1 _____

This docketed notice of intent was filed with Confidential Document No. 06643-09. The document has been placed in confidential storage pending timely receipt of a request for confidentiality.

DOCUMENT NUMBER-DATE

06643 JUL-1 09

FPSC-COMMISSION CLERK

COMMISSION CLERK

09 JUL - 1 AM 11:58

RECEIVED-FPSC

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Petition for increase in rates by Florida Power & Light Company)))	Docket No. 080677-EI
In Re: 2009 depreciation and dismantlement study by Florida Power & Light Company))	Docket No. 090130-EI
<hr/>		Filed: July 1, 2009

**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 material provided to the Staff of the Florida Public Service Commission ("Staff") in response to Staff's Third Set of Interrogatories (No. 16), Staff's Fourth Set of Interrogatories (No. 32), and the South Florida Hospital and Healthcare Association's ("SFHHA's") Tenth Request for Production of Documents (No. 102) in Docket No. 080677-EI. Copies of Staff's Third Set of Interrogatories (No. 16), Staff's Fourth Set of Interrogatories (No. 32), and SFHHA's Tenth Request for Production of Documents (No. 102), are attached hereto as Composite Attachment 1. FPL, pursuant to Rule 25-22.006(3)(a), requests confidential handling of the 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 by FPL as private and confidential and has not been publicly disclosed.

DOCUMENT NUMBER-DATE

06643 JUL-18

FPSC-COMMISSION CLERK

Respectfully submitted this 1st day of July, 2009.

R. Wade Litchfield, Vice President of
Regulatory Affairs and Chief Regulatory Counsel
John T. Butler, Managing Attorney
Scott A. Goorland, Principal Attorney
Attorneys for Florida Power & Light Company
700 Universe Boulevard
Juno Beach, Florida 33408-0420
Telephone: (561) 691-7101
Facsimile: (561) 691-7135

By:



 Scott A. Goorland
Florida Bar No. 0066834

CERTIFICATE OF SERVICE

I **HEREBY CERTIFY** that a true and correct copy of the foregoing has been furnished electronically and by United States Mail this 1st day of July, 2009, to the following:

Lisa Bennett, Esquire
Anna Williams, Esquire
Martha Brown, Esquire
Jean Hartman, Esquire
Office of the General Counsel
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-1400
LBENNETT@PSC.STATE.FL.US
ANWILLIA@PSC.STATE.FL.US
mbrown@psc.state.fl.us
JHARTMAN@PSC.STATE.FL.US

J.R. Kelly, Esquire
Joseph A. McGlothlin, Esquire
Office of Public Counsel
c/o The Florida Legislature
111 West Madison Street, Room 812
Tallahassee, FL 32399-1400
Attorneys for the Citizens of the State
of Florida
Kelly.jr@leg.state.fl.us
mcglothlin.joseph@leg.state.fl.us

Kenneth L. Wiseman, Esquire
Mark F. Sundback, Esquire
Jennifer L. Spina, Esquire
Lisa M. Purdy, Esquire
Andrews Kurth LLP
1350 I Street, NW, Suite 1100
Washington, DC 20005
Attorneys for South Florida Hospital and
Healthcare Association ("SFHHA")
kwiseman@andrewskurth.com
msundback@andrewskurth.com
jspina@andrewskurth.com
lisapurdy@andrewskurth.com

Robert A. Sugarman, Esquire
D. Marcus Braswell, Jr., Esquire
c/o Sugarman & Susskind, P.A.
100 Miracle Mile, Suite 300
Coral Gables, FL 33134
Attorneys for I.B.E.W. System Council U-4
sugarman@sugarmansusskind.com
mbraswell@sugarmansusskind.com

Robert Scheffel Wright, Esquire
John T. LaVia, III, Esquire
Young van Assenderp, P.A.
225 South Adams Street, Suite 200
Tallahassee, Florida 32301
Attorneys for the Florida Retail Federation
swright@yvlaw.net
jlavia@yvlaw.net

Jon C. Moyle, Jr., Esquire
Vicki Gordon Kaufman, Esquire
Keefe Anchors Gordon & Moyle, PA
118 North Gadsden Street
Tallahassee, FL 32301
Attorneys for The Florida Industrial Power
Users Group (FIPUG)
jmoyle@kagmlaw.com
vkaufman@kagmlaw.com

John W. McWhirter, Jr., Esquire
c/o McWhirter Law Firm
P.O. Box 3350
Tampa, FL 33601
Attorneys for The Florida Industrial Power
Users Group (FIPUG)
jmcwhirter@mac-law.com

Thomas Saporito
Saporito Energy Consultants, Inc.
Post Office Box 8413
Jupiter, FL 33468-8413
support@SaporitoEnergyConsultants.com

Brian P. Armstrong, Esquire
Marlene K. Stern, Esquire
Nabors, Giblin & Nickerson, P.A.
1500 Mahan Drive, Suite 200
Tallahassee, FL 32308
Attorneys for the City of South Daytona,
Florida
barmstrong@ngnlaw.com
mstern@ngnlaw.com

Cecilia Bradley
Senior Assistant Attorney General
Office of the Attorney General
The Capitol - PL01
Tallahassee, FL 32399-1050
cecilia.bradley@myfloridalegal.com

By: 
For: Scott A. Goorland
Florida Bar No. 0066834

COMPOSITE ATTACHMENT 1

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for increase in rates by Florida
Power & Light Company.

DOCKET NO. 080677-EI

DATED: MAY 22, 2009

STAFF'S THIRD SET OF INTERROGATORIES TO
FLORIDA POWER & LIGHT COMPANY (NOS. 9 - 19)

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, **and within the time period set out in Order No. PSC-09-0159-PCO-EI**. 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

9. Please provide the calculations supporting the change in the monthly KW transformer ownership credit for 2010 and 2011.

10. Please provide the calculations supporting the change in the monthly fixed carrying charge rate to be applied to the installed cost of customer-requested distribution equipment for which there are no tariffed charges.

11. Please provide the calculations supporting the change in the Monthly Rental Factor to be applied to the in-place value of customer-rented distribution substations.

12. Please provide the calculations supporting the increase from \$120.00 to \$279.00 in the charge for the first and second occurrence of vandalism to a shielded fixtures.

13. Witness Deaton discusses closing the relamping option on pages 15 and 16 of her direct testimony.

- a) Is relamping only available to customers who own their own lights and poles?
- b) How are customers informed of the relamping policies and what is covered under that option?
- c) How many complaints has FPL received regarding activities covered by relamping?
- d) How many customers will be grandfathered under the proposed change?
- e) Will these customers continue to be eligible for the relamping option when their current contracts expire?

- f) What maintenance is provided to these customers in the absence of the relamping option?

14. Please provide the calculations supporting the proposed termination factors applied to the in-place value of customer-rented distribution substations.

STAFF'S THIRD SET OF INTERROGATORIES TO
FLORIDA POWER & LIGHT COMPANY (NOS. 9 – 19)
DOCKET NO. 080677-EI
PAGE 7

15. Please provide the calculations supporting the change for the minimum late payment charge from "1.5%" to "the greater of \$10 or 1.5%"?

STAFF'S THIRD SET OF INTERROGATORIES TO
FLORIDA POWER & LIGHT COMPANY (NOS. 9 – 19)
DOCKET NO. 080677-EI
PAGE 9

g) Amount of Total Compensation Allocation to FLORIDA POWER & LIGHT
COMPANY

h) Amount of Total Compensation Included in Adjusted Jurisdictional Other O&M
Expenses on MFR Schedule C-1, Pages 1, 2, and 3.

g) Amount of Total Compensation Allocation to FPL

h) Amount of Total Compensation Included in Adjusted Jurisdictional Other O&M
Expenses on MFR Schedule C-1, Pages 1, 2, and 3.

18. This interrogatory relates to FPL's forecasts in this docket. Please provide a list of all the source documents used to determine the inflation and escalation factors contained in the Company's filing, such as from Moody's Economy.com, Global Insight, CPI forecasts, etc.

19. This interrogatory relates to FPL's forecasts in this docket. Please identify any adjustments that were made to either the forecast data, or made during the course of executing the programs used to develop the Company's forecasting models.

s/ Lisa C Bennett

LISA C. BENNETT
SENIOR ATTORNEY
FLORIDA PUBLIC SERVICE COMMISSION
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850
(850) 413-6230

AFFIDAVIT

STATE OF FLORIDA)

COUNTY OF _____)

I hereby certify that on this _____ day of _____, 2009, 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 THIRD SET OF INTERROGATORIES TO FLORIDA POWER & LIGHT COMPANY (NOS. 9 - 19) in Docket No(s). 080677-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 _____, 2009.

Notary Public
State of Florida, at Large

My Commission Expires:

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for increase in rates by Florida
Power & Light Company.

DOCKET NO. 080677-EI

DATED: MAY 22, 2009

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the original and one correct copy of STAFF'S THIRD SET OF INTERROGATORIES TO FLORIDA POWER & LIGHT COMPANY (NOS. 9 - 19) has been served by electronic and U. S. mail to Florida Power & Light Company, John T. Butler, Esquire, 700 Universe Boulevard, Juno Beach, Florida 33408-0420 and that a true copy thereof has been furnished to the following by electronic and U. S. mail this 22nd day of May, 2009:

Florida Power & Light Company
Mr. Wade Litchfield
215 South Monroe Street, Suite 810
Tallahassee, FL 32301-1859

Florida Retail Federation
c/o Young Law Firm
Robert Scheffel Wright/John T. LaVia, III
225 South Adams Street, Suite 200
Tallahassee, FL 32301

I.B.E.W. System Council U-4
Robert A. Sugarman
c/o Sugarman Law Firm
100 Miracle Mile, Suite 300
Coral Gables, FL 33134

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

Andrews Kurth, LLP
K. Wiseman/M. Sundback/J. Spina/L. Purdy
1350 I Street NW, Suite 1100
Washington, DC 20005

Brian P. Armstrong, Esq.
Marlene K. Stern, Esq.
Nabors, Giblin & Nickerson, P.A.
1500 Mahan Drive, Suite 200
Tallahassee, FL 32308

CERTIFICATE OF SERVICE
DOCKET NO. 080677-EI
PAGE 2

Saporito Energy Consultants
Thomas Saporito, President
P.O. Box 8413
Jupiter, FL 33468-8413

City of South Daytona
Attn: Joseph W. Yarbrough, City Manager
P.O. Box 214960
South Daytona, FL 32121

Scott E. Simpson, Esq.
Korey Law Firm
Granada Oaks Professional Building
595 West Granada Blvd., Suite A
Ormond Beach, FL 32174

s/ Lisa C Bennett

LISA C. BENNETT
SENIOR ATTORNEY
FLORIDA PUBLIC SERVICE COMMISSION
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850
(850) 413-6230

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for increase in rates by Florida
Power & Light Company.

DOCKET NO. 080677-EI

DATED: MAY 29, 2009

STAFF'S FOURTH SET OF INTERROGATORIES TO
FLORIDA POWER & LIGHT COMPANY (NOS. 20 - 35)

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, **and within the time period set out in Order No. PSC-09-0159-PCO-EI**. 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

20. Please describe why FPL proposes to use the tiered state attorney's diversion program fee structure in Florida Statutes 832.08(5) as opposed to an over all charge of five (5) percent of the face amount of the instrument, as described in F.S. 68.065 for the proposed Return Payment Service Charge.

21. What is the cost of service to FPL for processing an average returned payment? Please provide costs associated with individual actions.

STAFF'S FOURTH SET OF INTERROGATORIES TO
FLORIDA POWER & LIGHT COMPANY (NOS. 20 - 35)
DOCKET NO. 080677-EI
PAGE 4

22. Which rate schedule would new wireless customers take service if the current Wireless Internet Rate (WIES) is closed?

23. Does FPL have any pending requests from customers seeking service under the WIES?

24. Have any wireless internet customers been included in the otherwise applicable rate class billing units? If so, how many?

25. In responding to this interrogatory, please refer to Docket No. 050045-EI MFR No. E-7 attachment 1 of 1 page 5. The cost of providing service to FPL for initial connect/disconnect for a new premise service charge was lower in the 2005 MFR filing than what FPL proposes in its current rate filing. Please describe in detail why this is. Include in your explanation a cost comparison between 2005 and the projected year for each component of the premise service charges.

26. On an annual basis for the past 5 years, how many customers have participated in the
Temporary Service Overhead program?

27. On an annual basis for the past 5 years, how many customers have participated in the
Temporary Service Underground program?

28. Please provide an explanation of how energy usage for a customer taking service on the unmetered GS-1 rate is estimated, both currently and under the new proposed minimum charge.

29. Please explain the factors that resulted in the decrease from FPL's current rate to its proposed rate for customers taking service under the unmetered GS-1 rate.

30. In responding to this interrogatory, refer to Witness Deaton's Exhibit RBD-7. Witness Deaton refers to a change in the Administrative Adder for the CDR Rider in Exhibit RBD-7, Page 7 of 11. MFR E-14 does not include a revised tariff for the CDR rider.

a. Does FPL propose a change to the Administrative Adder for the CDR Rider?

b. If yes, identify the tariff that includes the Administrative Adder.

c. If yes, explain the derivation of, and reason for, any proposed changes.

- k. Amount of Total Compensation Included in Adjusted Jurisdictional Other O&M Expenses on MFR Schedule C-1, Pages 1, 2 and 3 (the actual or projected compensation amounts for 2008, 2009, 2010 and 2011)

33. For each director of FPL Group, Inc., provide for the following:

a. Name/Title

b. Principal Business Affiliation

c. Base Compensation (the actual or projected compensation amounts for 2008, 2009, 2010 and 2011)

d. Travel (the actual or projected compensation amounts for 2008, 2009, 2010 and 2011)

e. All Other Compensation (the actual or projected compensation amounts for 2008, 2009, 2010 and 2011)

f. Total Compensation (the actual or projected compensation amounts for 2008, 2009, 2010 and 2011)

g. Amount of Total Compensation Allocated to Florida Power & Light Company (the actual or projected compensation amounts for 2008, 2009, 2010 and 2011)

h. Amount of Total Compensation Included in Adjusted Jurisdictional Other O&M Expenses on MFR Schedule C-1, Pages 1, 2 and 3 (the actual or projected compensation amounts for 2008, 2009, 2010 and 2011)

34. For each director of Florida Power & Light Company, provide the following:

a. Name/Title

b. Principal Business Affiliation

c. Base Compensation (the actual or projected compensation amounts for 2008, 2009, 2010 and 2011)

d. Travel (the actual or projected compensation amounts for 2008, 2009, 2010 and 2011)

e. All Other Compensation (the actual or projected compensation amounts for 2008, 2009, 2010 and 2011)

35. Referring to FPL's response to Interrogatory No. 285 of OPC's Sixth Set of Interrogatories, please provide the following:

- a. A detailed breakdown of the "FPL Salaries & Wages" of \$610,000, for each employee or group of employees performing similar functions. In responding, include the amount and type of work performed (e.g. accounting, engineering, legal, clerical, etc). Provide the dollar amount of regular pay separately from overtime, bonuses, or any other type of pay for each employee or group of employees performing similar functions. Please explain how the costs were or will be excluded from operating expenses before the rate case expense amortization period begins.

b. A detailed breakdown of the "Employee Related" expense of \$565,500, including the amount and description of each type of expense (e.g. payroll taxes, travel, etc.).

c. A detailed breakdown of the "Contractor & Professional" expense of \$2,228,100. Please state the amount and type of service provided for each outside contractor or professional. If more than one witness is or will be presenting testimony from the same firm or organization, state the amount and type of service provided for each witness.

d. A description of the category of Rate Case Expense titled "Technology."

Provide a detailed breakdown of the "Technology" expense of \$69,200, including the amount and description of each type of expense.

e. A detailed breakdown of the "Equipment & M&S" expense of \$1,400,

including the amount and description of each type of expense.

- f. A detailed breakdown of the "Office & Facilities Administration" expense of \$182,800, including the amount and description of each type of expense.

s/ Lisa C. Bennett

LISA C. BENNETT
SENIOR ATTORNEY
FLORIDA PUBLIC SERVICE COMMISSION
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850
(850) 413-6230

AFFIDAVIT

STATE OF FLORIDA)

COUNTY OF _____)

I hereby certify that on this _____ day of _____, 2009, 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 FOURTH SET OF INTERROGATORIES TO FLORIDA POWER & LIGHT COMPANY (NOS. 20 - 35) in Docket No(s). 080677-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 _____, 2009.

Notary Public
State of Florida, at Large

My Commission Expires:

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for increase in rates by Florida
Power & Light Company.

DOCKET NO. 080677-EI

DATED: MAY 29, 2009

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the original and one correct copy of STAFF'S FOURTH SET OF INTERROGATORIES TO FLORIDA POWER & LIGHT COMPANY (NOS. 20 - 35) has been served by electronic and U. S. mail to Florida Power & Light Company, John T. Butler, Esquire, 700 Universe Boulevard, Juno Beach, Florida 33408-0420 and that a true copy thereof has been furnished to the following by electronic and U. S. mail this 29th day of May, 2009:

Florida Power & Light Company
Mr. Wade Litchfield
215 South Monroe Street, Suite 810
Tallahassee, FL 32301-1859

Florida Retail Federation
c/o Young Law Firm
Robert Scheffel Wright/John T. LaVia, III
225 South Adams Street, Suite 200
Tallahassee, FL 32301

I.B.E.W. System Council U-4
Robert A. Sugarman
c/o Sugarman Law Firm
100 Miracle Mile, Suite 300
Coral Gables, FL 33134

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

Andrews Kurth, LLP
K. Wiseman/M. Sundback/J. Spina/L. Purdy
1350 I Street NW, Suite 1100
Washington, DC 20005

Brian P. Armstrong, Esq.
Marlene K. Stern, Esq.
Nabors, Giblin & Nickerson, P.A.
1500 Mahan Drive, Suite 200
Tallahassee, FL 32308

Saporito Energy Consultants
Thomas Saporito, President
P.O. Box 8413
Jupiter, FL 33468-8413

City of South Daytona
Attn: Joseph W. Yarbrough, City Manager
P.O. Box 214960
South Daytona, FL 32121

Scott E. Simpson, Esq.
Korey Law Firm
Granada Oaks Professional Building
595 West Granada Blvd., Suite A
Ormond Beach, FL 32174

s/ Lisa C. Bennett

LISA C. BENNETT
SENIOR ATTORNEY
FLORIDA PUBLIC SERVICE COMMISSION
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850
(850) 413-6230

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

**In re: Petition for rate increase by
Florida Power & Light Company**

§
§
§
§
§
§

Docket No.:080677-EI

**SOUTH FLORIDA HOSPITAL AND HEALTHCARE ASSOCIATION'S
TENTH SET OF DOCUMENT REQUESTS TO
FLORIDA POWER AND LIGHT COMPANY**

Pursuant to Rule 28-106.206, Florida Administrative Code, and Rule 1.350, Florida Rules of Civil Procedure, South Florida Hospital and Healthcare Association (“SFHHA”), by and through its undersigned attorneys, hereby serves the following Document Requests (Nos. 100-104) upon Florida Power and Light Company (“FPL”).

Please provide the following documents as directed below, no later than fourteen (14) days after service of this request.

INSTRUCTIONS AND DEFINITIONS

1. In answering each Request, please state the text of the Request prior to providing the responsive documents. Each Request is continuing in nature. Thus, if FPL acquires or discovers additional documents that are responsive to a Request after the initial response has been provided, please supplement the response promptly. Initial and supplementary responses shall be full, complete and accurate since they will be relied upon for the purposes of this proceeding. For each Request, list all assumptions made by in answering said Request.
2. In the event that FPL asserts that any of the information requested is deemed by it to be privileged or proprietary, then FPL seven days prior to its written response should identify any such data, and any supporting documents, by date and general content. FPL should also identify all persons who participated in the preparation of the document and all persons, inside or outside FPL who received a copy, read or examined any such document or is aware of its contents. In addition, FPL should indicate its claim of privilege with particularity and describe the grounds upon which privilege is claimed. FPL also should state the present location of the document and all copies

thereof and identify each person having custody or control of the document and said copies.

3. To the extent that FPL asserts that any requested information is not relevant or not material to any issue in the above-captioned matter, FPL, in its written response hereto, should indicate a specific basis for said assertion in the context of any issues arising in this proceeding.
4. In the event FPL asserts that any requested information is not available in the form requested, FPL, in its written response thereto, should disclose the following:
 - (a) the form in which the requested data currently exists (identifying documents by title);
 - (b) whether it is possible under any circumstances for FPL to provide the data in the form requested;
 - (c) the procedures or calculations necessary to provide the data in the form requested;
 - (d) the length of time (in hours or days) necessary for FPL to prepare the data in the form requested; and
 - (e) the earliest dates, time period, and location that our representatives may inspect FPL's files, records or documents in which the requested information currently exists.
5. FPL should provide data in the form in existence closest to that requested pending resolution of whether FPL should make the information available in the form originally requested.
6. Please provide all responses that include workpapers, data, calculations and spreadsheets in non-password protected and executable PC-compatible computer programs/models/software. Formulae, links, and cells and any other original feature assisting in calculation should be intact.
7. In providing documents, FPL is requested to furnish all documents or items in its physical possession or custody, as well as those materials under the physical possession, custody or control of any other person acting or purporting to act on behalf of FPL or any of FPL's employees or representatives, whether as an agent, independent contractor, attorney, consultant, witness, or otherwise.
8. To the extent any requested document cannot be provided in full, it shall be provided to the extent possible, with an indication of what document or portion of what document is being withheld and the reasons for withholding said document.

9. All documents shall be provided in the same order as they are kept or maintained in your files. To the extent they are attached to each other, documents should not be separated.
10. Documents not otherwise responsive to this Request shall be provided if such documents are attached to documents responsive to this Request, and constitute routing slips, transmittal memoranda, letters, comments, evaluations, or similar materials.
11. For each Request to which FPL responds, provide the name of the person or persons answering, the title of such persons and the name of the witness or witnesses who will be prepared to testify concerning the matters contained in each response or document provided. FPL shall provide all responses under oath. If documents furnished in response to these requests do not on their face disclose the preparer, date of preparation, and all recipient(s), please provide such information about each responsive document. For each document furnished in response to a Request, identify the Request to which the document is responsive.
12. Where these Requests seek quantitative or computational information (e.g., models, analyses, databases, formulas) stored by FPL or its consultants in machine-read able form, in addition to providing hard copy, FPL is requested to furnish such machine-readable information, in order of preference:
 - (a) on CD Rom or 3.5 inch diskettes for IBM PC compatibles, as
 - (i) Excel or Lotus 1-2-3rm worksheet files with all formulas intact;
 - (ii) ASCII text files; or
 - (iii) other IBM PC compatible worksheet or database files.
 - (b) on magnetic tape:
 - (i) in format readable by DEC-20 TOPS; or
 - (ii) such other magnetic media format used by FPL.
13. Responses to any of these Requests may include incorporation by reference to responses to other Requests only under the following circumstances:
 - (a) the reference is explicit and the cross-referenced material is appended to your response to the cross-referenced request; and

- (b) unless the entirety of the referenced response is to be incorporated, the specific information or documents of the referenced response shall be expressly identified.
14. SFHHA requests that FPL send by overnight delivery service one copy of its responses to each Request to each of the following:
- (1) Mark F. Sundback
Kenneth L. Wiseman
Andrews Kurth LLP
1350 I Street NW
Suite 1100
Washington, D.C. 20005
 - (2) Steve Baron
Lane Kollen
J. Kennedy and Associates
570 Colonial Park Drive
Suite 305
Roswell, Georgia 30075

DEFINITIONS

1. "FPL" refers to FPL, its parent, subsidiaries, affiliates, predecessors, successors, officers, directors, agents, employees, and other persons acting in its behalf.
2. "SFHHA" refers to South Florida Hospital and Healthcare Association and its members.
3. The term "document" as used in the Requests contained herein is used in its broad sense, and includes, without limitation, any kind of printed, recorded, written, graphic, or photographic matter and things similar to any of the foregoing, regardless of their author or origin. The term specifically includes reports, studies, statistics, projections, forecasts, decisions and orders, intra-office and inter-office communications, correspondence, memoranda, financial data, summaries or records of conversations or interviews, statements, returns, diaries, workpapers, graphs, sketches, computer printouts, summaries or reports of investigations or negotiations, opinions or reports of consultants, photographs, brochures, bulletins, pamphlets, books, articles, advertisements, circulars, press releases, graphic records or representations or publications of any kind (including microfilm, videotape and records, however produced or reproduced), electronic, mechanical and electrical records of any kind (including, without limitation, tapes, tape cassettes, compact discs, disks and records), other data compilations (including, without limitation, input/output files, source codes, object codes, program documentation, computer programs, computer printouts, cards,

tapes, compact discs, disks and recordings used in automated data processing together with the programming instructions and other material necessary to translate, understand or use the same), all drafts, prints, issues, alterations, modifications, changes and amendments to the foregoing, and all other documents or tangible things of whatever description that constitute or contain information within the scope of a Request that are in the possession or control of FPL. A Request seeking the identification or production of documents addressing, relating or referring to, or discussing a specified matter encompasses documents having a factual, contextual, or logical nexus to the matter, as well as documents making explicit or implicit reference thereto in the body of the documents. Originals and duplicates of the same document need not be separately identified or provided; however, drafts of a document or documents differing from one another by initials, interlineations, notations, erasures, file stamps, or additional or different data, writings or symbols and the like shall be deemed to be distinct documents requiring separate identification or production.

4. “Communication” shall mean any transmission of information by oral, graphic, written, pictorial, or otherwise perceptible means, including, but not limited to, telephone conversations, letters, fax, telegrams, and personal conversations. A Request seeking the identity of a communication addressing, relating or referring to, or discussing a specified matter encompasses documents having factual, contextual, or logical nexus to the matter, as well as communications in which explicit or implicit reference is made to the matter in the course of the communication.
5. The “substance” of a communication or act includes the essence, purport or meaning of the same, as well as the exact words or actions involved.
6. If resulting in the production of additional information or documents, words expressing the singular number shall be deemed to express the plural number; those expressing the masculine gender shall be deemed to express the feminine and neuter genders; those expressing the past tense shall be deemed to express the present tense; and vice versa.
7. The terms “and” and “or” shall be construed either conjunctively or disjunctively to bring within the scope of these Requests any matters that might otherwise be construed to be outside their scope.
8. The unqualified term “person” shall mean an individual, corporation, partnership, unincorporated association or other business or governmental entity.
9. The term “*e.g.*” or “for example” indicates illustration by example, not limitation.
10. The term “relates” or “relating” to a subject means discussing, addressing, describing, or concerning, dealing with, consisting of, forming the basis of, involved in the derivation of, reflecting, presuming, comprising or in any way concerning, or mentioning in whole or in part, the subject.

11. The terms “you” and “your” refers to FPL as defined herein.
12. Unless otherwise indicated, capitalized terms shall have the meaning set forth in the Florida Rules of Civil Procedure, as is applicable.

REQUEST FOR PRODUCTION OF DOCUMENTS

100. Please provide all documents identified in response to interrogatories in SFHHA’s Tenth Set of Interrogatories to FPL, including all spreadsheets with all cells, formulae, links and data intact.
101. Please provide a copy of all studies addressing the economics, costs, and/or savings from deployment of a new Customer Information System.
102. Please provide a copy of all studies addressing the economics, costs, and/or savings from deployment of the AMI compared to the existing metering system.
103. Regarding Schedule C-17 for the 2010 test year. Please provide a copy of all source documents relied upon for any underlying amounts reflected in this schedule for the test year, 2009 and 2008.
104. Regarding Schedule C-35 for the 2010 test year. Please provide a copy of all staffing and all other studies that support an increase in employees compared to 2008 levels, including, but not limited to, the projected increase of 270 employees in the nuclear production function described on page 40 of Mr. Stall’s Testimony.

/s/ Kenneth L. Wiseman
Kenneth L. Wiseman
Mark F. Sundback
Andrews Kurth LLP
1350 I Street NW
Suite 1100
Washington, D.C. 20005
Ph. (202) 662-2700
Fax. (202) 662-2739

Attorneys for the South Florida Hospital and Healthcare Association
May 19, 2009

CERTIFICATE OF SERVICE
DOCKET NO. 080677-EI

I HEREBY CERTIFY that a copy of the foregoing **SOUTH FLORIDA HOSPITAL AND HEALTHCARE ASSOCIATION'S TENTH SET OF DOCUMENT REQUESTS TO FLORIDA POWER & LIGHT COMPANY (Nos. 100-104)** has been furnished by electronic mail and U.S. mail to the following parties on this 19th day of May, 2009 to the following:

Robert A. Sugarman
I.B.E.W. System Council U-4
c/o Sugarman Law Firm
100 Miracle Mile, Suite 300
Coral Gables, FL 33134

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

Jean Hartman
Lisa Bennett
Martha Brown
Anna Williams
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850

Thomas Saporito
Saporito Energy Consultants
Post Office Box 8413
Jupiter, FL 33468-8413

Jack Leon, Natalie Smith
Senior Attorney
Florida Power & Light Company
9250 W. Flagler Street, Suite 6514
Miami, Florida 33174

Brian P. Armstrong
Nabors, Giblin & Nickerson, PA
1500 Mahan Drive, Suite 200
Tallahassee, FL 32308

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

Credit Suisse
Yang Song, Equity Research
Email: yang.y.song@credit-suisse.com

Robert Scheffel Wright
John T. LaVia
c/o Florida Retail Federation
225 South Adams Street, Suite 200
Tallahassee, FL 32301

Mr. Wade Litchfield
Florida Power & Light Company
215 South Monroe Street, Suite 810
Tallahassee, FL 32301-1859

Jon C. Moyle, Jr
Vicki Gordon Kaufman
Keefe Anchors Gordon & Moyle
118 North Gadsden Street
Tallahassee, FL 32301

Cecilia Bradley
Office of the Attorney General
The Capitol – PL01
Tallahassee, FL 32399-1050

John W. McWhirter, Jr
c/o McWhirter Law Firm
PO Box 3350
Tampa, FL 33601

/s/ Kenneth L. Wiseman
Kenneth L. Wiseman, Esq.

ATTACHMENT 2 - CONFIDENTIAL INFORMATION

COMMISSIONERS:
MATTHEW M. CARTER II, CHAIRMAN
LISA POLAK EDGAR
KATRINA J. MCMURRIAN
NANCY ARGENZIANO
NATHAN A. SKOP

STATE OF FLORIDA



OFFICE OF COMMISSION CLERK
ANN COLE
COMMISSION CLERK
(850) 413-6770

Public Service Commission

ACKNOWLEDGEMENT

DATE: July 1, 2009

TO: Marsha Rule, Esquire/Rutledge Ecenia

FROM: Marguerite H. McLean, Office of Commission Clerk

RE: Acknowledgement of Receipt of Confidential Filing

This will acknowledge receipt of a **CONFIDENTIAL DOCUMENT** filed in Docket Number **080677-EI/090130-EI [DN 06644-09]** or, if filed in an undocketed matter, concerning **response to staff's 3rd set of interrogatories (No. 16); staff's 4th set of interrogatories (No. 32); and SFHHA's 10th request for PODs (No. 102), in Docket 080677-EI,** and filed on behalf of **Florida Power & Light Company.** The document will be maintained in locked storage.

If you have any questions regarding this document, please contact Marguerite McLean, Deputy Clerk, at (850) 413-6770.