

Eric Fryson

110009-EI

From: Dorothy Menasco
Sent: Wednesday, January 09, 2013 12:06 PM
To: 'bill@solar-fit.com'
Cc: Matilda Sanders; Shawna Senko; Eric Fryson
Subject: RE: Pereson of interest

FPSC, CLK CORRESPONDENCE		
<input type="checkbox"/> Administrative	<input checked="" type="checkbox"/> Parties	<input type="checkbox"/> Consumer
DOCUMENT NO. <u>00056-11</u>		
DISTRIBUTION: _____		

Mr. Gallagher:

You have been added as an interested person in the dockets listed below. Please note that this contact information is public record and will be available on internet searches. If you have any changes or wish to have your information removed, you should forward those requests to clerk@psc.state.fl.us.

As an interested person you will receive all notices for hearing, prehearing, proposed agency action orders, final orders, and notices of Commission conferences via e-mail. If you are interested in receiving documents other than those mentioned above, for example, procedural orders, please contact staff counsel for instructions on becoming a party of record. The phone number for our General Counsel's Office is 850-413-6199.

If you have any questions regarding your contact information, please call our office at 850-413-6770.

Dorothy Menasco
Florida Public Service Commission
Office of Commission Clerk
850-413-6770

Please note: Florida has a very broad public records law. Most written communications to or from state officials regarding state business are public records available to the public and media upon request. Your e-mail communications may therefore be subject to public disclosure.

From: Bill Gallagher [mailto:bill@solar-fit.com]
Sent: Wednesday, January 09, 2013 10:42 AM
To: Records Clerk
Subject: Pereson of interest

I would like to be listed as a "Person of Interest" on the following dockets;

130009-EI
120318-EI
120314-EQ
110009-EI
130002-EG

My e-mail address is bill@solar-fit.com
My phone number is (386) 441-2299
My fax# is (386) 677-6349

Thank you,

Bill Gallagher

Bill Gallagher
CEO/President



1523 Ridgewood Ave.
Holly Hill, FL 32117
386-441-2299
Fax 386-677-6349
www.solar-fit.com
Visit us on Facebook

Eric Fryson

110009-EI

From: Dorothy Menasco
Sent: Wednesday, January 09, 2013 12:05 PM
To: 'solar.trek@yahoo.com'
Cc: Matilda Sanders; Shawna Senko; Eric Fryson
Subject: RE: Person of Interest

FPSC, CLK CORRESPONDENCE		
<input type="checkbox"/> Administrative	<input checked="" type="checkbox"/> Parties	<input type="checkbox"/> Consumer
DOCUMENT NO. 00056-11		
DISTRIBUTION: _____		

Mr. Altier:

You have been added as an interested person in the dockets listed below. Please note that this contact information is public record and will be available on internet searches. If you have any changes or wish to have your information removed, you should forward those requests to clerk@psc.state.fl.us.

As an interested person you will receive all notices for hearing, prehearing, proposed agency action orders, final orders, and notices of Commission conferences via e-mail. If you are interested in receiving documents other than those mentioned above, for example, procedural orders, please contact staff counsel for instructions on becoming a party of record. The phone number for our General Counsel's Office is 850-413-6199.

If you have any questions regarding your contact information, please call our office at 850-413-6770.

*Dorothy Menasco
 Florida Public Service Commission
 Office of Commission Clerk
 850-413-6770*

Please note: Florida has a very broad public records law. Most written communications to or from state officials regarding state business are public records available to the public and media upon request. Your e-mail communications may therefore be subject to public disclosure.

From: Patrick Altier [mailto:solar.trek@yahoo.com]
Sent: Tuesday, January 08, 2013 6:41 PM
To: Records Clerk
Subject: Person of Interest

I would like to be listed as a "Person of Interest" on the following dockets;

130009-EI
 120318-EI
 120314-EQ
 110009-EI
 130002-EG

My e-mail address is; patrick@gosolartrek.com
 My fax# is; 352-351-8887

Thank you

1/9/2013

Here's Solar Trek, Inc new Video

Patrick Altier
Operations Manager
SOLAR TREK, Inc.
202 SW 33rd Ave Unit C
Ocala, FL 34474
Ph 352.351.1333
Fax 352.351.8887
www.gosolartrek.com

Dorothy Menasco 110009-EI

Administrative Parties ConsumerDOCUMENT NO. 00056-11

DISTRIBUTION: _____

From: Filings@psc.state.fl.us
Sent: Friday, September 21, 2012 4:46 PM
To: 'Roddy, Lisa'
Cc: bgamba@carltonfields.com; Walls, J. Michael; Bernier, Matthew (Carlton Fields); vkaufman@moylelaw.com; jmoyle@moylelaw.com; bryan.anderson@fpl.com; jessica.cano@fpl.com; rehwinkel.charles@leg.state.fl.us; Kelly.JR@leg.state.fl.us; jwhitlock@enviroattorney.com; RMiller@pcsphosphate.com; Burnett, John; Lewis Jr, Paul; mfeil@gunster.com; jbrew@bbrslaw.com; samuel.miller@tyndall.af.mil; kenneth.hoffman@fpl.com; schef@gbwlegal.com; Keino Young; Michael Lawson; Lisa Bennett; Records Clerk; Eric Fryson
Subject: FW: E-Filing & E-Service: PEF Request to Remove specific Name from Party of Record; Dkts. 110009; 120009; 110276

Attachments: PEF Request to remove Alex Glenn as Party of Record.pdf.pdf

Ms. Roddy:

Your questions and comments are very important to us. For future reference, please direct comments/requests for information/changes to contact information, to clerk@psc.state.fl.us. In order to ensure that your information is handled efficiently and accurately, we have forwarded your request to clerk@psc.state.fl.us.

Please call our office if you have any questions. Thank you for your help.

*Dorothy Menasco
 Florida Public Service Commission
 Office of Commission Clerk
 850-413-6770*

Please note: Florida has a very broad public records law. Most written communications to or from state officials regarding state business are public records available to the public and media upon request. Your e-mail communications may therefore be subject to public disclosure.

From: Roddy, Lisa [mailto:Lisa.Roddy@pgnmail.com]
Sent: Friday, September 21, 2012 1:44 PM
To: Filings@psc.state.fl.us
Cc: bgamba@carltonfields.com; Walls, J. Michael; Bernier, Matthew (Carlton Fields); vkaufman@moylelaw.com; jmoyle@moylelaw.com; bryan.anderson@fpl.com; jessica.cano@fpl.com; rehwinkel.charles@leg.state.fl.us; Kelly.JR@leg.state.fl.us; jwhitlock@enviroattorney.com; RMiller@pcsphosphate.com; Burnett, John; Lewis Jr, Paul; mfeil@gunster.com; jbrew@bbrslaw.com; samuel.miller@tyndall.af.mil; kenneth.hoffman@fpl.com; schef@gbwlegal.com; Keino Young; Michael Lawson; Lisa Bennett
Subject: E-Filing & E-Service: PEF Request to Remove specific Name from Party of Record; Dkts. 110009; 120009; 110276

This electronic filing is made by:

**John T. Burnett
 299 First Avenue North
 St. Petersburg, FL 33733
John.burnett@pgnmail.com**

**DOCKET NO. 110009-EI
 DOCKET NO. 120009-EI
 DOCKET NO. 110276-EI**

9/25/2012

On Behalf of Progress Energy Florida, Inc.

Consisting of 1 Page.

**The attached document for filing is PEF's
Request to remove R. Alexander Glenn as a
Party of Record in the above referenced dockets.**

Lisa Roddy

Regulatory Analyst

Duke Energy / Progress Energy Florida

106 E. College Ave., Suite 800

Tallahassee, FL 32301

direct line: (850) 521-1425

VN 249-1425

lisa.rodny@pgnmail.com



FPSC, CLK CORRESPONDENCE
<input type="checkbox"/> Administrative <input checked="" type="checkbox"/> Parties <input type="checkbox"/> Consumer
DOCUMENT NO. <u>00056-11</u>
DISTRIBUTION: _____

September 21, 2012

Via Electronic Filing

Ms. Ann Cole, Commission Clerk
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

Re: *Nuclear cost recovery clause; Docket No. 110009-EI*

Nuclear cost recovery clause; Docket No. 120009-EI


Application for authority to issue and sell securities during 12 months ending December 31, 2012, by Progress Energy Florida, Inc.; Docket No. 110276-EI

Dear Ms. Cole:

Please remove **R. Alexander Glenn** from the Party of Record List in the above referenced dockets.

Thank you for your assistance in this matter.

Respectfully,


John T. Burnett

cc: Parties of Record

Marguerite McLean

110009-EI

From: Marguerite McLean
Sent: Tuesday, June 19, 2012 3:59 PM
To: Samantha Cibula; Pamela H. Page; Rosanne Gervasi
Cc: Ann Cole; Hong Wang
Subject: Appeal Docket Nos. 100155-EI, 100160-EI, 110009-EI, 110309-EI

FPSC, CLK - CORRESPONDENCE
 Administrative Parties Consumer
 DOCUMENT NO. 00056-11
 DISTRIBUTION: _____

Please change your records to reflect the new firm name of "Moyle Law Firm, P.A." for Jon C. Moyle, Jr. and Vicki Gordon Kaufman as to the above-captioned dockets on appeal. In addition, please note the change in email addresses:

Jon Moyle: jmoyle@moylelaw.com
 Vicki Gordon Kaufman: vkaufman@moylelaw.com
 Kim Hancock: khancock@moylelaw.com

Our address, telephone number and fax number remain the same.

Thank you for your attention to this matter.

Kim Hancock
khancock@moylelaw.com



The Perkins House
 118 North Gadsden Street
 Tallahassee, Florida 32301
 850-681-3828 (Voice)
 850-681-8788 (Fax)
www.moylelaw.com

Thank you.

Marguerite H. McLean
 Records Technician
 Florida Public Service Commission
 Office of Commission Clerk
 2540 Shumard Oak Boulevard
 Tallahassee, Florida 32399-0850
 850-413-6824

From: Dorothy Menasco
Sent: Tuesday, June 19, 2012 2:55 PM
To: Ann Cole
Cc: Hong Wang; Matilda Sanders; Eric Fryson; Marguerite McLean
Subject: RE: Docket Nos. 000121A, 110087-TP, 100373-TX, 100155-EI, 100160-EI, 100437-EI, 110138-EI, 110262-EI, 110309-EI, 120001-EI, 120002-EG, 120007-EI, 120009-EI, 120015-EI, 120022-EI, 120103-EI

It is my understanding that the appeal is Docket 110309. That update was completed on 6/5/12. The info is reflected in CMS parties correspondence as shown below. Marguerite will update the cover page for the record on appeal to reflect Moyle Law Firm instead of Keefe

6/19/2012

Law Firm.

Dorothy Menasco

* = closed out, no chgs made

✓ = docket updated

■ = not a party in that docket

From: Dorothy Menasco
 Sent: Thursday, May 31, 2012 4:17 PM
 To: 'khancock@moylslaw.com'
 Cc: Hong Wang; Ann Cole
 Subject: RE: Docket Nos. 000121A, 110087-TP, 100373-TX, 100155-EI, 100160-EI, 100437-EI, 110138-EI, 110262-EI, 110309-EI, 120001-EI, 120002-EG, 120007-EI, 120009-EI, 120015-EI, 120022-EI, 120103-EI

Ms. Hancock: ✓ ✓ ✓ ✓ ✓ ✓ ✓ ✓ ✓ ✓

08027-EI 000121-EI 110087-EI

We are in receipt of your request below and will make the requested updates. In order to ensure that your information is handled efficiently and accurately, please direct future changes to contact information to clerk@psc.state.fl.us. If you have any questions, please give our office a call.

Dorothy Menasco
 Florida Public Service Commission
 Office of Commission Clerk
 850-413-6770

(110309)

FPSC, CLK - CORRESPONDENCE
 Administrative Parties Consumer
 DOCUMENT NO. 00896-12
 DISTRIBUTION: _____

Please note. Florida has a very broad public records law. Most written communications to or from state officials regarding state business are public records available to the public and media upon request. Your e-mail communications may therefore be subject to public disclosure

From: Ann Cole
 Sent: Thursday, May 31, 2012 4:10 PM
 To: Dorothy Menasco
 Cc: Hong Wang
 Subject: FW: Docket Nos. 000121A, 110087-TP, 100373-TX, 100155-EI, 100160-EI, 100437-EI, 110138-EI, 110262-EI, 110309-EI, 120001-EI, 120002-EG, 120007-EI, 120009-EI, 120015-EI, 120022-EI, 120103-EI

Hey Dorothy, please take care of this or forward to the appropriate staff. Thanks, Ann

From: Ann Cole
 Sent: Tuesday, June 19, 2012 2:33 PM
 To: Marguerite McLean
 Cc: Hong Wang; Matilda Sanders; Dorothy Menasco; Eric Fryson
 Subject: FW: Docket Nos. 000121A, 110087-TP, 100373-TX, 100155-EI, 100160-EI, 100437-EI, 110138-EI, 110262-EI, 110309-EI, 120001-EI, 120002-EG, 120007-EI, 120009-EI, 120015-EI, 120022-EI, 120103-EI

I rec'd a phone call that this information did not get changed on the appeal. In Hong's absence, would you please follow up on this and respond? Thanks, Ann

Also, just passing along that she said if Jon Moyle and Vick Kaufman appear as a party, one copy to their office suffices.

From: Kim Hancock [mailto:khancock@moylslaw.com]
 Sent: Tuesday, June 19, 2012 2:25 PM
 To: Ann Cole
 Subject: FW: Docket Nos. 000121A, 110087-TP, 100373-TX, 100155-EI, 100160-EI, 100437-EI, 110138-EI, 110262-EI, 110309-EI, 120001-EI, 120002-EG, 120007-EI, 120009-EI, 120015-EI, 120022-EI, 120103-EI
 6/19/2012

EI, 110309-EI, 120001-EI, 120002-EG, 120007-EI, 120009-EI, 120015-EI, 120022-EI, 120103-EI

Ms. Cole – Below is the original email that I sent to get everything changed for Jon Moyle and Vicki Gordon Kaufman.

Thank you.

Kim

From: Kim Hancock [mailto:khancock@moylelaw.com]

Sent: Thursday, May 31, 2012 3:07 AM

To: 'ACOLE@PSC.STATE.FL.US'

Cc: 'Alex.glenn@pgnmail.com'; 'allan.jungels@tyndall.af.mil'; 'anorris@psc.state.fl.us'; 'ataylor@bbrslaw.com'; 'ateitzma@psc.state.fl.us'; 'bgamba@carltonfields.com'; 'bkeating@gunster.com'; 'bryan.anderson@fpl.com'; 'cecilia.bradley@myfloridalegal.com'; 'chris.thompson.2@tyndall.af.mil'; 'christensen.patty@leg.state.fl.us'; 'cklancke@psc.state.fl.us'; 'cmurphy@PSC.STATE.FL.US'; 'danlanson@bellsouth.net'; 'gadavis@enviroattorney.com'; 'garyp@hgslaw.com'; 'george@cavros-law.com'; 'JAS@beggslane.com'; 'jbeasley@ausley.com'; 'jbrew@bbrslaw.com'; 'jessica.cano@fpl.com'; 'John.burnett@pgnmail.com'; 'john.butler@fpl.com'; 'jwahlen@ausley.com'; 'jwb@bbrslaw.com'; 'jwhendricks@sti2.com'; 'jwhitlock@enviroattorney.com'; 'karen.white@tyndall.af.mil'; 'kelly.jr@leg.state.fl.us'; 'ken.rubin@fpl.com'; 'kwiseman@andrewskurth.com'; 'kyoung@psc.state.fl.us'; 'LBENNETT@PSC.STATE.FL.US'; 'lharris@psc.state.fl.us'; 'lpurdy@andrewskurth.com'; 'ltan@psc.state.fl.us'; 'mbarrera@psc.state.fl.us'; 'mbernier@carltonfields.com'; 'mcglothlin.joseph@leg.state.fl.us'; 'merchant.tricia@leg.state.fl.us'; 'mwallis@carltonfields.com'; 'Noriega.tarik@leg.state.fl.us'; 'RAB@beggslane.com'; 'rdc_law@swbell.net'; 'regdept@tecoenergy.com'; 'rehwinkel.charles@leg.state.fl.us'; 'samuel.miller@tyndall.af.mil'; 'saporit03@gmail.com'; 'sayler.erik@leg.state.fl.us'; 'schef@gbwlegal.com'; 'suzannebrownless@comcast.net'; 'wrappolt@andrewskurth.com'; 'parobins@psc.state.fl.us'; 'rkennedy@psc.state.fl.us'; 'mg2708@att.com'; 'Th9467@att.com'; 'sm6526@att.com'; vkaufman@moylelaw.com

Subject: RE: Docket Nos. 000121A, 110087-TP, 100373-TX, 100155-EI, 100160-EI, 100437-EI, 110138-EI, 110262-EI, 110309-EI, 120001-EI, 120002-EG, 120007-EI, 120009-EI, 120015-EI, 120022-EI, 120103-EI

Dear Ms. Cole:

Upon receipt of this email, please change your records to reflect the new firm name of "Moyle Law Firm, P.A." for Jon C. Moyle, Jr. and Vicki Gordon Kaufman as to all of the above-captioned dockets. In addition, please note the change in email addresses:

Jon Moyle: jmoyle@moylelaw.com

Vicki Gordon Kaufman: vkaufman@moylelaw.com

Kim Hancock: khancock@moylelaw.com

Our address, telephone number and fax number remain the same.

Thank you for your attention to this matter.

Kim Hancock

khancock@moylelaw.com



The Perkins House
118 North Gadsden Street
Tallahassee, Florida 32301
850-681-3828 (Voice)
850-681-8788 (Fax)
www.moylelaw.com

The information contained in this e-mail is confidential and may be subject to the attorney client privilege or may constitute privileged work product. The information is intended only for the use of the individual or entity to whom it is addressed. If you are not the intended recipient, or the agent or employee responsible to deliver it to the intended recipient, you are hereby notified that any use, dissemination, distribution or copying of this communication is strictly prohibited. If you receive this e-mail in error, please notify us by telephone or return e-mail immediately. Thank you.

6/19/2012

* = closed Pkt, no chgs made

✓ = docket updated

■ = not a party in that docket

08027-EI 000121A-EI 110009-EI

Dorothy Menasco

From: Dorothy Menasco
Sent: Thursday, May 31, 2012 4:17 PM
To: 'khancock@moylelaw.com'
Cc: Hong Wang; Ann Cole
Subject: RE: Docket Nos. 000121A, 110087-TP, 100373-TX, 100155-EI, 100160-EI, 100437-EI, 110138-EI, 110262-EI, 110309-EI, 120001-EI, 120002-EG, 120007-EI, 120009-EI, 120015-EI, 120022-EI, 120103-EI

Ms. Hancock:

We are in receipt of your request below and will make the requested updates. In order to ensure that your information is handled efficiently and accurately, please direct future changes to contact information to clerk@psc.state.fl.us. If you have any questions, please give our office a call.

Dorothy Menasco
 Florida Public Service Commission
 Office of Commission Clerk
 850-413-6770

(110009)

FPSC, CLK - CORRESPONDENCE
 Administrative Parties Consumer
 DOCUMENT NO. 00056-11
 DISTRIBUTION: _____

Please note: Florida has a very broad public records law. Most written communications to or from state officials regarding state business are public records available to the public and media upon request. Your e-mail communications may therefore be subject to public disclosure.

From: Ann Cole
Sent: Thursday, May 31, 2012 4:10 PM
To: Dorothy Menasco
Cc: Hong Wang
Subject: FW: Docket Nos. 000121A, 110087-TP, 100373-TX, 100155-EI, 100160-EI, 100437-EI, 110138-EI, 110262-EI, 110309-EI, 120001-EI, 120002-EG, 120007-EI, 120009-EI, 120015-EI, 120022-EI, 120103-EI

Hey Dorothy, please take care of this or forward to the appropriate staff. Thanks, Ann

From: Kim Hancock [mailto:khancock@moylelaw.com]
Sent: Thursday, May 31, 2012 3:07 AM
To: Ann Cole
Cc: Alex.glenn@pgnmail.com; allan.jungels@tyndall.af.mil; anorris@psc.state.fl.us; ataylor@bbrslaw.com; Adam Teitzman; bgamba@carltonfields.com; bkeating@gunster.com; bryan.anderson@fpl.com; cecilia.bradley@myfloridalegal.com; chris.thompson.2@tyndall.af.mil; christensen.patty@leg.state.fl.us; Caroline Klancke; Charles Murphy; danlarson@bellsouth.net; gadavis@enviroattorney.com; garyp@hgslaw.com; george@cavros-law.com; JAS@beggsllane.com; jbeasley@ausley.com; jbrew@bbrslaw.com; jessica.cano@fpl.com; John.burnett@pgnmail.com; john.butler@fpl.com; jwahlen@ausley.com; jwb@bbrslaw.com; jwhendricks@sti2.com; jwhitlock@enviroattorney.com; karen.white@tyndall.af.mil; kelly.jr@leg.state.fl.us; ken.rubin@fpl.com; kwiseman@andrewskurth.com; Keino Young; Lisa Bennett; Larry Harris; lpurdy@andrewskurth.com; Lee Eng Tan; Martha Barrera; mbernier@carltonfields.com; mcglathlin.joseph@leg.state.fl.us; merchant.tricia@leg.state.fl.us; mwalls@carltonfields.com; Noriega.tarik@leg.state.fl.us; RAB@beggsllane.com; rdc_law@swbell.net; regdept@tecoenergy.com; rehwinkel.charles@leg.state.fl.us; samuel.miller@tyndall.af.mil; saporit03@gmail.com; sayler.erik@leg.state.fl.us; schef@gbwlegal.com; suzannebrownless@comcast.net; wrappolt@andrewskurth.com; Pauline Robinson; rkennedy@psc.state.fl.us; mg2708@att.com; Th9467@att.com; sm6526@att.com; vkaufman@moylelaw.com
Subject: RE: Docket Nos. 000121A, 110087-TP, 100373-TX, 100155-EI, 100160-EI, 100437-EI, 110138-

Updated 5/5/12 - BM

5/31/2012

EI, 110262-EI, 110309-EI, 120001-EI, 120002-EG, 120007-EI, 120009-EI, 120015-EI, 120022-EI, 120103-EI

Dear Ms. Cole:

Upon receipt of this email, please change your records to reflect the new firm name of "Moyle Law Firm, P.A." for Jon C. Moyle, Jr. and Vicki Gordon Kaufman as to all of the above-captioned dockets. In addition, please note the change in email addresses:

Jon Moyle: jmoyle@moylelaw.com

Vicki Gordon Kaufman: vkaufman@moylelaw.com

Kim Hancock: khancock@moylelaw.com

Our address, telephone number and fax number remain the same.

Thank you for your attention to this matter.

Kim Hancock

khancock@moylelaw.com



The Perkins House

118 North Gadsden Street

Tallahassee, Florida 32301

850-681-3828 (Voice)

850-681-8788 (Fax)

www.moylelaw.com

The information contained in this e-mail is confidential and may be subject to the attorney client privilege or may constitute privileged work product. The information is intended only for the use of the individual or entity to whom it is addressed. If you are not the intended recipient, or the agent or employee responsible to deliver it to the intended recipient, you are hereby notified that any use, dissemination, distribution or copying of this communication is strictly prohibited. If you receive this e-mail in error, please notify us by telephone or return e-mail immediately. Thank you.

5/31/2012

Marguerite McLean

110009-EI

FPSC, CLK - CORRESPONDENCE

Administrative X Parties Consumer

DOCUMENT NO. 00056-11

DISTRIBUTION:

From: Marguerite McLean

Sent: Friday, February 10, 2012 7:05 PM

To: 'bgamba@carltonfields.com'; 'mbernier@carltonfields.com'; 'karen.white@tyndall.af.mil'; 'vkaufman@kagmlaw.com'; 'Bryan.Anderson@fpl.com'; 'REHWINKEL.CHARLES@leg.state.fl.us'; 'Paul.lewisjr@pgnmail.com'; 'john.burnett@pgnmail.com'; 'jwhitlock@enviroattorney.com'; 'RMiller@pcsphosphate.com'; 'ljacobs50@comcast.net'; 'jessica.cano@fpl.com'; 'mwalls@carltonfields.com'; 'jmoyle@kagmlaw.com'; 'mitch.ross@fpl.com'; 'mcglothlin.joseph@leg.state.fl.us'; 'elsayler@hotmail.com'; 'alex.glenn@pgnmail.com'; Samantha Cibula; 'ppage@psc.state.fl.us'; 'Al.Taylor@bbrslaw.com'

Cc: Ann Cole; Hong Wang; Shawna Senko

Subject: Appeal Index - Docket 110009-EI

Attachments: Index Feb 10 to parties.doc

Attached you will find the appeal index for Docket 110009-EI presently in the Supreme Court, Case No. SC11-2465, SACE vs. Art Graham, etc., et al.

I apologize for the 1-day delay in sending out the index. There were unforeseen issues with the performance of my computer.

A hard copy will be mailed to you on Monday, February 13th.

If you have any questions, please feel free to call me.

Thank you.

Marguerite H. McLean
 Commission Deputy Clerk II
 Florida Public Service Commission
 Office of Commission Clerk
 2540 Shumard Oak Boulevard
 Tallahassee, Florida 32399-0850
 850-413-6824

000001

2/13/2012

Marguerite McLean

From: System Administrator
To: Al.Taylor@bbrslaw.com
Sent: Friday, February 10, 2012 7:12 PM
Subject: Undeliverable: Appeal Index - Docket 110009-EI

Your message did not reach some or all of the intended recipients.

Subject: Appeal Index - Docket 110009-EI
Sent: 2/10/2012 7:05 PM

The following recipient(s) could not be reached:

Al.Taylor@bbrslaw.com on 2/10/2012 7:12 PM

The e-mail system was unable to deliver the message, but did not report a specific reason. Check the address and try again. If it still fails, contact your system administrator.

< barracuda.psc.state.fl.us #5.0.0 X-Spam-&-Virus-Firewall; host bbrslaw.com.s8a2.psmt.com[64.18.7.11] said: 550 5.1.1 User unknown (in reply to RCPT TO command)>

Marguerite McLean

From: Marguerite McLean
Sent: Monday, February 13, 2012 8:48 AM
To: 'ataylor@bbrslaw.com'
Subject: FW: Appeal Index - Docket 110009-EI
Attachments: Index Feb 10 to parties.doc

FYI:

Marguerite H. McLean
 Commission Deputy Clerk III
 Florida Public Service Commission
 Office of Commission Clerk
 2540 Shumard Oak Boulevard
 Tallahassee, Florida 32399-0850
 850-413-6824

From: Marguerite McLean
Sent: Friday, February 10, 2012 7:05 PM
To: 'bgamba@carltonfields.com'; 'mbernier@carltonfields.com'; 'karen.white@tyndall.af.mil';
 'vkaufman@kagmlaw.com'; 'Bryan.Anderson@fpl.com'; 'REHWINKEL.CHARLES@leg.state.fl.us';
 'Paul.lewisjr@pgnmail.com'; 'john.burnett@pgnmail.com'; 'jwhitlock@enviroattorney.com';
 'RMiller@pcsposphate.com'; 'ljacobs50@comcast.net'; 'jessica.cano@fpl.com';
 'mwalls@carltonfields.com'; 'jmoyle@kagmlaw.com'; 'mitch.ross@fpl.com';
 'mcglathlin.joseph@leg.state.fl.us'; 'elsayler@hotmail.com'; 'alex.glenn@pgnmail.com'; Samantha Cibula;
 'ppage@psc.state.fl.us'; 'AI.Taylor@bbrslaw.com'
Cc: Ann Cole; Hong Wang; Shawna Senko
Subject: Appeal Index - Docket 110009-EI

Attached you will find the appeal index for Docket 110009-EI presently in the Supreme Court, Case No. SC11-2465, SACE vs. Art Graham, etc., et al.

I apologize for the 1-day delay in sending out the index. There were unforeseen issues with the performance of my computer.

A hard copy will be mailed to you on Monday, February 13th.

If you have any questions, please feel free to call me.

Thank you.

Marguerite H. McLean
 Commission Deputy Clerk II
 Florida Public Service Commission
 Office of Commission Clerk
 2540 Shumard Oak Boulevard
 Tallahassee, Florida 32399-0850
 850-413-6824

000003

Marguerite McLean

From: System Administrator
To: ataylor@bbrslaw.com
Sent: Monday, February 13, 2012 8:48 AM
Subject: Undeliverable: FW: Appeal Index - Docket 110009-EI

Your message did not reach some or all of the intended recipients.

Subject: FW: Appeal Index - Docket 110009-EI
Sent: 2/13/2012 8:48 AM

The following recipient(s) could not be reached:

ataylor@bbrslaw.com on 2/13/2012 8:48 AM

The e-mail system was unable to deliver the message, but did not report a specific reason. Check the address and try again. If it still fails, contact your system administrator.

< barracuda.psc.state.fl.us #5.0.0 X-Spam-&-Virus-Firewall; [bbrslaw.com]: Name or service not known >

Marguerite McLean

From: System Administrator
To: ppage@psc.state.fl.us
Sent: Friday, February 10, 2012 7:12 PM
Subject: Undeliverable: Appeal Index - Docket 110009-EI

Your message did not reach some or all of the intended recipients.

Subject: Appeal Index - Docket 110009-EI
Sent: 2/10/2012 7:05 PM

The following recipient(s) could not be reached:

ppage@psc.state.fl.us on 2/10/2012 7:12 PM

The e-mail account does not exist at the organization this message was sent to. Check the e-mail address, or contact the recipient directly to find out the correct address.

<psc-exc-2k3.psc.state.fl.us #5.1.1>

Marguerite McLean

From: Marguerite McLean
Sent: Saturday, February 11, 2012 7:53 AM
To: Pamela H. Page
Subject: FW: Appeal Index - Docket 110009-EI

Attachments: Index Feb 10 to parties.doc



*Index Feb
o parties.doc*
FYI:

-----Original Message-----

From: Marguerite McLean
Sent: Fri 2/10/2012 7:04 PM
To: 'bgamba@carltonfields.com'; 'mbernier@carltonfields.com'; 'karen.white@tyndall.af.mil';
'vkaufman@kagmlaw.com'; 'Bryan.Anderson@fpl.com'; 'REHWINKEL.CHARLES@leg.state.fl.us';
'Paul.lewisjr@pgnmail.com'; 'john.burnett@pgnmail.com'; 'jwhitlock@enviroattorney.com';
'RMiller@pcsphosphate.com'; 'ljacobs50@comcast.net'; 'jessica.cano@fpl.com';
'mwalls@carltonfields.com'; 'jmoyle@kagmlaw.com'; 'mitch.ross@fpl.com';
'mcglathlin.joseph@leg.state.fl.us'; 'elsayler@hotmail.com'; 'alex.glenn@pgnmail.com'; Samantha
Cibula; 'ppage@psc.state.fl.us'; 'Al.Taylor@bbrslaw.com'
Cc: Ann Cole; Hong Wang; Shawna Senko
Subject: Appeal Index - Docket 110009-EI

*Attached you will find the appeal index for Docket 110009-EI presently in the Supreme Court,
Case No. SC11-2465, SACE vs. Art Graham, etc., et al.*

*I apologize for the 1-day delay in sending out the index. There were unforeseen issues with the
performance of my computer.*

A hard copy will be mailed to you on Monday, February 13th.

If you have any questions, please feel free to call me.

Thank you.

*Marguerite H. McLean
Commission Deputy Clerk II
Florida Public Service Commission
Office of Commission Clerk*

2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850
850-413-6824

Marguerite McLean

110009-EI

From: Marguerite McLean
Sent: Friday, December 02, 2011 8:33 AM
To: Dorothy Menasco
Cc: Hong Wang; Matilda Sanders
Subject: FW: Name change request for information

FPSC, CLK - CORRESPONDENCE
 Administrative Parties Consumer
 DOCUMENT NO. 00056-11
 DISTRIBUTION:

Dorothy,

We received a notice of name change through e-filings regarding the below correspondence. The notice has been document numbered DN 08729-11 and will be placed in Dockets 110000-OT, 100437-EI, 100461-EI, and 110009-EI. A copy of this e-mail will be placed in parties correspondence.

Thanks.

Marguerite H. McLean
 Records Technician
 Florida Public Service Commission
 Office of Commission Clerk
 2540 Shumard Oak Boulevard
 Tallahassee, Florida 32399-0850
 850-413-6824

From: Matilda Sanders
Sent: Friday, December 02, 2011 8:17 AM
To: Marguerite McLean
Cc: Hong Wang; Dorothy Menasco
Subject: RE: Name change request for information

FYI.... it came into the e-filings. See below please.

From: Dorothy Menasco
Sent: Wednesday, November 30, 2011 12:00 PM
To: 'Costello, Jeanne'
Cc: Hong Wang; Matilda Sanders
Subject: RE: Name change request for information

Hi Jeanne,

Congratulations to Blaise and her new hubby! No, you do not need to do a notice of change for each docket, individually. A blanket notice will suffice. However, unless you need the notice to be document numbered and made part of the record for each docket, all you really need to do is send an e-mail to clerk@psc.state.fl.us, list all the docket numbers, and indicate what contact information is being revised. We would then make those changes to the parties list in each docket and place the e-mailed request in the parties correspondence for each docket. I hope you find this information helpful. If you have any questions, feel free to give me a call or drop me an e-mail. Thank you, Jeanne!

Dorothy Menasco
 Florida Public Service Commission
 Office of Commission Clerk

12.2.11
 Info. updated
 M/McLean

12/2/2011

850-413-6770

Please note: Florida has a very broad public records law. Most written communications to or from state officials regarding state business are public records available to the public and media upon request. Your e-mail communications may therefore be subject to public disclosure.

From: Costello, Jeanne [mailto:jcostello@carltonfields.com]
Sent: Wednesday, November 30, 2011 11:38 AM
To: Dorothy Menasco
Subject: Name change request for information

Hi Dorothy,

Blaise Huhta has recently gotten married and we need to change her name and email address on the dockets she's working in. Do we have to do a notice of change for each docket or can we do a blanket one and list all the docket numbers?
Thanks.

Jeanne

12/2/2011

Marguerite McLean

From: Marguerite McLean
Sent: Monday, October 10, 2011 8:46 AM
To: Ann Cole
Cc: Hong Wang; Rhonda Hicks; 'billn@fcan.org'
Subject: RE: To CLK Docket 110009

FPSC, CLK - CORRESPONDENCE
~~Administrative~~ ~~Parties~~ ~~Consumer~~
DOCUMENT NO. 00056-11
DISTRIBUTION: _____

The below information has been added to the parties list in Docket 110009-EI.

Florida Consumer Action Network Inc
Bill Newton
3006 W Kennedy Blvd Ste B
Tampa, FL 33609
Phone: 813-877-6712
Email: billn@fcan.org

Marguerite H. McLean
Records Technician
Florida Public Service Commission
Office of Commission Clerk
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850
850-413-6824

-----Original Message-----

From: Ann Cole
Sent: Friday, October 07, 2011 3:07 PM
To: Marguerite McLean
Cc: Rhonda Hicks; Hong Wang
Subject: FW: To CLK Docket 110009

Thanks, Rhonda. I'm forwarding this to Marguerite.

-----Original Message-----

From: Rhonda Hicks
Sent: Friday, October 07, 2011 10:55 AM
To: Ann Cole
Subject: FW: To CLK Docket 110009

-----Original Message-----

From: Ruth McHargue

Sent: Friday, October 07, 2011 9:25 AM
To: Rhonda Hicks
Subject: FW: To CLK Docket 110009

Not sure who in the Clerk's office gets this request.

-----Original Message-----

From: Consumer Contact
Sent: Friday, October 07, 2011 8:30 AM
To: Ruth McHargue
Subject: To CLK Docket 110009

Copy on file, see 1033300C. DH

-----Original Message-----

From: Webmaster
Sent: Friday, October 07, 2011 8:17 AM
To: Consumer Contact
Subject: RE: My contact

-----Original Message-----

From: contact@psc.state.fl.us [mailto:contact@psc.state.fl.us]
Sent: Thursday, October 06, 2011 5:05 PM
To: Webmaster
Subject: My contact

Contact from a Web user

Contact Information:

Name: Bill Newton
Company: Florida Consumer Action Network Inc Primary Phone: 8138776712 Secondary Phone:
Email: billn@fcan.org

Response requested? No
CC Sent? No

Comments:

Please add Florida Consumer Action Network to the list of interested parties for Docket 110009 Advanced Nuclear Cost Recovery

3006 W Kennedy Blvd Ste B

Tampa, FL 33609

110009-EI

Dorothy Menasco

From: Filings@psc.state.fl.us
Sent: Monday, August 15, 2011 3:07 PM
To: WOODS.MONICA
Cc: Matilda Sanders; Diamond Williams; Hong Wang; Ann Cole
Subject: FW: Docket No. 110009 -EI - Stipulation
Attachments: PEF Phase Stipulation Final 8-15.docx

FPSC, CLK - CORRESPONDENCE		
<input type="checkbox"/> Administrative	<input checked="" type="checkbox"/> Parties	<input type="checkbox"/> Consumer
DOCUMENT NO. 00056-11		
DISTRIBUTION:		

We are in receipt of your filing below. However, this filing is not eligible for electronic filing. Please see e-filing requirements on the PSC webpage at: <http://www.psc.state.fl.us/dockets/e-filings/> Specifically:

E-Mail Transmitting an Electronically Filed Document

- The e-mail message transmitting the document(s) to be filed is not itself considered a filing. Therefore, documents contained within the text of an e-mail transmission will not be considered filed.

Manner of Electronic Transmission:

- Documents shall be signed by typing "s/" followed by the signatory:
s/ First M. Last
- The acknowledgment indicates the document has been received, but does not confirm the document meets the requirements for electronic filing.

Your filing will need to be revised and resubmitted in order to be officially accepted for filing.

Please feel free to call our office if you have any questions.

Dorothy Menasco
Florida Public Service Commission
Office of Commission Clerk
850-413-6770

Please note: Florida has a very broad public records law. Most written communications to or from state officials regarding state business are public records available to the public and media upon request. Your e-mail communications may therefore be subject to public disclosure.

From: WOODS.MONICA [mailto:WOODS.MONICA@leg.state.fl.us]
Sent: Monday, August 15, 2011 3:02 PM
To: Filings@psc.state.fl.us
Subject: FW: Docket No. 110009 -EI - Stipulation

From: WOODS.MONICA
Sent: Monday, August 15, 2011 1:52 PM
To: 'clerk@psc.state.fl.us'; Allan Jungels; Anna Williams (anwillia@psc.state.fl.us); Blaise N. Huhta; Bryan Anderson; James M. Walls; James W. Brew; Jessica Cano (Jessica.Cano@fpl.com); John Burnett; John Moyle; Keino Young; Ken Hoffman; Paul Lewis; Randy B. Miller; Vickie Gordon Kaufman

8/15/2011

(vkaufman@kagmlaw.com)

Subject: FW: Docket No. 110009 -EI - Stipulation

Please see attached per Charles Rehwinkel.

From: REHWINKEL.CHARLES

Sent: Monday, August 15, 2011 10:37 AM

To: Burnett, John; 'Huhta, Blaise N.'; James W. Brew; Vicki Gordon Kaufman; jmoyle@kagmlaw.com; Karen S. White; Jamie Whitlock; kyoung@psc.state.fl.us; Anna Norris

Cc: SAYLER.ERIK; KELLY.JR

Subject: Docket No. 110009 -EI - Stipulation

All:

Below is the agreement that all parties have reached in the PEF phase of the NCRC docket. At staff's request I added a section at the end which lists the witnesses who are stipulated and excused from live testimony. I am attaching a word version as well.

PEF Phase Stipulation

1. As a compromise in settlement, Progress (PEF) agrees to permanently forgo collection of \$500,000 in Project Management Costs to resolve Issue 31. This adjustment will be recognized in the order issued in Docket 110009-EI, but the full revenue requirement effect will be reflected as a true-up in the March 2012 NFRs.
2. For 2009 & 2010 CR3 EPU project costs, the parties do not object to the Commission making a final prudence determination for those costs pursuant to Sections 366.93 and 403.519(4), Fla. Stat. in the 2011 NCRC docket. In so agreeing the parties maintain and do not waive, concede, or give up their right to offer any testimony in any other FPSC docket, nor do they waive, concede, or give up any remedy at law that may exist in any other docket.
3. PEF will not offer Jon Franke's May 2, 2011 Direct Testimony or Exhibits or his July 25, 2011 Rebuttal Testimony or Exhibits in the 2011 NCRC proceedings.
4. All witnesses in the PEF phase of the case shown on pages 5 & 6 of the prehearing order are stipulated except for Foster, Elnitsky and Jacobs. Foster will present direct and rebuttal at the same time but will not be subject to excusal until Elnitsky's Direct testimony is concluded. A public version of the July 21, 2011 deposition of Staff Witnesses Coston and Carpenter will be admitted as an exhibit in the record.
5. The order of witnesses for the PEF phase of the case will be as follows and replace the PEF phase witness order listing on pages 5 & 6 of the Prehearing Order:

DIRECT

1. Thomas G. Foster (Direct and Rebuttal together and subject to recall at the conclusion of John Elnitsky's Direct)

8/15/2011

2. John Elnitsky

3. William R. Jacobs

REBUTTAL

1. John Elnitsky

As a consequence, the prefiled testimony and exhibits of the following witnesses will be entered into the record by stipulation and the witnesses will be excused from being present at the hearing:

- a. Will Garret
- b. Jon Franke
- c. Sue Hardison
- d. William Coston
- e. Kevin Carpenter
- f. Jeffery A. Small

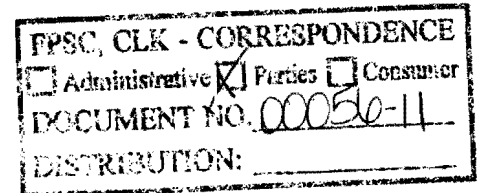
Diamond Williams

110009-E1

From: Filings@psc.state.fl.us
Sent: Monday, August 01, 2011 10:21 AM
To: 'White, Karen S Civ USAF AFLOA JAACL/ULT'; Filings@psc.state.fl.us; Marguerite McLean
Cc: Bryan.Anderson@fpl.com; mbernier@carltonfields.com; jbrew@bbrslaw.com; john.burnett@pgnmail.com; jessica.cano@fpl.com; gadavis@enviroattorney.com; mfeil@gunster.com; alex.glenn@pgnmail.com; bhuhta@carltonfields.com; vkaufman@kagmlaw.com; paul.lewisjr@pgnmail.com; RMiller@pcsphosphate.com; jmoyle@kagmlaw.com; Anna Norris; Charles Rehwinkel; sayler.erik@leg.state.fl.us; ataylor@bbrslaw.com; mwalls@carltonfields.com; Jamie Whitlock; Keino Young; WOODS.MONICA
Subject: RE: FEA Preahearing Statement

Ms. White:

We are in receipt of your attached e-filing. Please note that, per the Commission's e-filing requirements, documents are to include an official signature. Your document will need to be revised and resubmitted to be considered an official filing.



Manner of Electronic Transmission:

- Documents shall be signed by typing "s/" followed by the signatory: s/ First M. Last
- The acknowledgment indicates the document has been received, but does not confirm the document meets the requirements for electronic filing.

A link to the Commission's e-filing requirements is included for your convenience:

<http://www.psc.state.fl.us/dockets/e-filings/>

Please call our office if you have any questions.

Thank you,

Diamond Williams
 Comm. Deputy Clerk I
 Office of Commission Clerk
 Florida Public Service Commission
 Email: diwillia@psc.state.fl.us
 Phone: 850-413-6094

Please note: Florida has a very broad public records law. Most written communications to or from state officials regarding state business are considered to be public records and will be made available to the public and the media upon request. Therefore, your e-mail message may be subject to public disclosure.

-----Original Message-----

From: White, Karen S Civ USAF AFLOA JAACL/ULT [mailto:Karen.White@tyndall.af.mil]
Sent: Friday, July 29, 2011 4:41 PM
To: Filings@psc.state.fl.us
Cc: Bryan.Anderson@fpl.com; mbernier@carltonfields.com; jbrew@bbrslaw.com; john.burnett@pgnmail.com; jessica.cano@fpl.com; gadavis@enviroattorney.com; mfeil@gunster.com; alex.glenn@pgnmail.com; bhuhta@carltonfields.com; vkaufman@kagmlaw.com; paul.lewisjr@pgnmail.com;

RMiller@pcsp phosphate.com; jmoyle@kagmlaw.com; Anna Norris; Charles Rehwinkel;
sayler.erik@leg.state.fl.us; ataylor@bbrslaw.com; mwalls@carltonfields.com; Jamie Whitlock; Keino Young;
WOODS.MONICA; Diamond Williams
Subject: RE: FEA Preahearing Statement

Thank you--my apologies for the mistake. Attached please find the corrected document in both PDF and Word format.

Regards-
Karen

-----Original Message-----

From: Filings@psc.state.fl.us [mailto:Filings@psc.state.fl.us]
Sent: Friday, July 29, 2011 2:53 PM
To: White, Karen S Civ USAF AFLOA JAACL/ULT
Cc: Bryan.Anderson@fpl.com; mbernier@carltonfields.com; jbrew@bbrslaw.com; john.burnett@pgnmail.com;
jessica.cano@fpl.com; gadavis@enviroattorney.com; mfeil@gunster.com; alex.glenn@pgnmail.com;
bhuhtha@carltonfields.com; vkaufman@kagmlaw.com; paul.lewisjr@pgnmail.com;
RMiller@pcsp phosphate.com; jmoyle@kagmlaw.com; Anna Norris; Charles Rehwinkel;
sayler.erik@leg.state.fl.us; ataylor@bbrslaw.com; mwalls@carltonfields.com; Jamie Whitlock; Keino Young;
WOODS.MONICA; Diamond Williams
Subject: FW: FEA Preahearing Statement

Ms. White:

We have received the attachments referenced in your e-filing below. Please note that per Commission e-filing requirements, any cover letter or certificate of service must be included in the electronic document to which it relates, and shall not be submitted as a separate attachment to the email. A link to the Commission's e-filing requirements is included for your convenience:

<http://www.floridapsc.com/dockets/e-filings/>

Your filing will need to be revised and resubmitted in order to be eligible for electronic filing.

Please feel free to call our office if you have any questions.

Dorothy Menasco
Florida Public Service Commission
Office of Commission Clerk
850-413-6770

Please note: Florida has a very broad public records law. Most written communications to or from state officials

regarding state business are public records available to the public and media upon request. Your e-mail communications may therefore be subject to public disclosure.

From: White, Karen S Civ USAF AFLOA JACL/ULT [mailto:Karen.White@tyndall.af.mil]
Sent: Thursday, July 28, 2011 6:27 PM
To: Filings@psc.state.fl.us
Cc: Bryan.Anderson@fpl.com; mbernier@carltonfields.com; jbrew@bbrslaw.com; john.burnett@pgnmail.com; jessica.cano@fpl.com; gadavis@enviroattorney.com; mfeil@gunster.com; alex.glenn@pgnmail.com; bhuhtha@carltonfields.com; vkaufman@kagmlaw.com; paul.lewisjr@pgnmail.com; RMiller@pcsphosphate.com; jmoyle@kagmlaw.com; Anna Norris; Charles Rehwinkel; sayler.erik@leg.state.fl.us; ataylor@bbrslaw.com; mwalls@carltonfields.com; White, Karen S Civ USAF AFLOA JACL/ULT; Jamie Whitlock; Keino Young; WOODS.MONICA
Subject: FEA Prehearing Statement

Docket 110009

In re: Nuclear Cost Recovery Clause

1. This document is being filed by

Karen S. White

Staff Attorney

US Air Force Utility Law Field Support Center

139 Barnes Drive

Tyndall AFB, FL 32403

850-283-6348

Karen.white@tyndall.af.mil

2. This document is being filed on behalf of Federal Executive Agencies
3. This document is Federal Executive Agencies Prehearing Statement

4. This document consists of eleven (11) pages.

FPSC, CLK - CORRESPONDENCE		
<input type="checkbox"/> Administrative	<input checked="" type="checkbox"/> Parties	<input type="checkbox"/> Consumer
DOCUMENT NO. 00050-11		
DISTRIBUTION:		

Diamond Williams

110009-E1

From: Filings@psc.state.fl.us
Sent: Friday, July 29, 2011 3:53 PM
To: 'karen.white@tyndall.af.mil'
Cc: Bryan.Anderson@fpl.com; mbernier@carltonfields.com; jbrew@bbrslaw.com; john.burnett@pgnmail.com; jessica.cano@fpl.com; gadavis@enviroattorney.com; mfeil@gunster.com; alex.glenn@pgnmail.com; bhuhta@carltonfields.com; vkaufman@kagmlaw.com; paul.lewisjr@pgnmail.com; RMiller@pcsphosphate.com; jmoyle@kagmlaw.com; Anna Norris; Charles Rehwinkel; sayler.erik@leg.state.fl.us; ataylor@bbrslaw.com; mwalls@carltonfields.com; Jamie Whitlock; Keino Young; WOODS.MONICA; Diamond Williams
Subject: FW: FEA Prehearing Statement
Attachments: certificate of service prehearing statement.pdf; prehearing statement 110009.docx; prehearing statement.pdf

Ms. White:

We have received the attachments referenced in your e-filing below. Please note that per Commission e-filing requirements, any cover letter or certificate of service must be included in the electronic document to which it relates, and shall not be submitted as a separate attachment to the email. A link to the Commission's e-filing requirements is included for your convenience:

<http://www.floridapsc.com/dockets/e-filings/>

Your filing will need to be revised and resubmitted in order to be eligible for electronic filing.

Please feel free to call our office if you have any questions.

Dorothy Menasco
Florida Public Service Commission
Office of Commission Clerk
850-413-6770

Please note: Florida has a very broad public records law. Most written communications to or from state officials regarding state business are public records available to the public and media upon request. Your e-mail communications may therefore be subject to public disclosure.

From: White, Karen S Civ USAF AFLOA JAAC/ULT [mailto:Karen.White@tyndall.af.mil]
Sent: Thursday, July 28, 2011 6:27 PM
To: Filings@psc.state.fl.us
Cc: Bryan.Anderson@fpl.com; mbernier@carltonfields.com; jbrew@bbrslaw.com; john.burnett@pgnmail.com; jessica.cano@fpl.com; gadavis@enviroattorney.com; mfeil@gunster.com; alex.glenn@pgnmail.com; bhuhta@carltonfields.com; vkaufman@kagmlaw.com; paul.lewisjr@pgnmail.com; RMiller@pcsphosphate.com; jmoyle@kagmlaw.com; Anna Norris; Charles Rehwinkel; sayler.erik@leg.state.fl.us; ataylor@bbrslaw.com; mwalls@carltonfields.com; White, Karen S Civ USAF AFLOA JAAC/ULT; Jamie Whitlock; Keino Young; WOODS.MONICA
Subject: FEA Prehearing Statement

Docket 110009
 In re: Nuclear Cost Recovery Clause

1. This document is being filed by

8/1/2011

Karen S. White
Staff Attorney
US Air Force Utility Law Field Support Center
139 Barnes Drive
Tyndall AFB, FL 32403
850-283-6348
Karen.white@tyndall.af.mil

2. This document is being filed on behalf of Federal Executive Agencies
3. This document is Federal Executive Agencies Prehearing Statement
4. This document consists of eleven (11) pages.

Diamond Williams

110009-EI

From: Filings@psc.state.fl.us
Sent: Wednesday, July 13, 2011 9:12 AM
To: Charles Rehwinkel; Gary A. Davis ; James Brew; John C. Moyle, Jr.; Vicki Kaufaman; James S. Whitlock
Cc: WOODS.MONICA; Filings@psc.state.fl.us; KELLY.JR; Diamond Williams
Subject: RE: Docket No. 110009-EI - Service Issues related to OPC Testimony in PEF segment
 Mr. Rehwinkel:

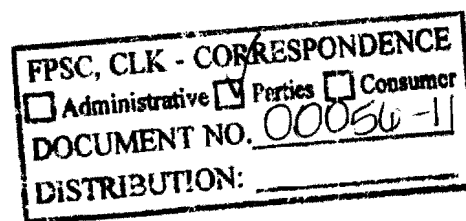
We will be placing your comments below in parties correspondence for Docket 110009-EI without further action.

If you are filing documents to be placed in a docket file, please see the Commission's e-filing requirements at:

<http://www.psc.state.fl.us/dockets/e-filings/>

Please contact our office if you have any questions.

Dorothy Menasco
Florida Public Service Commission
Office of Commission Clerk
 850-413-6770



Please note: Florida has a very broad public records law. Most written communications to or from state officials regarding state business are public records available to the public and media upon request. Your e-mail communications may therefore be subject to public disclosure.

From: REHWINKEL.CHARLES [mailto:REHWINKEL.CHARLES@leg.state.fl.us]
Sent: Tuesday, July 12, 2011 3:49 PM
To: Gary A. Davis ; James Brew; John C. Moyle, Jr.; Vicki Kaufaman; James S. Whitlock
Cc: WOODS.MONICA; Filings@psc.state.fl.us; KELLY.JR
Subject: Docket No. 110009-EI - Service Issues related to OPC Testimony in PEF segment

All:

Due to an error in the mailroom that serves the OPC, the testimony filed with the Commission on July 8, 2010 appears to have been postmarked on Monday, July 11th. Although these circumstances were outside of the control of the OPC, we regret the delay and inconvenience. We will take steps to insure that this does not occur again. In the meantime, we expect that the testimony will arrive no later than Wednesday, July 13th at your offices. If you should require alternative arrangements, please contact Monica Woods at 850/488-9330.

Thank you.

Charles

7/13/2011

Dorothy Menasco

FPSC, CLK - CORRESPONDENCE

Administrative ~~X~~ Parties Consumer

110009-EI

From: Filings@psc.state.fl.us
Sent: Monday, April 11, 2011 4:19 PM
To: 'Lee, David'; Filings@psc.state.fl.us
Cc: Anderson, Bryan; Cano, Jessica; Leon, Jack; Diamond Williams
Subject: RE: Correction FPL's Notice of Service of Objections to OPC's 7th Request for Production of Documents (Nos. 61 & 62) - Docket No. 110009-EI

DOCUMENT NO. 00050-11
DISTRIBUTION: _____

Mr. Lee:

We received the e-filing cover page below, however there was no attachment included. Please resubmit information, with attachment(s), to be considered an official filing. Thank you for your assistance.

*Dorothy Menasco
 Deputy Clerk Supervisor
 Florida Public Service Commission
 Office of Commission Clerk
 850-413-6770*

Please note: Florida has a very broad public records law. Most written communications to or from state officials regarding state business are public records available to the public and media upon request. Your e-mail communications may therefore be subject to public disclosure.

From: Lee, David [mailto:David.Lee@fpl.com]
Sent: Monday, April 11, 2011 2:27 PM
To: Filings@psc.state.fl.us
Cc: Anderson, Bryan; Cano, Jessica; Leon, Jack
Subject: RE: Correction FPL's Notice of Service of Objections to OPC's 7th Request for Production of Documents (Nos. 61 & 62) - Docket No. 110009-EI

Electronic Filing

a. Person responsible for this electronic filing:

David M. Lee
 Attorney
 Florida Power & Light Company
 Law Department
 700 Universe Blvd.
 Juno Beach, FL 33408
 Office: (561) 691-7107
 Fax: (561) 691-7103
david.lee@fpl.com

b. Docket No. 110009-EI
 In re: Nuclear Power Plant
 Cost Recovery Clause

c. Documents are being filed on behalf of Florida Power & Light Company.

d. There are a total of 3 pages in the attached document.

e. The document attached for electronic filing is Florida Power & Light Company's Notice of Service of

4/11/2011

Objections to OPC's 7th Request for Production of Documents (Nos. 61 & 62).

Thank you for your attention and cooperation to this request.

David M. Lee
Attorney
Florida Power & Light Company
Law Department
700 Universe Blvd.
Juno Beach, FL 33408
Office: (561) 691-7107
Fax: (561) 691-7103
david.lee@fpl.com

Marguerite McLean

110009-EI

From: Filings@psc.state.fl.us
Sent: Friday, March 25, 2011 1:41 PM
To: 'ROBERTS.BRENDA@leg.state.fl.us'
Subject: FW: E-filing (Dkt. No. 110009-EI)
Attachments: 110009.nos.doc

FPSC, CLK - CORRESPONDENCE
Administrative Parties Consumer
DOCUMENT NO. 00056-11
DISTRIBUTION: _____

Ms. Roberts:

We are in receipt of your attached e-filing. Please note that, per the Commission's e-filing requirements, documents are to include an official signature. Your document will need to be revised and resubmitted to be considered an official filing.

Manner of Electronic Transmission:

- Documents shall be signed by typing "s/" followed by the signatory:
s/ First M. Last
- The acknowledgment indicates the document has been received, but does not confirm the document meets the requirements for electronic filing.

A link to the Commission's e-filing requirements is included for your convenience:
<http://www.psc.state.fl.us/dockets/e-filings/>

Please call our office if you have any questions.

Marguerite H. McLean
Commission Deputy Clerk II
Florida Public Service Commission
Office of Commission Clerk
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850
850-413-6770

From: ROBERTS.BRENDA [mailto:ROBERTS.BRENDA@leg.state.fl.us]
Sent: Friday, March 25, 2011 10:28 AM
To: Filings@psc.state.fl.us
Cc: Allan Jungels; Anna Williams; Blaise N. Huhta; Bryan Anderson; James M. Walls; James W. Brew; Jessica Cano (Jessica.Cano@fpl.com); John Burnett; John Moyle; Keino Young; Ken Hoffman; Paul Lewis; Randy B. Miller; Vickie Gordon Kaufman (vkaufman@kagmlaw.com)
Subject: E-filing (Dkt. No. 110009-EI)

Electronic Filing

a. Person responsible for this electronic filing:

Joseph A. McGlothlin, Associate Public Counsel
Office of Public Counsel
c/o The Florida Legislature
111 West Madison Street, Room 812
Tallahassee, FL 32399-1400
(850) 488-9330
mcglothlin.joseph@leg.state.fl.us

3/25/2011

b. Docket No. 110009-EI

In re: Nuclear Cost Recovery Clause.

c. Document being filed on behalf of Office of Public Counsel

d. There are a total of 3 pages.

e. The document attached for electronic filing is OPC's Notice of Service.
(See attached file: 110009.nos.sversion.doc)

Thank you for your attention and cooperation to this request.

Brenda S. Roberts
Office of Public Counsel
Telephone: (850) 488-9330
Fax: (850) 488-4491

Diamond Williams

110009-E1

From: Dorothy Menasco
Sent: Thursday, March 24, 2011 7:51 AM
To: Diamond Williams; Matilda Sanders
Cc: Ann Cole; Hong Wang; Marguerite McLean
Subject: FW: Correspondence from Mr. Robert H. Smith

Attachments: 06674-09.pdf

FPSC, CLK - CORRESPONDENCE		
<input type="checkbox"/> Administrative	<input checked="" type="checkbox"/> Parties	<input type="checkbox"/> Consumer
DOCUMENT NO. 00056-11		
DISTRIBUTION: _____		



06674-09.pdf
(690 KB)

FYI, regarding Mr. Smith's future correspondence. Let me know if you have any questions.

-----Original Message-----

From: Mary Anne Helton
Sent: Wed 3/23/2011 4:39 PM
To: 'rpjrb@yahoo.com'
Cc: Office Of Commissioner Edgar; Office Of Commissioner Graham; Office of Commissioner Brisé; Office of Commissioner Balbis; Office of Commissioner Brown; 'rick.scott@eog.myflorida.com'; 'jennifer.carroll@eog.myflorida.com'; 'danlarsen@bellsouth.net'; 'kelly.sullivan.woods@gmail.com'; 'ken.hoffman@fpl.com'; 'vkaufman@kagmlaw.com'; 'mcglathlin.joseph@leg.state.fl.us'; 'John.'; Ann Cole; Curt Kiser; Dorothy Menasco; Lisa Bennett; John Slemkewicz; Jennifer Crawford; Marshall Willis
Subject: Correspondence from Mr. Robert H. Smith

Dear Mr. Smith,

Due to the extraordinary volume and repetitious nature of information you send to the Commission, we are instituting a new process by which your correspondence will be maintained by the Commission Clerk. This change has become necessary due to the demands in staff time and resources that have been required to process your correspondence, in multiple dockets, as you've requested. This has a profound impact on the time and resources available for this office.

According to the Statement of Agency Organization and Operations, the Office of Commission Clerk, Documents Section, accepts official filings and maintains the official case files, including the correspondence files. The Clerk relies on the expertise of the Deputy Commission Clerk to ensure that filed documents and correspondence documents are processed correctly. Filings and documents placed in the correspondence files must have relevance to those dockets. The FPSC strives to make as many records, reports, and other documents filed with or produced by the Commission available at no charge on the Web site. Although the Commission finds it helpful to know what documents the public is interested in viewing, documents cannot be posted on the internet upon demand. Providing accessibility of documents on the Web site is an Agency decision.

The Clerk's Office does not have the resources, nor does it offer the service of responding to inquiries asking

when scanned documents will be available on the Web site. Most filings are available on the Web site within four hours of filing, or the next business day, if filed after 1:00 p.m. Correspondence documents are not official filings; however, these documents are also available on the Web site as soon as they can be processed by the Documents Section, and within a reasonable timeframe. Although the Clerk's Office is responsible for assisting the public, persons making inquiries should be mindful that unnecessary interruptions delay document processing and extend the reasonable timeframe that the Documents Section is able to display the official filings and correspondence documents.

On a going-forward basis, all future correspondence from you should be directed solely to Ann Cole, and will be placed in the Clerk's Office where it will be available for review and copying, consistent with Florida's Public Records Law. The clerk will no longer place your correspondence on the website. A copy of this e-mail will be placed in the correspondence files for Docket Nos. 080677-EI, 100410-EI, and 110009-EI, so that the record is clear that future correspondence will be maintained with the records of the Commission Clerk.

Should you intervene in a docket, your participation as a party will be processed in accordance with our standard procedures for parties for that docket.

I am attaching for your reference a letter that was sent to you on July 9, 2009, from then-General Counsel Patrick Imhof. The letter addresses many of the same concerns and difficulties that continue to be posed by the volume and nature of the correspondence and information requests that you send. I hope that the information discussed in the attached letter may be helpful.

Sincerely,

Mary Anne Helton, Deputy General Counsel

Mary Anne Helton
Deputy General Counsel
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0862
(850) 413-6096 (voice)
(850) 413-6250 (fax)
mhelton@psc.state.fl.us

STATE OF FLORIDA

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



GENERAL COUNSEL
PATRICK L. "BOOTER" IMHOF
(850) 413-6199

Public Service Commission

July 2, 2009

RECEIVED-FPSC
09 JUL -2 AM 10:58
COMMISSION
CLERK

Mr. Robert H. Smith
11340 Heron Bay Blvd.
Coral Springs, FL 33076

Re: Document Requests in Docket No. 080677-EI - Petition for increase in rates by Florida Power & Light Company.

Dear Mr. Smith:

I am responding to your multiple requests for documents and for assistance in developing information related to the FPL rate case. You have transmitted multiple requests, some including questions you wish for us to send to FPL for response. The Commission has established rules and procedures to guide persons who wish to intervene in a proceeding. You, as a person requesting to be a party intervenor, must follow the same procedures and rules laid out for all other party intervenors to this docket. As Anna Williams explained in the letter attached to her May 29, 2009, email to you, a proper request for intervention must be filed in accordance with Rules 25-22.039 and 28-106.201(2), Florida Administrative Code. The emails you have sent are insufficient to establish you as an intervening party in this proceeding. Procedures for filing a petition to intervene can be found on our website at <http://www.psc.state.fl.us/dockets/e-filings/>.

Allow me a moment to explain the role of the Commission and Commission staff in this proceeding. The Commission, as regulator of investor-owned utilities, functions in a quasi-judicial capacity. The Commission considers the testimony filed by the utility and intervenors. The Commission does not and cannot represent the interests of an individual party to this or any proceeding. Rather, the Commission's job is to weigh and evaluate all of the information provided to it in the record. Each party to the proceeding has the opportunity to provide the Commission with testimony and exhibits. Each party also has the opportunity to conduct discovery and to cross-examine witnesses, much as a party to a court proceeding would do.

The legislature, realizing that ratepayers often do not have the financial resources to intervene in these proceedings, created a separate agency to represent consumers. The Office of Public Counsel (OPC) represents consumer interests before the Public Service Commission and has intervened as a party in this proceeding. You can contact OPC for assistance at 1-800-342-0222 or <http://www.floridaopc.gov/>.

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

An Affirmative Action / Equal Opportunity Employer

PSC Website: <http://www.floridapsc.com>

Internet E-mail: contact@psc.state.fl.us

DOCUMENT NUMBER - DATE
06674 JUL-28
FPSC-COMMISSION CLERK

Mr. Robert Smith
Page 2
July 2, 2009

However, if you wish for FPL to answer your specific questions in this matter, you must become a party to this rate proceeding so that you may directly engage in discovery and issue development. You must file your own Petition to Intervene, as Anna Williams previously explained. In your email to Anna Williams, you requested that our office place your correspondence in the docket so that it would be considered as a petition to intervene. Please be advised that the General Counsel's office cannot do that for you. We represent the Public Service Commission and not any individual party to this docket.

Finally, you have sent numerous emails to the Clerk of the Commission stating that you were requesting Freedom of Information Act (FOIA) responses. While some of the requests merely ask for documents, many of your requests seek Commission staff to provide you with an analysis of FPL's filings. The FOIA is a federal law directed to federal agencies. In Florida, governmental agencies are governed by the Public Records Act (Chapter 119, Florida Statutes). As such, when an individual requests documents, we are required to provide those documents to that person at a nominal charge. The Public Records Act does not require a governmental agency to conduct in-depth research and analysis to answer an individual's questions. It does require a governmental agency, in response to a records request, to provide copies of the documents responsive to that request. As a governmental agency, working for the public, we attempt to help individuals as much as possible to answer questions. In your case, we have performed records searches to make certain we provide you with links to or copies of documents that contain information which you may use to answer your questions. But, as I stated above, we also have specific duties we perform in developing the record for the rate proceeding and we have limited resources to perform those duties. Accordingly, please consider the following as the Commission's complete response to the Public Records requests you have previously forwarded by electronic mail.

1. Your May 28, 2009, electronic mail to Kimberly Pena, asked:

- Is FPL the only regulated entity of FPL Group, FPL?

PSC Response: Commission's Website link provided by Kim Pena for your research. No further PSC action required.

- If so, is each company maintaining the following? 1. Separate Cash Account. How is the company accounting for the intercompany cash transactions? 2. Separate Billing System. Is the only billing system that is being maintained by FPL Group for the utility? If not, then are there separate billing systems of the non-regulated subsidiaries? 3. Separate Work Order System. What type of work order system is being utilized to record direct expenses at FPL and FPL Group? Is there a separate system for each entity? If not, what type of controls has been put into place to ensure that all capital expenditures/expenses are being cleared to the appropriate company account?

PSC Response: Website link provided by Kim Pena for your research. Questions do not constitute a public records request. No further PSC action will be taken on these questions.

- When the company was incorporated in 2000 and the fiber cable was transferred from FPL to FPL FiberNet what valuation was used to transfer these assets? Where they transferred at market value or historical cost? If they were transferred at market value then did the ratepayers receive a benefit for the quasi sale of these assets? Are there any revenues being generated by FPL Fibernet?

PSC Response: Website link provided by Kim Pena for your research. Questions do not constitute a public records request. No further PSC action will be taken on these questions.

2. Your May 7, 2009, electronic mail to Andrew Maurey

- Requested 12 months of rate year surveillance reports:

PSC Response: Requested public record copied and provided to you.

3. Your May 7, 2009, electronic mail to Ann Cole, Commission Clerk

- Requested accounting information related to specific questions or alternatively requesting staff send your questions as interrogatories to FPL.

PSC Response: No documents in PSC possession responsive to request. It appears you are asking Commission staff to create documents in response to your requests which does not constitute a public records request. As noted above you may submit interrogatories to FPL if you intervene in the proceeding. No further PSC action will be taken.

4. Your May 6, 2009, electronic mail to Andrew Maurey and Tim Devlin responding to Andrew Maurey's prior email

- Included numerous additional questions in response to a prior correspondence from Mr. Maurey in which Mr. Maurey answered many of your original questions and also made arrangements to provide you with documents from a prior public record request.

PSC Response: Your responses to Mr. Maurey are not public records requests, with the exception of your response to request #5 to provide all interrogatory responses with regard to accepting the current (2005 rate case) stipulation. There are no interrogatories or responses to interrogatories regarding the 2005 rate case stipulation. Mr. Maurey previously provided all public records responsive to the prior inquiry. No further PSC action will be taken on this email.

5. Your April 28, 2009, electronic mail to Andrew Maurey and Tim Devlin

- You requested surveillance reports in this email. You also had numerous questions about studies being conducted for the revenue sharing plan. You asked about the fuel

Mr. Robert Smith
Page 4
July 2, 2009

adjustment clause reconciliation and specifically how that affects the base rate case. You requested that the holding company structure be reviewed. You asked how the revenue sharing plan works. You asked several questions about the terms of the 2005 stipulation to which Mr. Maurey provided answers.

PSC Response: Except for the surveillance reports and the fuel adjustment reconciliation, there are no documents responsive to a public records request. Surveillance reports have been provided to you. The fuel adjustment reconciliation for 2008 can be found at Order No. PSC-08-0824-FOF-EI, in Docket No. 080001-EI. The fuel adjustment reconciliation for 2009 will occur in Docket No. 090001-EI at the November 2009 fuel adjustment hearing. Further information on dates and times of fuel adjustment proceeding can be found in Docket No. 090001-EI, Order No. PSC-09-0142-PCO-EI. The PSC website is at www.psc.state.fl.us/. No further PSC action will be taken on this email.

6. Your Original Web Request dated April 21, 2009

- Requested a PSC annual report for Florida Power & Light Group that includes the compensation of officers and directors of FPL Group. You asked about the allowed ROE of 11.75% referred to in FPL's 10K, and a copy of FPL's depreciation study

PSC Response: PSC annual Report for FPL Group – There is no document responsive to this request.

Allowed ROE of 11.75% - There is no document responsive to this request.

Depreciation Study – can be viewed on the Commission web-site in Docket No 090130-EI. Hard copies could be provided upon request at the cost established by the Commission and published on its website. No further PSC action on this request will be taken unless you indicate that you wish to receive hard copies of the depreciation study.

Mr. Robert Smith
Page 5
July 2, 2009

This concludes the Commission's response to all public records requests the Commission has received from you. We have provided you either with the documents you requested or access to those documents if they are available on the website. In addition, Commission staff has spent in excess of three hours answering your specific questions that are not considered public records requests. As always, we will comply with the public records law, but at this juncture, Commission staff will not be able to spend any more time responding to your information requests. If you have additional public records requests, you will be charged pursuant to Commission's policy which is posted on our website. If you wish to become a party to the rate proceeding, you may do so and ask your questions of FPL through the discovery process.

Sincerely,



Patrick L. "Booter" Imhof
General Counsel

PLI:lcb

cc: Office of Commission Clerk ✓
Office of Public Counsel
Division of Economic Regulation

Dorothy Menasco

110009-E1

From: rpjrb@yahoo.com
Sent: Tuesday, March 08, 2011 10:41 AM
To: Ann Cole; Curt Kiser; Records Clerk; Lisa Bennett; John Slemkewicz; Jennifer Crawford; Marshall Willis
Cc: Office Of Commissioner Edgar; Office Of Commissioner Graham; Office of Commissioner Brisé; Office Of Commissioner Graham; Office of Commissioner Balbis; Office of Commissioner Brown; rick.scott@eog.myflorida.com; jennifer.carroll@eog.myflorida.com; danlarsen@bellsouth.net; kelly.sullivan.woods@gmail.com; ken.hoffman@fpl.com; vkaufman@kagmlaw.com; mcglothlin.joseph@leg.state.fl.us; John.Butler@fpl.com
Subject: Docket 100410 / 3/7/2011 Butler Response not available 3/8/2011

To all,

When will this be made available? Was this document filed on 3/7/2011? If this information is being put on the public record based upon the Certificate of Service below then I would think that any party with a legal interest should receive a copy of any response at the same time as all interested parties.

This is for the 2/28/2011 response which I think is being sent to all the parties listed below. How come I am being excluded? I am still an interested party in the case and all other parties have included me with their response.

Please let me know

Why would there be a delay?

I have not seen my correspondence put on the record for all three Dockets. What is the delay?

Will I be receiving a response to my email correspondence?

Thanks,

Robert H. Smith

FPSC, CLK - CORRESPONDENCE		
<input type="checkbox"/> Administrative	<input checked="" type="checkbox"/> Parties	<input type="checkbox"/> Consumer
DOCUMENT NO. 000910-11		
DISTRIBUTION: _____		

3/8/2011

CERTIFICATE OF SERVICE
Dockets 100410-EI

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished electronically this 28th day of February, 2011, to the following:

Jennifer Crawford, Esquire
Office of the General Counsel
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-1400
jcrawfor@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.ir@leg.state.fl.us
mcglothlin.joseph@leg.state.fl.us

Kelly Sullivan, Esq. *
570 Osprey Lakes Circle
Chuluota, FL 32766-6658
Kelly.sullivan.woods@gmail.com

Mr. and Mrs. Daniel R. Larson*
16933 W. Narlena Dr.
Loxahatchee, FL 33470
danielson@bellsouth.net

*Not a Party

By: /s/John T. Butler
John T. Butler
Florida Bar No. 283479

Page or Application Error

The page you were looking for is unknown or the service you have requested is temporarily unavailable.

Please try your request again later.

If the problem persists, please [Contact Us](#).

Document Detail for Docket Number: 100410 (49 documents)

<u>Document</u>	<u>Order</u>	<u>Date filed</u>	<u>Description</u>
01494-11		3/7/2011	FPL (Butler) - Response in opposition to FIPUG's petition to intervene and prote No. PSC-11-0103-FOF-EI

Confidentiality Statement

The documents accompanying this telecopy transmission contain information which is confidential and/or legally privileged. The information is intended only for the use of the individual or entity named on this transmission sheet. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution or the taking of any action in reliance on the contents of this telecopied information is strictly prohibited, and the documents should be returned. In this regard, if you received this telecopy in error, please contact the sender by reply E-mail and destroy all copies of the original.

Dorothy Menasco

110009-EI

FPSC, CLK - CORRESPONDENCE

~~Administrative~~ ~~Parties~~ ~~Consumer~~

DOCUMENT NO. 00056-11

DISTRIBUTION: _____

From: Ann Cole**Sent:** Friday, March 04, 2011 11:11 AM**To:** Dorothy Menasco**Subject:** FW: December 2010 ESR overearnings Calculations / Preliminary Rob Analysis Draft

Please please all non-duplicate correspondence from Mr. Smith in Docket Nos. 080677-EI, 100410-EI, and 110009-EI and e-mail Mr. Smith when this has been done. Thank you.

From: rpjrb@yahoo.com [mailto:rpjrb@yahoo.com]**Sent:** Friday, March 04, 2011 10:05 AM**To:** Ann Cole; Curt Kiser; Records Clerk; Lisa Bennett; John Slemkewicz; Jennifer Crawford; Marshall Willis

Cc: Office Of Commissioner Edgar; Office Of Commissioner Graham; Office of Commissioner Brisé; Office Of Commissioner Graham; Office of Commissioner Balbis; Office of Commissioner Brown; rick.scott@eog.myflorida.com; jennifer.carroll@eog.myflorida.com; danlarson@bellsouth.net; kelly.sullivan.woods@gmail.com; ken.hoffman@fpl.com; vkaufman@kagmlaw.com; mcglathlin.joseph@leg.state.fl.us; John.Butler@fpl.com

Subject: RE: December 2010 ESR overearnings Calculations / Preliminary Rob Analysis Draft

Dear Records Clerk,

What would be the delay to putting the email correspondence on the record below?

As per below it indicates that the "places correspondence in dockets, when appropriate". In the past all my correspondence has been made part of the public record therefore this appears to be a delay.

Based upon the email(s) below it was indicated that any information would be made available on the web within 24 hours. Based upon the emails below it appears that this process was already reviewed therefore my email information should be made part of the public record with no delay.

As per my previous motion(s) it would be within my rights to be heard on the public docket from both a Federal and State law perspective. Please see my pervious motion(s) that have been filed. In order to prevent "Ex parte" communications my information must be made part of the public record. There should be no delay.

The Administrative Procedure prohibition of ex parte communications applies only when a statute requires an agency to issue a rule or to resolve an adjudicatory dispute "on the record after opportunity for agency hearing. The two cases of agency proceedings are often referred to as formal rulemaking and formal adjudication.

Any rate case that the Florida Public Service Commission is hearing would be considered a formal rulemaking and formal adjudication therefore "ex parte communications would be prohibited based upon Title 5 of the Administrative Procedure Act.

Here is the rules that were file with my previous motion(s).

3/4/2011

As per Title 5 of §557(d) (1), §557(a), §556, §553(c), §554(a) of the Administrative Procedure Act:

§557(d) (1) prohibits ex parte communication in any agency proceeding that is subject to the Administrative Procedure Act

§557(a). This section applies “when a hearing is required to be conducted in accordance with §556 of this title

§556 applies “to hearings required by §553 and §554 of the Administrative Procedure Act

§553(c) makes §556 and §557 applicable to a rulemaking proceeding “when rules are required by statute to be made on the record after opportunity for an agency hearing”.

§554(a) makes §556 and §557 applicable “in every case of adjudication required by statute to be determined by an agency hearing

The Administrative Procedure prohibition of ex parte communications applies only when a statute requires an agency to issue a rule or to resolve an adjudicatory dispute “on the record after opportunity for agency hearing. The two cases of agency proceedings are often referred to as formal rulemaking and formal adjudication.

Any rate case that the Florida Public Service Commission is hearing would be considered a formal rulemaking and formal adjudication therefore “ex parte communications would be prohibited based upon Title 5 of the Administrative Procedure Act.

“Based upon Chapter 350.042 of the Florida Statutes it appears that I would reserve the right to be fully heard on the public record. This would include all email(s)/motion(s)/response(s). There should be no reason why I would not be able to practice before the commission in order to protect my legal interests in these proceedings. Why would I be treated differently than these public speakers?”

350.042

Ex parte communications.

—

- (1) A commissioner should accord to every person who is legally interested in a proceeding, or the person’s lawyer, full right to be heard according to law, and, except as authorized by law, shall neither initiate nor consider ex parte communications concerning the merits, threat, or offer of reward in any proceeding other than a proceeding under s. 120.54 or s. 120.565, workshops, or internal affairs meetings. No individual shall discuss ex parte with a commissioner the merits of any issue that he or she knows will be filed with the commission within 90 days. The provisions of this subsection shall not apply to commission staff.

In addition, as per rule 25-22.033 "The Commission recognizes that Commission employees must exchange information with parties who have an interest in Commission proceedings. However, the Commission also recognizes that all parties to adjudicatory proceedings need to be notified and given an opportunity to participate in certain communication. The intent of this rule is not to prevent or hinder in any way the exchange of information, but to provide all parties to adjudicatory proceedings notification of and the opportunity to participate in certain communications."

Rule 25-22.033 would also support making my emails part of the public record in order for me to be able to participate in the process.

25-22.033 Communications Between Commission Employees and Parties.

The Commission recognizes that Commission employees must exchange information with parties who have an interest in Commission proceedings. However, the Commission also recognizes that all parties to adjudicatory proceedings need to be notified and given an opportunity to participate in certain communications. The intent of this rule is not to prevent or hinder in any way the exchange of information, but to provide all parties to adjudicatory proceedings notification of and the opportunity to participate in certain communications.

When my information will be made part of the public record?

This information should be made part of the public record before any hearings so that all interested parties would have access to this information as provided by Federal and State "Ex parte" communication regulations.

There should be no further delay.

Thanks,

Robert H. Smith

Confidentiality Statement

The documents accompanying this telecopy transmission contain information which is confidential and/or legally privileged. The information is intended only for the use of the individual or entity named on this transmission sheet. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution or the taking of any action in reliance on the contents of this telecopied information is strictly prohibited, and the documents should be returned. In this regard, if you received this telecopy in error, please contact the sender by reply E-mail and destroy all copies of the original.

From: Dorothy Menasco [mailto:DMenasco@PSC.STATE.FL.US]

Sent: Wednesday, November 03, 2010 5:21 PM

To: rpjrb@yahoo.com

Cc: Lisa Bennett; Ann Cole

Subject: RE: Will high profit margin for FPL mean refund for customers? / Docket 100410 Review of Florida Power & Light Company's earnings.

Based on today's e-mail, this e-mail, the three November 1, 2010 e-mails, your Friday, October 29, 2010, 6:28 PM e-mail, and this response will be placed in *Docket Correspondence - Parties and Interested Persons*, in Docket Nos. 080677-EI, 100410-EI, and 100009-EI. Please give the system 24 hours to update these records.

3/4/2011

Unless otherwise instructed, future new e-mails from you will be added to all three dockets. Duplicate e-mails will not be added.

From: Ann Cole [mailto:ACOLE@PSC.STATE.FL.US]
Sent: Monday, November 01, 2010 2:39 PM
To: rpjrb@yahoo.com; Dorothy Menasco
Cc: Lisa Bennett; Office Of Commissioner Edgar; Office of Commissioner Skop; Office Of Commissioner Graham; Office of Commissioner Brisé
Subject: RE: Will high profit margin for FPL mean refund for customers? / Docket 100410 Review of Florida Power & Light Company's earnings.

Please allow 24 hours for the PSC to make records available on the Web site.

All referenced attachments are already in *Docket Correspondence - Parties and Interested Persons*, in Docket No. 080677-EI. Ms. Menasco has provided you with page numbers in her previous e-mails; page numbers are subject to change, as new pages are appended.

Your Friday, October 29, 2010, 6:28 PM e-mail and this response will be added to *Docket Correspondence - Parties and Interested Persons*, in Docket No. 080677-EI.

From: Ann Cole [mailto:ACOLE@PSC.STATE.FL.US]
Sent: Friday, March 04, 2011 9:09 AM
To: Curt Kiser; rpjrb@yahoo.com; Records Clerk; Lisa Bennett; John Slemkewicz
Cc: Office Of Commissioner Edgar; Office Of Commissioner Graham; Office of Commissioner Brisé; Office Of Commissioner Graham; Office of Commissioner Balbis; Office of Commissioner Brown; rick.scott@eog.myflorida.com; jennifer.carroll@eog.myflorida.com; danlarsen@bellsouth.net; kelly.sullivan.woods@gmail.com; ken.hoffman@fpl.com; kaufman@kagmlaw.com; mcglathlin.joseph@leg.state.fl.us; John.Butler@fpl.com
Subject: RE: December 2010 ESR overearnings Calculations / Preliminary Rob Analysis Draft

The Office of Commission Clerk responds to information requests, provides support for Web site research, gives estimates concerning copy charges for Commission records, invoices for services, and places correspondence in the dockets, when appropriate. We are currently reviewing Mr. Smith's concerns.

From: Curt Kiser
Sent: Thursday, March 03, 2011 3:13 PM
To: 'rpjrb@yahoo.com'; Records Clerk; Lisa Bennett; John Slemkewicz
Cc: Ann Cole; Office Of Commissioner Edgar; Office Of Commissioner Graham; Office of Commissioner Brisé; Office Of Commissioner Graham; Office of Commissioner Balbis; Office of Commissioner Brown; rick.scott@eog.myflorida.com; jennifer.carroll@eog.myflorida.com; danlarsen@bellsouth.net; kelly.sullivan.woods@gmail.com; ken.hoffman@fpl.com; kaufman@kagmlaw.com; mcglathlin.joseph@leg.state.fl.us; John.Butler@fpl.com
Subject: RE: December 2010 ESR overearnings Calculations / Preliminary Rob Analysis Draft

Who is responding to Mr. Smith's various e-mails?

From: rpjrb@yahoo.com [mailto:rpjrb@yahoo.com]

Sent: Thursday, March 03, 2011 10:27 AM

To: Records Clerk; Curt Kiser; Lisa Bennett; John Slemkewicz

Cc: Ann Cole; Office Of Commissioner Edgar; Office Of Commissioner Graham; Office of Commissioner Brisé; Office Of Commissioner Graham; Office of Commissioner Balbis; Office of Commissioner Brown; rick.scott@eog.myflorida.com; jennifer.carroll@eog.myflorida.com; danlarsen@bellsouth.net; kelly.sullivan.woods@gmail.com; ken.hoffman@fpl.com; kaufman@kagmlaw.com; mcglothlin.joseph@leg.state.fl.us; John.Butler@fpl.com

Subject: FW: December 2010 ESR overearnings Calculations / Preliminary Rob Analysis Draft

Dear Records Clerk, Dear Commissioner's, Mr. Kiser and Mr. Slemkewicz,

Due to the delicate nature of this information I would like to make sure that this correspondence request/communication does not have any impact on my current/future employment. I can only hope that this request is viewed as a public service request and does not have any impact on my family's well being.

When will my emails be made part of the public record and my questions in my emails answered?

Staff would at least be able to answer my emails.

This is the 8th request for the information to be made part of the public record.

Since they have received the emails it appears that it would be appropriate for the Commission to make them part of the public record for all parties with a legal interest to have this information.

The reason why I have not filed another motion is due to the fact that my original emails/motion(s) and motions to strike were not answered specifically in a question and answer format. My original motions asked about the similar questions before the December 2010 ESR report was published. The questions were the same and the new analysis is supporting my concerns with my original motion(s) and motion to strike. These emails/motion(s) have been filed before the approval of the stipulation and settlement agreement.

Based upon my Federal/State rights I feel that I should be able to be heard on the public record. As I have indicated in my motion(s) I should be afforded all my rights in order to protect my legal interests in these proceedings.

I trust the both the Commission and FPL understand my concerns with regard to protecting my legal interests as afforded by Federal/State laws.

I have sent a copy of this email to the rest of the parties.

Dear Records Clerk,

Why has there been a delay with making my emails part of the public record as afforded by both Federal/State law?

Thanks,

Robert H. Smith

Confidentiality Statement

The documents accompanying this telecopy transmission contain information which is confidential and/or legally privileged. The information is intended only for the use of the individual or entity named on this transmission sheet. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution or the taking of any action in reliance on the contents of this telecopied information is strictly prohibited, and the documents should be returned. In this regard, if you received this telecopy in error, please contact the sender by reply E-mail and destroy all copies of the original.

From: rpjrb@yahoo.com [mailto:rpjrb@yahoo.com]
Sent: Tuesday, March 01, 2011 12:15 PM
To: 'Records Clerk'; 'Curt Kiser'; 'Lisa Bennett'; 'John Slemkewicz'
Cc: 'Ann Cole'; 'Office Of Commissioner Edgar'; 'Office Of Commissioner Graham'; 'Office of Commissioner Brisé'; 'Office Of Commissioner Graham'; 'Office of Commissioner Balbis'; 'Office of Commissioner Brown'; 'rick.scott@eog.myflorida.com'; 'jennifer.carroll@eog.myflorida.com'; 'danlarson@bellsouth.net'; 'kelly.sullivan.woods@gmail.com'; 'ken.hoffman@fpl.com'
Subject: FW: December 2010 ESR overearnings Calculations / Preliminary Rob Analysis Draft

Dear Records Clerk, Dear Commissioner's, Mr. Kiser and Mr. Slemkewicz,

Do we have an eta on the PDF files for Docket 100410 below? These were posted on 2/28/2011 without the files.

What about the status of the answers to me emails below?

Thanks,

Robert H. Smith

Document Detail for Docket Number: 100410 (47 documents)

Document	Order	Date filed	Description	Files
01313-11		2/28/2011	FIPUG (Kaufman) - Petition to intervene and protest of Order PSC-11-0103-FOF-EL.	
01312-11		2/28/2011	FPL (Butler) - Response in opposition to petition of Frank Woods and Kelly Sullivan to intervene, motion for reconsideration, notice of protest, and request for formal hearing.	
01311-11		2/28/2011	FPL (Butler) - Notice of appearance.	
01310-11		2/28/2011	Office of Public Counsel [OPC] (McGlothlin) - Notice of intervention and limited response to pending motions for reconsideration of Order PSC-11-0103-FOF-EL.	

Confidentiality Statement

The documents accompanying this telecopy transmission contain information which is confidential and/or legally privileged. The information is intended only for the use of the individual or entity named on this transmission sheet. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution or the taking of any action in reliance on the contents of this telecopied information is strictly prohibited, and the documents should be returned. In this regard, if you received this telecopy in error, please contact the sender by

3/4/2011

reply E-mail and destroy all copies of the original.

From: rpjrb@yahoo.com [mailto:rpjrb@yahoo.com]

Sent: Monday, February 28, 2011 2:05 PM

To: 'Records Clerk'; 'Curt Kiser'; 'Lisa Bennett'; 'John Slemkewicz'

Cc: 'Ann Cole'; 'Office Of Commissioner Edgar'; 'Office Of Commissioner Graham'; 'Office of Commissioner Brisé'; 'Office Of Commissioner Graham'; 'Office of Commissioner Balbis'; 'Office of Commissioner Brown'; 'rick.scott@eog.myflorida.com'; 'jennifer.carroll@eog.myflorida.com'; 'danlarsen@bellsouth.net'; 'kelly.sullivan.woods@gmail.com'; 'ken.hoffman@fpl.com'

Subject: FW: December 2010 ESR overearnings Calculations / Preliminary Rob Analysis Draft

Dear Records Clerk, Dear Commissioner's, Mr. Kiser and Mr. Slemkewicz,

How come my information has not been updated on the record?

How come I have not received a response from the Commission regarding my emails below?

It appears that the last update was for February 15th, 2011. It is now February 28, 2011 and my information has not been updated on the record.

I have sent numerous emails asking about the update of all three public dockets with the email up until the one below (Saturday February 19th, 2011 11:27 AM).

How come the public dockets have not been updated with my email correspondence?

From: rpjrb@yahoo.com [mailto:rpjrb@yahoo.com]

Sent: Saturday, February 19, 2011 11:27 AM

To: 'Records Clerk'; 'Curt Kiser'; 'Lisa Bennett'; 'John Slemkewicz'

Cc: 'Ann Cole'; 'Office Of Commissioner Edgar'; 'Office Of Commissioner Graham'; 'Office of Commissioner Brisé'; 'Office Of Commissioner Graham'; 'Office of Commissioner Balbis'; 'Office of Commissioner Brown'; 'rick.scott@eog.myflorida.com'; 'jennifer.carroll@eog.myflorida.com'; 'danlarsen@bellsouth.net'; 'ken.hoffman@fpl.com'

Subject: FW: December 2010 ESR overearnings Calculations / Preliminary Rob Analysis Draft

I noticed the 10K disclosure of the depreciation surplus over recovery.

\$776 million 3 year cap versus \$772 million = \$4 million give back for 2010. This ties out to the numbers in the email below on a year-end basis.

How was the new deal a better deal for the customers?

The old deal would have provided for a definite \$125 million give back in 2010.

With the new deal when do they expect to refund the over depreciation surplus?

3/4/2011

- FPL can vary the amount of surplus depreciation credit taken in any calendar year up to a cap in 2010 of \$267 million, a cap in subsequent years of \$267 million plus the amount of any unused portion from prior years, and a cap of \$776 million (surplus depreciation credit cap) over the course of the 2010 rate agreement, provided that in any year of the 2010 rate agreement, including 2010, FPL must use at least enough surplus depreciation credit to maintain a 9% earned regulatory ROE but may not use any amount of surplus depreciation credit that would result in an earned regulatory ROE in excess of 11%. As of December 31, 2010, approximately \$772 million of the surplus depreciation credit cap remains.

Please let me know when my information is going to be updated on the public dockets.

Thanks,

Robert H. Smith

Confidentiality Statement

The documents accompanying this telecopy transmission contain information which is confidential and/or legally privileged. The information is intended only for the use of the individual or entity named on this transmission sheet. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution or the taking of any action in reliance on the contents of this telecopied information is strictly prohibited, and the documents should be returned. In this regard, if you received this telecopy in error, please contact the sender by reply E-mail and destroy all copies of the original.

From: rpjrb@yahoo.com [mailto:rpjrb@yahoo.com]
Sent: Thursday, February 24, 2011 10:17 AM
To: 'kelly.sullivan.woods@gmail.com'
Cc: 'Records Clerk'; 'Curt Kiser'; 'Lisa Bennett'; 'John Slemkewicz'; 'Ann Cole'; 'Office Of Commissioner Edgar'; 'Office Of Commissioner Graham'; 'Office of Commissioner Brisé'; 'Office Of Commissioner Graham'; 'Office of Commissioner Balbis'; 'Office of Commissioner Brown'; 'danlarson@bellsouth.net'; 'ken.hoffman@fpl.com'; 'rick.scott@eog.myflorida.com'
Subject: FW: December 2010 ESR overearnings Calculations / Preliminary Rob Analysis Draft

Dear Ms. Sullivan,

Here is what I have sent to the Commission and interested parties in this proceeding.

This is for your information.

Attached you will find a copy of the motion(s) that I have filed with regard to these proceedings.

FPL filed a motion to strike and I filed a motion to strike FPL's motion to strike. The response that I have received did not specifically answer in a question and answer format what would be normal due diligence questions with these proceedings. I have asked for a check book reconciliation of the \$1.2 billion dollars of over recovery of the depreciation as well as a tax payment reconciliation between the regulated and non-regulated entities. These were very specific questions and I have not received a direct answer to these questions as well as my other questions as outlined in my email correspondence.

These are related to all Dockets that would be impacted by any decision with the original rate case that was filed. It appears that the position was to break out the Dockets to deal with each issue independently. From a pure ratecase perspective this would not make sense since the ruling on the Stipulation and Settlement agreement would impact any of the Dockets. This case should have been heard as one proceeding.

3/4/2011

Since you filed to intervene after my email correspondence I thought that I would send you what I have worked on.

Due to the delicate nature of this information I would like to make sure that this correspondence request/communication does not have any impact on my current/future employment. I can only hope that this request is viewed as a public service request and does not have any impact on my family's well being.

I am trying to help out with these proceedings. I am unemployed and I am working on public service work (community service) until I go back to work.

In my previous experience with these types of proceedings full transparency is usually afforded. Usually any party with a legal interest would be able to provided an interrogatory question and expect an answer in a question and answer format regarding any issue that might protect any parties legal interest.

If you have any questions please do not hesitate to email me at rpjrb@yahoo.com.

Thanks,

Robert H. Smith

Kelly Sullivan

570 Osprey Lakes Circle
Chuluota, FL 32766-6658
Phone: 321-287-5062
Email: kelly.sullivan.woods@gmail.com

Confidentiality Statement

The documents accompanying this telecopy transmission contain information which is confidential and/or legally privileged. The information is intended only for the use of the individual or entity named on this transmission sheet. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution or the taking of any action in reliance on the contents of this telecopied information is strictly prohibited, and the documents should be returned. In this regard, if you received this telecopy in error, please contact the sender by reply E-mail and destroy all copies of the original.

From: rpjrb@yahoo.com [mailto:rpjrb@yahoo.com]

Sent: Wednesday, February 23, 2011 11:32 AM

To: 'Records Clerk'; 'Curt Kiser'; 'Lisa Bennett'; 'John Slemkewicz'

Cc: 'Ann Cole'; 'Office Of Commissioner Edgar'; 'Office Of Commissioner Graham'; 'Office of Commissioner Brisé'; 'Office Of Commissioner Graham'; 'Office of Commissioner Balbis'; 'Office of Commissioner Brown'; 'rick.scott@eog.myflorida.com'; 'jennifer.carroll@eog.myflorida.com'; 'danlarson@bellsouth.net'; 'ken.hoffman@fpl.com'

Subject: FW: December 2010 ESR overearnings Calculations / Preliminary Rob Analysis Draft

Dear Records Clerk, Dear Commissioner's, Mr. Kiser and Mr. Slemkewicz,

3/4/2011

Due to the delicate nature of this information I would like to make sure that this correspondence request/communication does not have any impact on my current/future employment. I can only hope that this request is viewed as a public service request and does not have any impact on my family's well being.

Were the docket files updated with my email correspondence through Saturday February 19th, 2011?

Will I be receiving a legal response regarding my concerns as outlined in my previous emails below?

I noticed a **typo** below.

Thanks,

Robert H. Smith

Confidentiality Statement

The documents accompanying this telecopy transmission contain information which is confidential and/or legally privileged. The information is intended only for the use of the individual or entity named on this transmission sheet. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution or the taking of any action in reliance on the contents of this telecopied information is strictly prohibited, and the documents should be returned. In this regard, if you received this telecopy in error, please contact the sender by reply E-mail and destroy all copies of the original.

From: rpjrb@yahoo.com [mailto:rpjrb@yahoo.com]

Sent: Saturday, February 19, 2011 11:27 AM

To: 'Records Clerk'; 'Curt Kiser'; 'Lisa Bennett'; 'John Slemkewicz'

Cc: 'Ann Cole'; 'Office Of Commissioner Edgar'; 'Office Of Commissioner Graham'; 'Office of Commissioner Brisé'; 'Office Of Commissioner Graham'; 'Office of Commissioner Balbis'; 'Office of Commissioner Brown'; 'rick.scott@eog.myflorida.com'; 'jennifer.carroll@eog.myflorida.com'; 'danlarson@bellsouth.net'; 'ken.hoffman@fpl.com'

Subject: FW: December 2010 ESR overearnings Calculations / Preliminary Rob Analysis Draft

Dear Records Clerk, Dear Commissioner's, Mr. Kiser and Mr. Slemkewicz,

Due to the delicate nature of this information I would like to make sure that this correspondence request/communication does not have any impact on my current/future employment. I can only hope that this request is viewed as a public service request and does not have any impact on my family's well being.

Below I laid out the ESR reports to take a look at the 13 month averages. I noticed that the Aviation Costs below were not broken **out** until May. I trended the system average back to see what would be required to obtain the 13 month average of \$40.8 million and \$40.3 million respectively. The Year End balance is \$53 million and \$52.4 million respectively. In the prior months for April 2010 to January 2010 was this plant in service in another plant category? If it was then the adjustment of the \$40.33 million might be inaccurate. I realize that this might be in another plant category on the schedule, but I thought that I would ask the question to see if has to be changed or reclassified from one plant account to the Aviation Plant cost to reflect a 13 month average for this category to bring it closer to the \$53 million dollar level.

FLORIDA POWER & LIGHT COMPANY
AND SUBSIDIARIES
AVERAGE RATE OF RETURN
SYSTEM ADJUSTMENTS
DECEMBER, 2010

SCHEDULE 2. PAGE 3 OF 3

RATE BASE ADJUSTMENTS	SYSTEM	JURISDICTIONAL
AVIATION - PLANT	40,802,612	40,333,801

Since these costs are being removed from ratebase for the calculation of FPSC adjusted ratebase and they represent \$53 million dollars of cost. Where did the cash flow come from to pay for these costs? In 2009 the FERC cash balance was \$34.3 million dollars. The plant in service costs related to the Aviation costs are \$53 million dollars. Did the regulated Utility receive a cash payment for the aviation costs from the Corporate Holding Company depending on the cost allocation for the use of the planes? What is the allocation percentage breakout for the cost of the planes?

If the plant in service was not isolated until May 2010, where were these costs recovered prior to the breakout of these costs?

Does the plant in service for the Aviation Costs represent the cost for the aircraft below?

4. The amount of plant in service by plant account numbers and/or sub-account number(s). Please show the amounts before and after allocations from FPL to affiliates. Please identify the gross book value of each aircraft and other types of asset (parts, supplies, etc.) within each plant account and/or sub-account. If any amounts are allocated to an affiliate and then subsequently allocated back to FPL, please show these amounts separately.

Plant Sub-Account	Account Name	13 Month Average	
		2010 Plant in Service	2011 Plant in Service
392.01	Aircraft-Fix Wing (Jet)	\$ 44,785,207	\$ 53,715,141
392.02	Aircraft-Rotary Wing (Helicopter)	8,926,387	8,926,387
	Total	\$ 53,711,594	\$ 62,641,528

Notes:

The plant in service accounts are not allocated to affiliates. However, affiliates are charged depreciation and ROI as shown in response to Question No. 3.

Jurisdictional amounts are shown in responses to Question No. 7 herein.

4. This list refers to corporate aircraft by tail numbers. These tail numbers tie to the following aircraft:

N1128B:	Falcon 2000 Jet
N346XL:	Cessna Citation XL Jet
N868XL:	Cessna Citation XL Jet
N197J:	Agusta 109 Power Helicopter
N298R:	Agusta 109 Power Helicopter

DOCUMENT NUMBER-DATE

You will notice that the 13 month averages might be off slightly. This might be due to prior period Year End adjustments which would not be reflected the hard copy reports that I have used to calculate the 13 month averages. Unless they retroactively fix the old ESR reports this might not fully work its way out.

Sorry I noticed a **typo**. I fixed the \$516,065 to \$516,055 for the 13 month average. The Year End System and Jurisdictional Rate of Return numbers are OK.

It is apparent the give back of the surplus depreciation amortization for 2010 for the 13 month average (\$516,055) and the Year End (\$3,958,226) for the December 2010 represents a minimal return of the surplus depreciation amortization.

Since the \$3,958,226 represents the jurisdictional Year End, does this match the credit to the FERC 403 depreciation cost of service account?

Please let me know when all my email correspondence will be made part of the public record and when I will be receiving a response from the Commission regarding my questions in my email(s).

Please let me know if the December 2010 ESR report has to be revised.

Thanks,

Robert H. Smith

	Other Rate Case Adjustments (1)				Aviation - Plant				Environmental				
	System	Jurisdictional	System	Jurisdictional	System	Jurisdictional	System	Jurisdictional	System	Jurisdictional	System	Jurisdictional	
	Average Rate of Return		Year End Rate of Return		Average Rate of Return		Year End Rate of Return		Average Rate of Return		Year End Rate of Return		
12/31/2009									282,577,506	279,288,530	428,632,814	4	
1/31/2010									300,367,542	298,952,423	432,066,871	4	
2/28/2010					13,590			176,670	-		435,632,650	4	
3/31/2010					4,092,492			53,025,731	51,684,289	338,417,421	334,764,070	4	
4/30/2010					8,171,394			53,025,731	52,567,613	367,929,870	364,043,353	6	
5/31/2010					12,250,296	12,144,459		53,025,731	52,567,613	399,021,703	392,804,187	6	
6/30/2010					16,329,198	16,188,121		53,025,731	52,567,613	429,580,979	422,594,901	6	
7/31/2010					20,408,100	20,231,784		53,025,731	52,567,613	460,022,358	452,800,237	6	
8/31/2010					24,487,003	24,275,446		53,025,731	52,567,613	488,562,707	480,090,297	6	
9/30/2010					28,565,905	28,319,109		53,025,731	52,567,613	517,330,965	508,143,581	6	
10/31/2010					32,644,807	32,269,728		53,025,731	52,416,480	545,969,224	536,064,414	6	
11/30/2010	216,415	213,929	2,813,398	2,781,073	36,723,710	36,301,765		53,025,731	52,416,480	563,653,489	553,164,743	6	
12/31/2010	527,859	516,055	4,048,764	3,958,226	40,802,612	40,333,801		53,025,731	52,416,480	611,876,797	600,193,132	1,054,555,261	1.0
13 Month Avg			527,859	518,408				40,802,614	40,333,801			611,876,566	6

(1) Reflects a Portion of The Depreciation Reserve Surplus Adjustment Provided Under Paragraph 7 of the 2010 Stipulation and Settlement Agreement

Confidentiality Statement

The documents accompanying this telecopy transmission contain information which is confidential and/or legally privileged. The information is intended only for the use of the individual or entity named on this transmission sheet. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution or the taking of any action in reliance on the contents of this telecopied information is strictly prohibited, and the documents should be returned. In this regard, if you received this telecopy in error, please contact the sender by reply E-mail and destroy all copies of the original.

From: rpjrb@yahoo.com [mailto:rpjrb@yahoo.com]
Sent: Friday, February 18, 2011 2:12 PM

3/4/2011

To: 'Records Clerk'; 'Curt Kiser'; 'Lisa Bennett'; 'John Slemkewicz'
Cc: 'Ann Cole'; 'Office Of Commissioner Edgar'; 'Office Of Commissioner Graham'; 'Office of Commissioner Brisé'; 'Office Of Commissioner Graham'; 'Office of Commissioner Balbis'; 'Office of Commissioner Brown'; 'rick.scott@eog.myflorida.com'; 'jennifer.carroll@eog.myflorida.com'; 'danlarson@bellsouth.net'; 'ken.hoffman@fpl.com'
Subject: FW: December 2010 ESR overearnings Calculations / Preliminary Rob Analysis Draft

Dear Records Clerk, Dear Commissioner's, Mr. Kiser and Mr. Slemkewicz,

Sorry I noticed a typo.

Thanks,

Robert H. Smith

Confidentiality Statement

The documents accompanying this telecopy transmission contain information which is confidential and/or legally privileged. The information is intended only for the use of the individual or entity named on this transmission sheet. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution or the taking of any action in reliance on the contents of this telecopied information is strictly prohibited, and the documents should be returned. In this regard, if you received this telecopy in error, please contact the sender by reply E-mail and destroy all copies of the original.

From: rpjrb@yahoo.com [mailto:rpjrb@yahoo.com]
Sent: Friday, February 18, 2011 10:25 AM
To: 'Records Clerk'; 'Curt Kiser'; 'Lisa Bennett'; 'John Slemkewicz'
Cc: 'Ann Cole'; 'Office Of Commissioner Edgar'; 'Office Of Commissioner Graham'; 'Office of Commissioner Brisé'; 'Office Of Commissioner Graham'; 'Office of Commissioner Balbis'; 'Office of Commissioner Brown'; rick.scott@eog.myflorida.com; jennifer.carroll@eog.myflorida.com; danlarson@bellsouth.net; ken.hoffman@fpl.com
Subject: FW: December 2010 ESR overearnings Calculations / Preliminary Rob Analysis Draft

Dear Records Clerk, Dear Commissioner's, Mr. Kiser and Mr. Slemkewicz,

I was looking at the rest of the pages and noticed these numbers. Since the return on equity is measured by the FPSC adjusted amount of \$1,157,319,418 of operating income and \$16,800,538,432 of ratebase, the adjustment that is being considered for the return of the depreciation surplus amortization is **\$516,055** which is shown as an adjustment to ratebase. Has this **been** amortized as a credit to the depreciation account (FERC 403 Account)?

Is this the disclosure of the numbers?

Is the report indicating that **\$516,055** on an average rate of return basis and \$3,958,226 on a year end rate of return basis is the recovery that has been given back for 2010?

This is a very immaterial number for 2010.

3/4/2011

The Stipulation and Settlement agreement indicated that it had to give back up to \$267,000,000 in year one.

The Old Settlement Agreement indicated that it had to give back \$125,000,000 in 2010.

At this rate when does the company expect to return the over recovery of the depreciation surplus reserve amortization?

Please sign off that these are the actual numbers that are being reflected for both ratemaking and GAAP purposes for the return of the over recovery of the depreciation surplus amortization.

If this is the surplus refund then the Weather Normalization revenues would have been subject to the overearnings test at the 10% level and some of these revenues have been absorbed by the increase in the ROE to 11%.

What does the \$30,000 represent in the Forecasted Earnings Surveillance report?

This would have potentially resulted in over earnings.

Again please answer the questions in my emails below.

Thanks,

Robert H. Smith

FLORIDA POWER & LIGHT COMPANY
AND SUBSIDIARIES
AVERAGE RATE OF RETURN
SYSTEM ADJUSTMENTS
DECEMBER, 2010

OTHER RATE CASE ADJUSTMENTS (1)	527,859	516,055
---------------------------------	---------	---------

NOTE :
(1) REFLECTS A PORTION OF THE DEPRECIATION RESERVE SURPLUS ADJUSTMENT PROVIDED UNDER PARAGRAPH 7 OF THE 2010 STIPULATION AND SETTLEMENT

FLORIDA POWER & LIGHT COMPANY
AND SUBSIDIARIES
YEAR END RATE OF RETURN
SYSTEM ADJUSTMENTS
DECEMBER, 2010

OTHER RATE CASE ADJUSTMENTS (1)	4,048,764	3,958,226
---------------------------------	-----------	-----------

NOTE:
(1) REFLECTS A PORTION OF THE DEPRECIATION RESERVE SURPLUS ADJUSTMENT PROVIDED UNDER PARAGRAPH 7 OF THE 2010 STIPULATION AND SETTLEMENT

FLORIDA POWER & LIGHT COMPANY
AND SUBSIDIARIES
AVERAGE RATE OF RETURN
SYSTEM ADJUSTMENTS
DECEMBER, 2010

SCHEDULE 2: PAGE 3 OF 3

RATE BASE ADJUSTMENTS	SYSTEM	JURISDICTIONAL
PLANT IN SERVICE:		
ENVIRONMENTAL	\$ 611,876,797	\$ 600,193,132
FUEL AND CAPACITY	52,675,594	51,622,038
AVIATION - PLANT	40,802,612	40,333,801
LOAD CONTROL	33,681,525	33,681,525
ASSET RETIREMENT OBLIGATION	110,260,556	108,993,693
TOTAL	<u>\$ 849,297,083</u>	<u>\$ 834,824,189</u>
ACCUMULATED PROVISION FOR DEPRECIATION:		
ENVIRONMENTAL	\$ (50,183,683)	\$ (49,225,436)
ACCUM PROV DECOMMISSIONING COSTS	(2,675,562,919)	(2,643,942,768)
ASSET RETIREMENT OBLIGATION	(16,090,492)	(15,905,616)
ASSET RETIREMENT OBLIGATION DECOMMISSIONING	2,472,005,475	2,443,602,824
AVIATION - RESERVE	(22,226,963)	(21,971,582)
FUEL AND CAPACITY	(49,691,831)	(48,697,041)
OTHER RATE CASE ADJUSTMENTS (1)	527,859	518,055
LOAD CONTROL	(16,562,949)	(16,562,949)
TOTAL	<u>\$ (357,785,503)</u>	<u>\$ (352,186,514)</u>
CONSTRUCTION WORK IN PROGRESS:		
CONSTRUCTION WORK IN PROGRESS	\$ 1,302,091,978	\$ 1,281,734,769
CWIP - ECRC PROJECTS	522,555,103	512,577,018
TOTAL	<u>\$ 1,824,647,081</u>	<u>\$ 1,794,311,787</u>
NUCLEAR FUEL:		
NUCLEAR FUEL IN PROCESS	\$ 0	\$ 0
NUCLEAR FUEL CAPITAL LEASES	87,777,905	86,865,660
TOTAL	<u>\$ 87,777,905</u>	<u>\$ 86,865,660</u>
WORKING CAPITAL: (SEE SCHEDULE 2, PAGE 3B OF 3)	\$ (1,691,517,783)	\$ (1,664,343,494)
TOTAL ADJUSTMENTS	<u>\$ 712,418,784</u>	<u>\$ 699,471,630</u>

NOTE :

(1) REFLECTS A PORTION OF THE DEPRECIATION RESERVE SURPLUS ADJUSTMENT PROVIDED UNDER PARAGRAPH 7 OF THE 2010 STIPULATION AND SETTLEMENT AGREEMENT.

FLORIDA POWER & LIGHT COMPANY
AND SUBSIDIARIES
YEAR END RATE OF RETURN
SYSTEM ADJUSTMENTS
DECEMBER, 2010

SCHEDULE 3: PAGE 3 OF 3

RATE BASE ADJUSTMENTS	SYSTEM	JURISDICTIONAL
PLANT IN SERVICE:		
ENVIRONMENTAL	\$ 1,054,555,261	\$ 1,034,418,739
FUEL AND CAPACITY	62,611,090	61,381,922
AVIATION - PLANT	53,025,731	52,416,480
LOAD CONTROL	34,238,151	34,238,151
ASSET RETIREMENT OBLIGATION	8,718,158	8,617,987
TOTAL	\$ 1,213,148,389	\$ 1,191,053,279
ACCUMULATED PROVISION FOR DEPRECIATION:		
ENVIRONMENTAL	\$ (58,271,561)	\$ (55,197,057)
ACCUM PROV DECOMMISSIONING COSTS	(2,835,090,040)	(2,801,584,577)
ASSET RETIREMENT OBLIGATION	38,548,399	38,105,489
ASSET RETIREMENT OBLIGATION DECOMMISSIONING	2,627,755,014	2,597,562,845
AVIATION - RESERVE	(30,435,733)	(30,086,035)
FUEL AND CAPACITY	(49,777,201)	(48,790,727)
OTHER RATE CASE ADJUSTMENTS (1)	4,048,764	3,958,226
LOAD CONTROL	(19,431,857)	(19,431,857)
TOTAL	\$ (320,654,204)	\$ (315,453,692)
CONSTRUCTION WORK IN PROGRESS:		
CONSTRUCTION WORK IN PROGRESS	\$ 1,685,947,064	\$ 1,659,213,371
CWIP - ECRC PROJECTS	253,768,894	248,923,227
TOTAL	\$ 1,939,715,957	\$ 1,908,136,599
NUCLEAR FUEL:		
NUCLEAR FUEL IN PROCESS	\$ 0	\$ 0
NUCLEAR FUEL CAPITAL LEASES	0	0
TOTAL	\$ 0	\$ 0
WORKING CAPITAL:		
(SEE SCHEDULE 2, PAGE 3B OF 3)	\$ (1,691,517,783)	\$ (1,664,343,494)
TOTAL ADJUSTMENTS	\$ 1,140,692,359	\$ 1,119,392,692

NOTE

(1) REFLECTS A PORTION OF THE DEPRECIATION RESERVE SURPLUS ADJUSTMENT PROVIDED UNDER PARAGRAPH 7 OF THE 2010 STIPULATION AND SETTLEMENT AGREEMENT

Confidentiality Statement

The documents accompanying this telecopy transmission contain information which is confidential and/or legally privileged. The information is intended only for the use of the individual or entity named on this transmission sheet. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution or the taking of any action in reliance on the contents of this telecopied information is strictly prohibited, and the documents should be returned. In this regard, if you received this telecopy in error, please contact the sender by reply E-mail and destroy all copies of the original.

From: rpjrb@yahoo.com [mailto:rpjrb@yahoo.com]
Sent: Friday, February 18, 2011 9:05 AM
To: 'Records Clerk'; 'Curt Kiser'; 'Lisa Bennett'; 'John Slemkewicz'

3/4/2011

Cc: 'Ann Cole'; 'Office Of Commissioner Edgar'; 'Office Of Commissioner Graham'; 'Office of Commissioner Brisé'; 'Office Of Commissioner Graham'; 'Office of Commissioner Balbis'; 'Office of Commissioner Brown'; 'rick.scott@eog.myflorida.com'; 'jennifer.carroll@eog.myflorida.com'; 'danlarsen@bellsouth.net'; 'ken.hoffman@fpl.com'

Subject: December 2010 ESR overearnings Calculations / Preliminary Rob Analysis Draft

Dear Records Clerk, Dear Commissioner's, Mr. Kiser and Mr. Slemkewicz,

I have taken a look at the December 2010 Earnings Surveillance Report. The report is not transparent with the actual depreciation surplus amortization. It discloses that it "(1) Reflects a portion of the Depreciation Reserve Surplus Adjustment Provided under Paragraph 7 of the 2010 Stipulation and Settlement Agreement". Where is the disclosure of the number? This number is very important to determine if the agreement was in the best interests of the customers and shareholders.

Has this 12 month number for 2010 (amortization of the depreciation reserve surplus adjustment) been disclosed on the ESR report?

To just footnote the ESR report that it reflects a portion of the depreciation reserve surplus adjustment does not provide the appropriate transparency to determine whether or not any of the Weather normalization revenues have been absorbed by the reduction of the depreciation reserve adjustment amortization.

Since there was no transparency with these reports before the approval of the Stipulation and Settlement agreement all parties might have not had the opportunity to fully protect their legal interests since the information was not made available in a timely manner. In my previous emails I have asked about the level of the depreciation surplus amortization for 2010. I have been asking this question for a while now and I have not received a response from the Commission. I have also asked for the 2009 ESR reports in which I have not received a response back as to why it cannot be furnished electronically as per 119.01(2) and 119.01(3) respectively.

Since the footnote disclosure has been made on the ESR report there is no reason why the number has not been disclosed. If the intent was to just footnote this disclosure this gives the appearance that there might have been intent to non-disclose the actual number to provide the proper transparency needed to see if the ESR report is in full compliance with the agreement. This would be to disclose the actual 12 month amortization to provide the transparency

There is no reason why this number would not be disclosed. This is a very important aspect of this case and any non disclosure might have an impact on the rights of any party with a legal interest. Since there is an agreed upon Stipulation and Settlement agreement in place as approved by the Commission and certain interveners in this case the requirement of this agreement would provide for full disclosure to ensure that the depreciation reserve surplus amortization is in line to what has been agreed upon. This does not preclude another party with a legal interest who did not have access to any of the electronic documents prior to the approval of the Stipulation and Settlement agreement to have the ability to question the validity of the agreement. I have been asking for the full transparency way before the agreement was approved. It is apparent by the reluctance of the Commission to release this information prior to the agreement of the Stipulation and Settlement agreement that all parties with a legal interest might have not been afforded the transparency in order to timely file motion(s) to refute or question the validity of the agreement.

This number should be disclosed to determine if any of the Weather Normalization revenues would have been subject to an over earnings test (refund or deferral for future disposition).

Please let me know if this has to serve as a motion. It just does not make sense that I have not received any answers from the Commission regarding any of my emails at this point regarding the transparency needed for a party with a legal interest to protect their interests.

Mr. Graham,

Please let me know why I have not received a response from the Commission. My emails questions are very simple to answer. If
3/4/2011

the Commission is not going to provide the answers to my email questions then I would think that it would be the responsibility of the Commission legal staff to issue an opinion of why I am not being afforded the transparency to protect my legal interests in this case.

I am continuing to review the ESR report(s). Please let me know if I will be receiving an electronic copy of 2009 as discussed in my previous email(s) below. I want to trend out the debt to equity ratios to see how the company has managed this mix.

I will follow up tomorrow on the status of the answers to my emails.

If you have any questions please do not hesitate to email me at rpjrb@yahoo.com.

Thanks,

Robert H. Smith

NOTE:
(1) REFLECTS A PORTION OF THE DEPRECIATION RESERVE SURPLUS ADJUSTMENT PROVIDED UNDER PARAGRAPH 7 OF THE 2010 STIPULATION AND SETTLEMENT AGREEMENT

FLORIDA POWER & LIGHT COMPANY
AND SUBSIDIARIES
AVERAGE RATE OF RETURN
INCOME STATEMENT
DECEMBER, 2010

SCHEDULE 2, PAGE 2 OF 3

	OPERATING REVENUES	OPERATION & MAINTENANCE FUEL & NET INTERCHANGE	OTHER	DEPRECIATION & AMORTIZATION	TAXES OTHER THAN INCOME	INCOME TAXES CURRENT	DEFERRED INCOME TAXES (NET)	INVESTMENT TAX CREDIT (NET)	(GAIN)LOSS ON DISPOSITION	TOTAL OPERATING EXPENSES	NET OPERATING INCOME (A)
SYSTEM PER BOOKS	\$ 10,482,016,931	4,962,718,047	1,623,943,205	1,029,749,032	1,028,593,599	166,940,387	404,863,138	(1,568,736)	(1,797,333)	9,213,442,382	\$ 1,268,574,549
JURISDICTIONAL PER BOOKS	\$ 10,304,292,818	4,857,856,682	1,586,891,378	1,011,033,977	1,020,854,108	166,213,350	402,619,530	(1,522,448)	1,792,242	9,051,263,941	\$ 1,252,828,877
PPSC ADJUSTMENTS											
FRANCHISE REVENUE	\$ (455,968,016)	0	0	0	(11,794,349)	(171,027,534)	0	0	0	(187,731,864)	\$ (272,336,132)
FRANCHISE EXPENSE	0	0	0	0	(443,361,915)	171,020,882	0	0	0	(272,338,033)	272,338,033
GROSS RECEIPTS TAX	(232,358,676)	0	0	0	(291,838,674)	(200,581)	0	0	0	(232,039,280)	(219,411)
FINANCIAL PLANNING SERVICES	0	0	(448,543)	0	0	173,025	0	0	0	(273,517)	273,517
INDUSTRY ASSOCIATION DUES	0	0	(355,853)	0	0	254,420	0	0	0	(541,433)	341,433
ECONOMIC DEVELOPMENT 5%	0	0	(11,018)	0	0	4,250	0	0	0	(8,768)	8,768
AVIATION EXPENSES	0	0	494,865	(3,274,553)	0	1,114,697	0	0	0	(1,774,991)	1,774,991
EXECUTIVE COMPENSATION	0	0	(25,850,086)	0	0	8,921,621	0	0	0	(15,878,415)	15,878,415
NOI FUEL COST REC RETAIL	(4,352,762,413)	(4,329,079,173)	(8,640,588)	0	(3,117,948)	236,218,211	(243,818,167)	0	0	(4,345,432,683)	(7,324,751)
CONSERVATION COST RECOVERY	(102,406,804)	0	(93,704,818)	(8,808,199)	(73,733)	10,721,272	(11,433,358)	0	0	(101,288,835)	(1,117,970)
CAPACITY COST RECOVERY	(606,345,513)	(501,487,185)	(46,708,077)	(82,676,369)	(436,540)	6,348,027	(4,433,072)	0	0	(606,394,795)	3,049,283
ENVIRONMENTAL COST RECOVERY	(140,568,022)	0	(21,313,758)	(13,904,095)	(101,209)	(53,990,552)	13,296,254	244,508	0	(75,768,852)	(84,799,670)
OTHER RATE CASE ADJUSTMENTS (1)	0	0	(226)	6,708,711	0	(2,587,795)	0	0	0	4,120,687	(4,120,687)
STORM DEFICIENCY RECOVERY	(101,657,876)	0	(1,127,414)	(73,652,004)	0	(11,139,863)	0	0	0	(83,819,283)	(17,738,583)
GAIN ON SALE LAND (PROPERTY)	0	0	0	0	0	0	0	0	0	0	0
INTEREST TAX DEFICIENCIES	0	0	1,644,480	0	0	(634,346)	0	0	0	1,010,132	(1,010,132)
INTEREST SYNCHRONIZATION	0	0	0	0	0	27,509,150	(7,105,527)	0	0	30,403,623	(20,403,623)
TOTAL PPSC ADJUSTMENTS	\$ (5,991,167,820)	(4,832,596,338)	(196,232,632)	(151,706,507)	(690,634,429)	226,730,907	(253,493,871)	0	244,508	(5,895,658,342)	\$ (65,509,456)
PPSC ADJUSTED	\$ 4,312,924,988	27,290,344	1,400,758,744	699,327,470	330,229,679	391,944,172	149,125,649	(1,522,648)	(1,548,031)	3,155,605,579	\$ 1,137,319,418
PRO FORMA ADJUSTMENTS (SEE SCHEDULE 2, PAGE 2A OF 3)	\$ (182,478,227)	0	0	0	(131,285)	(70,540,680)	0	0	0	(79,472,065)	\$ (112,007,162)
PRO FORMA SYSTEM PER BOOKS ADJUSTED	\$ 4,130,446,771	27,290,344	1,400,758,744	699,327,470	330,098,294	321,603,492	149,125,649	(1,522,648)	(1,548,031)	3,085,133,514	\$ 1,045,312,256
(A) THE ADDITION OF EARNINGS FROM AFUDC WOULD INCREASE THE SYSTEM NOI BY AND THE JURISDICTIONAL NOI BY											
	\$ 49,582,126										
	\$ 48,453,154										
(B) ECONOMIC DEVELOPMENT COSTS RELATED TO THE PERIOD ARE:											
ON A TOTAL COMPANY BASIS	\$ 232,512										
ON A JURISDICTIONAL BASIS	\$ 232,351										
CURRENT MONTH AMOUNT											
SYSTEM PER BOOKS	\$ 812,051,324	373,096,247	182,471,010	97,154,630	81,968,968	(114,551,890)	141,358,775	(294,430)	(151,273)	741,072,017	\$ 70,819,306
JURISDICTIONAL PER BOOKS	\$ 796,203,400	365,070,858	159,968,086	95,338,337	81,370,794	(113,964,532)	140,912,812	(258,290)	(150,876)	727,985,129	\$ 70,218,274

NOTE
(1) REFLECTS A PORTION OF THE DEPRECIATION SURPLUS ADJUSTMENT PROVIDED UNDER PARAGRAPH 7 OF THE 2010 STIPULATION AND SETTLEMENT AGREEMENT
THE PRO FORMA ADJUSTMENTS ARE NOT NECESSARILY ALL THE PRO FORMA THAT WOULD BE MADE IN A BASE RATE FILING

Records Clerk,

Please make sure that the attached file ESRWeatherNormalization02172011.pdf and ESROverEarningsDecember201002172011.pdf is scanned with this document when it is made part of the public record.

Dear Commissioner's, Mr. Kiser and Mr. Slemkewicz,

Here are some additional questions in addition to the questions that I have already asked in my previous emails. I have not heard back from the Commission regarding an answer to my emails below.

Questions/Observations:

1. What is the total portion of the Depreciation Surplus Amortization Provided under Paragraph 7 of the 2010 Stipulation and Settlement Agreement? How much was amortized in 2010?

2. The increase in ROE from 10% to 11% represents \$78.5 million dollars of additional cushion to prevent overearnings. There was a 10% ROE during good economic times. Why has the ROE increased?
3. The Weather Normalization Clause finished at \$112 million. Since there was an increased ROE a portion of these revenues would have been subject to the over earnings test if the ROE remained at 10%.
4. Based upon the old amortization of the depreciation surplus amortization they would have potentially been put into an over earnings situation since the amortization would have been locked at \$125 million per year. This is based upon comparing the actual depreciation surplus amortization versus the Old (2) adjudicated amount. If the actual is less, then they might have over earned under the Old (2) amount.
5. If the actual depreciation surplus amortization is less than the New (1) and Old (2) adjudicated amounts then the Weather Normalization revenues have been absorbed by reducing the depreciation surplus amortization. These Weather Normalization revenues might have been subject to an over earnings test if there was a set amortization in the agreement. This will defer the give back of the surplus.
6. The New Amortization reflects an accelerated amortization only if the Company is amortizing at the adjudicated level. If the amortization is substantially less, then this will defer the amortization.
7. There was no minimum amortization set in the new agreement whereas in the old agreement a minimum amortization was set. Since they are allowing the company to control the amortization this might defer the return of the surplus amortization over a longer period of time.
8. Where is the Cash reconciliation of the Use of the \$1.21 billion of the depreciation surplus? Based upon the Balance in the FERC 131 Cash account the balance of depreciation surplus has not been maintained.

	12-month Weather			FERC (1)	Actual Surplus	Remaining	Annual	New Surplus	Remaining	Annual	Old Surplus	Remaining	Annual
	Normalization	Monthly	Com. Chg										
12/31/2009	\$ 50,771,175	\$ 50,771,175	\$ 50,771,175	\$ 34,255,751	\$ -	\$ 894,600,000			\$ 894,600,000			\$ 894,600,000	
1/31/2010	\$ 85,381,929	\$ 34,610,754	\$ 85,381,929			894,600,000		(22,250,000)	872,350,000		(10,416,667)	884,183,333	
2/28/2010	\$ 87,483,710	\$ 2,101,781	\$ 87,483,710			894,600,000		(22,250,000)	850,100,000		(10,416,667)	871,766,667	
3/31/2010	\$ 90,064,511	\$ 2,580,801	\$ 90,064,511			894,600,000		(22,250,000)	827,850,000		(10,416,667)	863,350,000	
4/30/2010	\$ 77,766,253	\$ (12,298,258)	\$ 77,766,253			894,600,000		(22,250,000)	805,600,000		(10,416,667)	852,933,333	
5/31/2010	\$ 89,322,808	\$ 11,556,555	\$ 89,322,808			894,600,000		(22,250,000)	783,350,000		(10,416,667)	842,516,667	
6/30/2010	\$ 110,217,167	\$ 20,894,359	\$ 110,217,167			894,600,000		(22,250,000)	761,100,000		(10,416,667)	832,100,000	
7/31/2010	\$ 120,481,846	\$ 10,264,679	\$ 120,481,846			894,600,000		(22,250,000)	738,850,000		(10,416,667)	821,683,333	
8/31/2010	\$ 122,984,092	\$ 2,502,246	\$ 122,984,092			894,600,000		(22,250,000)	716,600,000		(10,416,667)	811,266,667	
9/30/2010	\$ 129,422,439	\$ 6,438,347	\$ 129,422,439			894,600,000		(22,250,000)	694,350,000		(10,416,667)	800,850,000	
10/31/2010	\$ 107,322,526	\$ (22,099,913)	\$ 107,322,526			894,600,000		(22,250,000)	672,100,000		(10,416,667)	790,433,333	
11/30/2010	\$ 99,387,740	\$ (7,934,786)	\$ 99,387,740			894,600,000		(22,250,000)	649,850,000		(10,416,667)	780,016,667	
12/31/2010	\$ 112,007,162	\$ 12,619,422	\$ 112,007,162	7		894,600,000		(22,250,000)	627,600,000	(267,000,000)	(10,416,667)	769,600,000	(125,000.00)
1/31/2011						894,600,000		(22,250,000)	605,350,000		(10,416,667)	759,183,333	
2/28/2011						894,600,000		(22,250,000)	583,100,000		(10,416,667)	748,766,667	
3/31/2011						894,600,000		(22,250,000)	560,850,000		(10,416,667)	738,350,000	
4/30/2011						894,600,000		(22,250,000)	538,600,000		(10,416,667)	727,933,333	
5/31/2011						894,600,000		(22,250,000)	516,350,000		(10,416,667)	717,516,667	
6/30/2011						894,600,000		(22,250,000)	494,100,000		(10,416,667)	707,100,000	
7/31/2011						894,600,000		(22,250,000)	471,850,000		(10,416,667)	696,683,333	
8/31/2011						894,600,000		(22,250,000)	449,600,000		(10,416,667)	686,266,667	
9/30/2011						894,600,000		(22,250,000)	427,350,000		(10,416,667)	675,850,000	
10/31/2011						894,600,000		(22,250,000)	405,100,000		(10,416,667)	665,433,333	
11/30/2011						894,600,000		(22,250,000)	382,850,000		(10,416,667)	655,016,667	
12/31/2011				7		894,600,000		(22,250,000)	360,600,000	(267,000,000)	(10,416,667)	644,600,000	(125,000.00)
1/31/2012						894,600,000		(20,166,667)	340,433,333		(10,416,667)	634,183,333	
2/29/2012						894,600,000		(20,166,667)	320,266,667		(10,416,667)	623,766,667	
3/31/2012						894,600,000		(20,166,667)	300,100,000		(10,416,667)	613,350,000	
4/30/2012						894,600,000		(20,166,667)	279,933,333		(10,416,667)	602,933,333	
5/31/2012						894,600,000		(20,166,667)	259,766,667		(10,416,667)	592,516,667	
6/30/2012						894,600,000		(20,166,667)	239,600,000		(10,416,667)	582,100,000	
7/31/2012						894,600,000		(20,166,667)	219,433,333		(10,416,667)	571,683,333	
8/31/2012						894,600,000		(20,166,667)	199,266,667		(10,416,667)	561,266,667	
9/30/2012						894,600,000		(20,166,667)	179,100,000		(10,416,667)	550,850,000	
10/31/2012						894,600,000		(20,166,667)	158,933,333		(10,416,667)	540,433,333	
11/30/2012						894,600,000		(20,166,667)	138,766,667		(10,416,667)	530,016,667	
12/31/2012				7		894,600,000		(20,166,667)	118,600,000	(242,000,000)	(10,416,667)	519,600,000	(125,000.00)
1/31/2013						894,600,000		(10,416,667)	108,183,333		(10,416,667)	509,183,333	
2/28/2013						894,600,000		(10,416,667)	97,766,667		(10,416,667)	498,766,667	
3/31/2013						894,600,000		(10,416,667)	87,350,000		(10,416,667)	488,350,000	
4/30/2013						894,600,000		(10,416,667)	76,933,333		(10,416,667)	477,933,333	
5/31/2013						894,600,000		(10,416,667)	66,516,667		(10,416,667)	467,516,667	
6/30/2013						894,600,000		(10,416,667)	56,100,000		(10,416,667)	457,100,000	
7/31/2013						894,600,000		(10,416,667)	45,683,333		(10,416,667)	446,683,333	
8/31/2013						894,600,000		(10,416,667)	35,266,667		(10,416,667)	436,266,667	
9/30/2013						894,600,000		(10,416,667)	24,850,000		(10,416,667)	425,850,000	

Prepared by Robert H Smith from 2010 Earnings Surveillance Reports - Draft

	12 month Weather Normalization	Monthly	Cum Chg	FERC 131 CASH	Actual Surplus Amortization	Remaining Balance	Annual Amortization	New Surplus Amortization(1)	Remaining Balance	Annual Amortization	Old Surplus Amortization(2)	Remaining Balance	Annual Amortization
10/31/2011						894,600,000		(10,416,667)	14,433,333		(10,416,667)	415,433,333	
11/30/2011						894,600,000		(10,416,667)	4,016,667		(10,416,667)	405,026,667	
12/31/2011				?		894,600,000		(4,016,667)	(0)	(118,600,000)	(10,416,667)	394,600,000	(125,000,000)
							<u>Total/Year</u>			<u>Total/Year</u>			<u>Total/Year</u>
						2010	-		2010	(267,000,000)		2010	(125,000,000)
						2011	-		2011	(267,000,000)		2011	(125,000,000)
						2012	-		2012	(242,000,000)		2012	(125,000,000)
						2013	-		2013	(118,600,000)		2013	(125,000,000)
						Balance	894,600,000		Balance			Balance	394,600,000
												Over 22 Years	(17,936,364)

(1) Depreciation Reserve Surplus Adjustment Provided Under Paragraph 7 of the 2010 Stipulation and Settlement Agreement. Max. \$267 Million per year Max. 5776 3 yrs. Remaining based on old \$125 million (\$118.6 million).

(2) Depreciation Reserve Surplus Adjustment Provided by original order. \$125 million for 4 years (\$500 million), \$17.9 million for 22 yrs. (\$194.6 million).

Questions:

What is the total portion of the Depreciation Surplus Amortization Provided under Paragraph 7 of the 2010 Stipulation and Settlement Agreement? How much was amortized in 2010?

The increase in ROE from 10% to 11% represents \$78.5 million dollars of additional cushion to prevent overearnings. There was a 10% ROE during good economic times. Why has the ROE increased?

The Weather Normalization Clause finished at \$112 million. Since there was an increased ROE a portion of these revenues would have been subject to the over earnings test if the ROE remained at 10%.

Based upon the old Amortization of the depreciation surplus amortization they would have potentially been put into an over earnings situation since the amortization would have been locked at \$125 million per year. This is based upon comparing the actual depreciation surplus amortization versus the Old (2) adjudicated amount. If the actual is less than they might have over earned under the Old (2) amount.

If the actual depreciation surplus amortization is less than the New (1) and Old (2) adjudicated amounts then the Weather Normalization revenues have been absorbed by reducing the depreciation surplus amortization. These Weather Normalization revenues might have been subject to an over earnings test if there was a set amortization in the agreement. This will defer the give back of the surplus.

The New Amortization reflects an accelerated amortization only if the Company is amortizing at the adjudicated level. If the amortization is substantially less then this will defer the amortization. There was no minimum amortization set in the new agreement whereas in the old agreement a minimum amortization was set. Since they are allowing the company to control the amortization this might defer the return of the surplus amortization over a longer period of time.

Where is the Cash reconciliation of the Use of the \$1.21 billion of the depreciation surplus? Based upon the Balance in the FERC 131 Cash account the balance of depreciation surplus has not been maintained.

Florida Power & Light Company
and Subsidiaries
Capital Structure
FPSC Adjusted Basis 13 Month Average
2010

<u>FPSC Adjusted Average Jurisdictional Return on Common Equity</u>			<u>Dec-10</u>
Rate Base			16,800,538,432
FPSC Adjusted/Allowed Rate of Return			6.89%
FPSC Adjusted Operating Income			1,157,319,418
Weather Normalization Clause			(112,007,162)
Proforma Adjusted			1,045,312,256
Company Calculated Return on Common Equity			9.57%
Rate Base			16,800,538,432
FPSC Adjusted/Allowed Rate of Return @	10.00%		6.42%
Operating Income			1,078,834,105
Over Earnings			78,485,313
Pro Forma FPSC Allowed Common Equity w/o Weather Norm Adj			10.00%
Rate Base			16,800,538,432
FPSC Adjusted/Allowed Rate of Return @	10.75%		6.77%
Operating Income			1,137,530,550
Over Earnings			19,788,868
Pro Forma FPSC Allowed Common Equity w/o Weather Norm Adj			10.75%
Rate Base			16,800,538,432
FPSC Adjusted/Allowed Rate of Return @	11.00%		6.89%
Operating Income			1,157,319,418
Over Earnings			(0)
Pro Forma FPSC Allowed Common Equity w/o Weather Norm Adj			11.00%
Difference Allowed ROE	11.00%	10.00%	0.47%
Difference in Over Earnings			78,485,313
Check			78,485,313
FPSC Adjusted Rate of Return			6.89%
Less: Average Retail Weighted Cost Rates For:			
Long Term Debt			1.53%
Short Term Debt			0.03%
Preferred Stock			0.00%
Customer Deposits			0.20%
Tax Credits - WTD Cost			0.00%
Subtotal			1.76%
Pro Forma ROR Less Non Equity Cost			5.13%
Pro Forma Common Equity Ratio			46.58%
Pro Forma Return on Common Equity Company w/o Weather Norm Ad			11.00%

Florida Power & Light Company
and Subsidiaries
Capital Structure
FPSC Adjusted Basis 13 Month Average
2010

<u>FPSC Adjusted Average Jurisdictional Return on Common Equity</u>	<u>Dec-10</u>			
Average RateBase	16,800,538,432			
Average Rate of Return	6.89%			
Actual Net Operating Income	1,157,319,418			
Capital Components				
Long Term Debt	4,859,391,851			
Short Term Debt	510,727,045			
Preferred Stock	-			
Customer Deposits	549,103,614			
Common Equity	7,826,192,572			
Deferred Income Tax	3,048,789,083			
Investment Tax Credits	6,334,267			
Total	16,800,538,432			
Capital Ratio				
Long Term Debt	28.92%			
Short Term Debt	3.04%			
Preferred Stock	0.00%			
Customer Deposits	3.27%			
Common Equity	46.58%			
Deferred Income Tax	18.15%			
Investment Tax Credits	0.04%			
Total	100.00%			
Cost of Capital				
Long Term Debt	5.30%			
Short Term Debt	1.00%			
Preferred Stock	0.00%			
Customer Deposits	6.01%			
Common Equity	10.00%			
Deferred Income Tax	0.00%			
Investment Tax Credits	8.82%			
Return on Equity (ROE)				
Weighted Cost Adjudicated	10.00%	10.75%	11.00%	
Long Term Debt	1.53%	1.53%	1.53%	
Short Term Debt	0.03%	0.03%	0.03%	
Preferred Stock	0.00%	0.00%	0.00%	
Customer Deposits	0.20%	0.20%	0.20%	
Common Equity	4.66%	5.01%	5.12%	
Deferred Income Tax	0.00%	0.00%	0.00%	
Investment Tax Credits	0.00%	0.00%	0.00%	
Total	6.42%	6.77%	6.89%	

Confidentiality Statement

The documents accompanying this telecopy transmission contain information which is confidential and/or legally privileged. The information is intended only for the use of the individual or entity named on this transmission sheet. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution or the taking of any action in reliance on the contents of this telecopied information is strictly prohibited, and the documents should be returned. In this regard, if you received this telecopy in error, please contact the sender by reply E-mail and destroy all copies of the original.

From: rpjrb@yahoo.com [mailto:rpjrb@yahoo.com]

Sent: Tuesday, February 15, 2011 2:46 PM

To: 'Records Clerk'; 'Curt Kiser'; 'Lisa Bennett'; 'John Slemkewicz'

Cc: 'Ann Cole'; 'Office Of Commissioner Edgar'; 'Office Of Commissioner Graham'; 'Office of Commissioner Brisé'; 'Office Of Commissioner Graham'; 'Office of Commissioner Balbis'; 'Office of Commissioner Brown'; 'rick.scott@eog.myflorida.com'; 'jennifer.carroll@eog.myflorida.com'; 'danlarson@bellsouth.net'; 'ken.hoffman@fpl.com'

Subject: RE: June 2010 ESR overearnings Calculations / Preliminary Rob Analysis Draft

Dear Records Clerk, Dear Commissioner's, Mr. Kiser and Mr. Slemkewicz,

The first section is for the Records clerk specifically except if a legal response is needed to make sure that there is compliance with the Florida Statutes below.

Thanks for your response.

I am sure that the Commission is well aware by now that I try not to try and travel to the Commission on my own.

I am sure that the documents can be scanned and sent electronically as per 119.07(2)(a), F.S. This way I can take a look at the information for the full year.

Since the documents for December 2009 and 2010 were scanned and imaged into the archive it appears that the records can be provided electronically which according to 119.07(2)(a), F.S. it would be provided at no charge. The precedence has already been set by conforming to 119.07(2)(a) with the population of December 2009 and 2010 ESR reports.

I do not understand why there is a reluctance to provide the information as per 119.01(2). According to the Statute below it indicates "The Legislature finds that, given advancements in technology, providing access to public records by remote electronic means is an additional method of access that agencies should strive to provide to the extent feasible. If an agency provides access to public records by remote electronic means, then such access should be provided in the most cost-effective and efficient manner available to the agency providing the information." In addition, 119.01(3) indicates that " The Legislature finds that providing access to public records is a duty of each agency and that automation of public records must not erode the right of access to those records. As each agency increases its use of and dependence on electronic recordkeeping, each agency must ensure reasonable access to records electronically maintained." This would support the request to make sure that this is made

3/4/2011

available on the web portal instead of suggesting that I should travel 6 hours to view the documents. This does not make economic sense considering that I am unemployed and I try not to travel long distances on my own.

Since this information has been made available on the web already then this would support compliance with 119.01(2)(a), F.S. and 119.01(3), F.S. respectively.

Please let me know if the information can be made available electronically. This just does not make sense.

Please let me know when all my emails/information is going to be populated into the docket files.

Thanks for your response and help.

Thanks,

Robert H. Smith

119.01 General state policy on public records.

(1) It is the policy of this state that all state, county, and municipal records shall be open for personal inspection by any person.

(2) The Legislature finds that, given advancements in technology, providing access to public records by remote electronic means is an additional method of access that agencies should strive to provide to the extent feasible. If an agency provides access to public records by remote electronic means, then such access should be provided in the most cost-effective and efficient manner available to the agency providing the information.

(3) The Legislature finds that providing access to public records is a duty of each agency and that automation of public records must not erode the right of access to those records. As each agency increases its use of and dependence on electronic recordkeeping, each agency must ensure reasonable access to records electronically maintained.

(4) Each agency shall establish a program for the disposal of records that do not have sufficient legal, fiscal, administrative, or archival value in accordance with retention schedules established by the records and information management program of the Division of Library and Information Services of the Department of State.

STATEMENT OF AGENCY ORGANIZATION & OPERATIONS

COPYING CHARGES FOR COMMISSION RECORDS

Copies of Documents

§ 119.07(2)(a), F.S.	Records provided electronically	no charge
§ 119.07(4)(a)1, F.S.	Single-sided pages	\$ 0.15
§ 119.07(4)(a)2, F.S.	Duplexed pages	\$ 0.20
§ 119.07(4)(c), F.S.	Certified copies	\$ 1.00 each
§ 28.24(27), F.S.	Certified or registered mailing	cost of mailing
§ 350.06(6), F.S.	Where fee would be < \$ 1.00	no charge

Florida State Agencies

§ 28.24(12)(e)1, F.S. no charge

All court records are the property of the State of Florida. The clerk of the court shall not charge for copies generated by CMS or held by the court.

§ 119.011(2), F.S.

"Agency" means any state, county, district, authority, or municipal officer, department, division, board, bureau, commission, or other separate unit of government created or established by law.

Media Charges

§ 119.07(4)(a)3, F.S.	Thumb drive	\$ 10.00 each
	Video tape	\$ 2.56 each
	Audio tape	\$ 0.46 each
	DVD	\$ 0.60 each
	CD	\$ 0.19 each
§ 350.06(6), F.S.	Where fee would be < \$ 1.00	no charge

Dear Commissioner's, Mr. Kiser and Mr. Slemkewicz,

Please provide a legal response to my emails below. Since the information has not been provided in a transparent manner before a ruling has been made I trust you understand why I filed my motion(s). The transparency should have taken place before any rulings have been made in these proceedings to afford every person that has a legal interest in these proceedings full due process in order to protect their legal interests.

I have sent to you my concerns regarding the new pending legislation regarding 350.041 and 350.042.

Please make sure that these are in compliance with Federal legislation.

I am still waiting to hear from FERC regarding my concerns with the tax payments reconciliation that I have requested.

Thanks,

Robert H. Smith

Confidentiality Statement

The documents accompanying this telecopy transmission contain information which is confidential and/or legally privileged. The information is intended only for the use of the individual or entity named on this transmission sheet. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution or the taking of any action in reliance on the contents of this telecopied information is strictly prohibited, and the documents should be returned. In this regard, if you received this telecopy in error, please contact the sender by reply E-mail and destroy all copies of the original.

From: Ann Cole [mailto:ACOLE@PSC.STATE.FL.US]
Sent: Tuesday, February 15, 2011 2:00 PM
To: rpjrb@yahoo.com
Subject: FW: June 2010 ESR overearnings Calculations / Preliminary Rob Analysis Draft

Dear Mr. Smith,

In response to your e-mail of February 15, 2011, please note that future ESRs will be made available from the FPSC's Web site; however, the Commission does not anticipate putting older ESRs on line. If you wish to review FPL's ESRs for November 2009 and earlier, I will assist you with making arrangements to view them at the Commission at no cost. Alternatively, the Commission can provide you with copies upon payment of copying charges, if applicable.

Should you wish copies of FPL's ESRs for November 2009 and earlier, please provide the date range that you are interested in.

I hope you find this information helpful. I will await further instructions.

Sincerely,
Ann Cole, Commission Clerk
Office of Commission Clerk

From: rpjrb@yahoo.com [mailto:rpjrb@yahoo.com]
Sent: Tuesday, February 15, 2011 11:20 AM
To: Records Clerk, Curt Kiser, Lisa Bennett, John Siemkewicz
Cc: Ann Cole; Office Of Commissioner Edgar; Office Of Commissioner Graham; Office of Commissioner Brisé; Office Of Commissioner Graham; Office of Commissioner Balbis; Office of Commissioner Brown; rick.scott@eog.myflorida.com; jennifer.carroll@eog.myflorida.com; danlarson@bellsouth.net; ken.hoffman@fpl.com
Subject: FW: June 2010 ESR overearnings Calculations / Preliminary Rob Analysis Draft

Dear Records Clerk,

As indicated in my previous e-mail, I already know that the information from December 2009 to November 2010 was made available. My original intent was to call for 2009's as well.

Since December 2009 has been made part of the Electronic record what would be the reasoning for not populating the rest of the 2009 information?

What was the reasoning behind not populating the rest of 2009 when it is apparent that this should be a very easy thing to do?

3/4/2011

3/4/11 -RCM

+ Pgs 30-71 are *

Duplicate + have

been removed

110009-EI

Diamond Williams

From: Ann Cole
Sent: Monday, February 14, 2011 4:46 PM
To: Diamond Williams
Cc: Mary Anne Helton; Kathryn Cowdery; Lisa Bennett; Hong Wang; Dorothy Menasco
Subject: FW: June 2010 ESR overearnings Calculations / Preliminary Rob Analysis Draft
Attachments: ESRWeatherNormalization02102011.pdf; ESROverEarningsJune201002112011.pdf
Diamond,

Please review this e-mail with the correspondence files and be sure that any new information from Mr. Smith is placed in the correspondence file for Docket Nos 080677, 100009, 110009, and 100410.

Thank you.
Ann Cole



From: rpjrb@yahoo.com [mailto:rpjrb@yahoo.com]
Sent: Friday, February 11, 2011 9:55 AM
To: Curt Kiser; Records Clerk; Lisa Bennett; John Slemkewicz
Cc: Ann Cole; Office Of Commissioner Edgar; Office Of Commissioner Graham; Office of Commissioner Brisé; Office Of Commissioner Graham; Office of Commissioner Balbis; Office of Commissioner Brown; rick.scott@eog.myflorida.com; jennifer.carroll@eog.myflorida.com; danlarsen@bellsouth.net; ken.hoffman@fpl.com
Subject: June 2010 ESR overearnings Calculations / Preliminary Rob Analysis Draft

Dear Mr. Kiser and Mr. Slemkewicz,

Due to the delicate nature of this information I would like to make sure that this correspondence request/communication does not have any impact on my current/future employment. I can only hope that this request is viewed as a public service request and does not have any impact on my family's well being.

Attached you will find a copy of the June 2010 Over Earnings Calculation summarized. I have completed this type of presentation of the analysis to take a look at the overearnings for 2010. This can now be used for 2008, 2009, 2010 and 2011. I have 2008 and I have December 2009 and through November 2010.

Is the rest of 2009 going to be populated on the web? We are waiting for the December 2010 year end to see how this relates to the 2010 Forecasted Earnings Surveillance report.

What is the status of my email correspondence being made part of the public record? It has been a long time and the information still has not been made part of the public Docket. Why has this information not be made as part of the public record?

Please make sure that the attached file ESRWeatherNormalization02102011.pdf and ESROverEarningsJune201002112011.pdf is scanned with this document when it is made part of the public record.

I sent a copy of this email to the following interested parties to make sure that everyone is in the loop.

a. Person responsible for this electronic filing:

Mr. & Mrs. Daniel R. Larson

16933 W. Narlena Dr.

Loxahatchee, FL 33470

Phone: (561) 791-0875
danlarsen@bellsouth.net

Florida Power & Light Company
Mr. Ken Hoffman
215 South Monroe Street, Suite 810
Tallahassee, FL 32301-1858
Phone: (850) 521-3900
Fax: (850) 521-3939
Email: ken.hoffman@fpl.com

Please provide me with the backup to the calculated \$53.5 million Dollars of overearnings estimated at

2/15/2011

June 30, 2010. I would like to compare the copy that I downloaded electronically versus the one that was used to calculate the \$53.5 million dollars. Was this calculation at an allowed ROE of 10.75%?

Based upon the downloaded ESR report for June 2010 I calculated based upon a 10%, 10.75% and 11% allowed ROE excess earnings of \$108 million, \$51.4 million and \$32.5 million dollars respectively. This is before the Weather Normalization Clause. If this adjustment does not reverse out by year end then a decision should be made to include this into the over earnings test based upon my discussion in my email below.

I would like to compare your calculation that was put into the record with the calculation below to see if the test is in line.

Here is what I see as a problem. What is the normal Allowed ROE at Utilities across the United States for 2010 and 2011? The National Average below based upon a 5N1 Forecast by Utility is an average of 10.22%.

The Economy is very bad and I cannot see how the Commission would increase the allowed ROE to 11% when they had a 10% allowed ROE during better economic times. How come the allowed ROE was increased?

Since the Stipulation and Settlement agreement has taken away the control of the over recovery of depreciation amortization the company can back off on this amortization to keep the over earnings. This will delay the return of the depreciation over recovery. Based upon my email discussion below we still need to see the actual over recovery of depreciation amortization that the company has amortized in 2010. This should be disclosed to gauge how much was given back on a cumulative basis. If the company is earning around the 11% the company will potentially stop the amortization to keep the return on equity around the 11% so that the cumulative refund to the customer might not come close to the original amortization that was set in the order prior to the Stipulation and Settlement Agreement. This might delay the return of the over recovery.

By increasing the allowed ROE to 11% this gave room for some of the over earnings at the old ROE of 10% to be absorbed and kept by the company. In addition, by nature that the company now controls the over recovery of the depreciation surplus they are in a position to return the money to the customer over a longer period of time since they can now have more room to over earn plus the ability to only amortize the over recovery up until the 11% ROE.

Based upon the Forecasted Earnings Surveillance Reports I have asked the company what the assumption was for the amortization of the depreciation over recovery.

I have asked what the \$30,000 represents since this number is not-transparent in the Forecasted Earnings Surveillance reports. This should be disclosed on the monthly ESR reports as well. What has happened in this case is that there is full control of the return of the depreciation over recovery. If the company earns at 9.0% it is being allowed just to amortize an amount to make sure that they do not earn above the 11% ROE. If company earns near or above the 11% ROE then it can pull back on the return of the over recovered depreciation surplus. This assumes that the 11% is a fair return based upon the average. It appears that this was running at 10.22% which is below the 11% agreed upon with the Stipulation and Settlement agreement. If the agreed upon ROE was in the 10% range then it appears that the company would be over earning and unless the Stipulation and Settlement agreement was put into place the company would have to return any over earnings above its allowed ROE in addition to the over recovered depreciation surplus. This would have caused a potential rate decrease to the customer.

The rates are now locked for two years and if the company does not return a majority of the depreciation surplus it appears that after the two year rate freeze that if this surplus is not returned that there might be more room to freeze the rates for a longer period of time. When will the next depreciation study be completed to make sure that the surplus is not growing. Have the lives of the plant been changed to reflect a longer period of over recovery for the assets that generated the over recovery of depreciation?

They should probably compute this study at least once a year to determine if the surplus is going down or if it is increasing. Now that there is a base rate freeze the possibility exists that they can be still over recovering depreciation related to these assets.

Please see email dated to the company

Sent: Monday, November 22, 2010 11:25 AM

To: 'John.Butler@fpl.com <John.Butler@fpl.com>'; 'ken.rubin@fpl.com'; 'Pat.Brian@fpl.com'

Cc: 'Charles_Sieving@fpl.com'; 'Lew_Hay@fpl.com'

Subject: Withdrawal of the Confidential Classification of Provisional Electric Forecasted Earnings Surveillance Report / Questions regarding the forecast assumptions

With the depreciation reserve surplus amortization below, what would be the difference between the amortization below of \$30,000 and the original amount as set by the Florida public Service Commission? According to note 3 it indicates that this "Assumes FPSC approval of the August 20, 2010 Stipulation and Settlement Agreement. Does this represent \$30 million since there is no (\$000's) on the top of the Forecast Assumption page. Is this an annual amount of amortization? If this is an annual amortization how come it is significantly lower than the original amount as set by the original order? The original order has indicated that there will be a base rate increase of \$75 million but a depreciation amortization that is \$500 million over 4 years or \$125 million per year for 4 years. In addition, there was \$394.6 million being amortized at \$17.9 million over 22 years. If the \$30,000 represents \$30 million then does this replace the original amortization?

C. OTHER CORPORATE ASSUMPTIONS

INTEREST RATES -

1) 30 DAY COMMERCIAL PAPER	0.6%
2) LONG TERM DEBT	5.8%
DEPRECIATION RESERVE SURPLUS AMORTIZATION (3)	\$30,000

(3) Assumes FPSC approval of the August 20, 2010 Stipulation & Settlement Agreement.

2/15/2011

National Authorized ROE's - RRA Data (Jan - June 2010)

State	Company	Service	Date	Rate Increase (%)	Rate Basis	Return on		Rate Base (\$M)	Rate Base Valuation Method	Lag (months)	
						Equity	Common Equity				
Alabama	Emerald Arkansas Inc	Electric	5/26/2010	73.3	5.54	10.20	29.32	162579	2,242.90	Year-end	8
Arizona	UMS Gas Inc	Natural Gas	4/10/2010	3.5	8.00	8.80	49.00	967008	180.10	Year-end	17
Arkansas											
California	Pulsar Electric Power Co	Electric	3/2/2010	10.8	4.01	9.93	48.18	129206	1,910.90	Average	8
Florida	Florida Power & Light Co	Electric	1/17/2010	73.5	4.25	10.00	47.00	122000	16,747.40	Average	12
Florida	Florida Power Corp	Electric	3/5/2010	126.2	7.98	10.50	46.74	122010	6,302.30	Average	11
Georgia	Apex Energy Corp	Natural Gas	3/31/2010	2.9	8.61	10.10	47.33	107010	80.20	Average	6
Illinois	Janssells Power & Light Co	Electric	1/4/2010	83.7	8.91	10.80	49.32	127006	1,820.90	Average	9
Illinois	Central Illinois Light Co	Electric	4/29/2010	2.2	3.05	9.85	47.81	127008	279.20	Year-end	10
Illinois	Central Illinois Light Co	Natural Gas	4/29/2010	-2.4	7.87	9.80	43.81	123018	129.00	Year-end	10
Illinois	Central Illinois Public	Electric	4/29/2010	17.0	8.00	10.00	48.67	127008	463.00	Year-end	10
Illinois	Central Illinois Public	Natural Gas	4/29/2010	-1.7	7.56	9.19	43.27	127008	177.20	Year-end	10
Illinois	Illinois Power Co	Electric	4/29/2010	16.8	8.47	10.26	43.65	127008	1,306.40	Year-end	10
Illinois	Illinois Power Co	Natural Gas	4/29/2010	-11.1	8.59	9.60	43.55	127008	484.10	Year-end	10
Illinois	Mid-American Energy Co	Natural Gas	3/24/2010	2.2	7.60	10.13	47.08	127008	27.19	Year-end	8
Illinois	North Shore Gas Co	Natural Gas	1/11/2010	13.9	8.19	10.33	58.00	129510	163.10	Average	10
Illinois	Peoples Gas Light & Coke Co	Natural Gas	1/11/2010	60.5	8.05	10.25	58.60	107010	1,201.40	Average	11
Kansas	Kansas Gas and Electric Co	Electric	1/27/2010	8.4	8.49	10.45	59.11	NA	NA	NA	7
Kansas	Western Energy and	Electric	1/27/2010	8.4	8.49	10.45	59.11	NA	NA	NA	7
Kentucky	Apex Energy Corp	Natural Gas	5/28/2010	4.1	NA	NA	NA	NA	NA	NA	7
Kentucky	Consumers Energy Co	Natural Gas	5/11/2010	68.9	7.07	10.33	43.79	992010	2,736.20	Average	12
Michigan	Detroit Edison Co	Electric	1/11/2010	217.4	7.02	11.00	39.44	982010	9,172.20	Average	11
Michigan	Michigan Consolidated Gas Co	Natural Gas	6/3/2010	118.6	7.19	11.00	39.78	122010	2,368.80	Average	11
Minnesota	GeniePoint Energy Resources	Natural Gas	1/11/2010	40.8	1.09	10.34	52.55	129509	935.90	Average	18
Missouri	Empire District Gas Co	Natural Gas	1/20/2010	2.8	NA	NA	NA	NA	NA	NA	1
Missouri	Southern Union Co	Natural Gas	2/10/2010	16.2	7.72	10.00	38.66	147006	419.20	Year-end	10
Missouri	Union Electric Co	Electric	1/26/2010	270.6	4.06	10.10	51.28	937009	6,990.00	Year-end	10
Montana	StanleyGas Distribution LLC	Natural Gas	3/9/2010	1.6	7.60	8.60	48.00	130208	86.10	Year-end	8
New Jersey	Atlantic City Electric Co	Electric	5/12/2010	20.0	9.69	10.30	48.10	127006	781.60	Year-end	9
New Jersey	Public Service Electric Gas	Electric	8/27/2010	23.5	4.21	10.30	51.20	129509	3,750.00	Year-end	13
New Jersey	Public Service Electric Gas	Natural Gas	8/18/2010	26.5	8.21	10.30	51.23	127009	2,770.00	Year-end	12
New Jersey	Rockland Electric Company	Electric	9/12/2010	8.8	8.21	10.30	48.85	127009	168.80	Year-end	8
New York	Consolidated Edison Gas & Electric	Electric	6/16/2010	11.8	7.44	10.50	48.06	982011	982.60	Average	10
New York	Consolidated Edison Gas & Electric	Natural Gas	6/16/2010	9.7	7.44	10.00	38.00	982011	150.10	Average	10
New York	Consolidated Edison Co of NY	Electric	3/25/2010	549.8	7.75	10.75	48.00	932011	14,887.00	Average	10
Oregon	Island Power Co	Electric	2/24/2010	5.0	4.06	10.18	49.80	NA	1,009.00	NA	6
Oregon	TroCoop	Electric	1/26/2010	41.8	8.08	10.13	51.20	129509	2,369.20	Average	9
Ohio	Management Electric Co	Electric	2/25/2010	23.5	7.03	9.60	42.74	122508	502.00	Average	8
South Carolina	Duke Energy Carolinas LLC	Electric	1/27/2010	74.1	8.41	10.70	53.00	127008	3,198.20	Year-end	8
South Dakota	Northern States Power Co - MN	Electric	1/5/2010	10.8	8.32	NA	NA	NA	NA	NA	8
Tennessee	Chattanooga Gas Company	Natural Gas	5/24/2010	0.1	7.41	10.25	49.08	142011	60.80	Average	8
Texas	Atchafalaya Energy Corp	Natural Gas	1/28/2010	2.7	3.60	10.40	48.81	962508	1,278.00	Year-end	8
Texas	CenterPoint Energy Resources	Natural Gas	3/23/2010	5.1	8.60	10.40	50.60	932509	176.00	Year-end	8
Texas	Southern Electric Power Co	Electric	4/18/2010	26.0	NA	NA	NA	932009	NA	NA	7
Texas	FirstCoop	Electric	2/18/2010	32.4	8.31	10.60	51.00	962509	4,628.40	Average	8
Utah	Quaker Gas Co	Natural Gas	4/30/2010	2.5	8.43	10.35	NA	122010	526.00	Average	4
Virginia	Kentucky Utilities Co	Electric	3/4/2010	10.6	7.88	10.00	53.60	122008	733.00	Average	8
Virginia	Virginia Electric & Power Co	Electric	3/11/2010	NA	NA	11.90	NA	127004	NA	NA	15
Washington	Puget Sound Energy Inc	Electric	4/20/2010	74.1	8.10	10.10	46.20	122008	3,195.80	Average	10
Washington	Puget Sound Energy Inc	Natural Gas	4/20/2010	10.1	8.10	10.10	46.00	122008	1,867.50	Average	10
West Virginia	Mountainair Gas Company	Natural Gas	3/19/2010	49.8	3.72	NA	NA	120008	172.40	Average	8
Wyoming	MDU Resources Group Inc	Electric	4/27/2010	2.7	8.25	10.00	49.77	122008	71.90	Year-end	8
Wyoming	PacificCorp	Electric	5/14/2010	25.0	8.33	NA	NA	NA	NA	NA	7

Average 76.32

Based on the most recent ESR submitted to the Commission for the 12-month period ended June 30, 2010, staff estimates the current amount of overearnings to be approximately \$53.5 million. This amount could fluctuate up or down based on the actual level of earnings through the 12-month period ending March 31, 2011. As discussed in the Case Background, FPL has not submitted a Forecasted ESR for calendar year 2010.

	12 month Weather			FERC 131
	<u>Normalization</u>	<u>Monthly</u>	<u>Cum. Chk</u>	<u>CASH</u>
12/31/2009	\$ 50,771,175		\$ 50,771,175	\$ 34,255,751
1/31/2010	\$ 85,381,929	\$ 34,610,754	\$ 85,381,929	
2/28/2010	\$ 87,483,710	\$ 2,101,781	\$ 87,483,710	
3/31/2010	\$ 90,064,511	\$ 2,580,801	\$ 90,064,511	
4/30/2010	\$ 77,766,253	\$ (12,298,258)	\$ 77,766,253	
5/31/2010	\$ 89,322,808	\$ 11,556,555	\$ 89,322,808	
6/30/2010	\$ 110,217,167	\$ 20,894,359	\$ 110,217,167	
7/31/2010	\$ 120,481,846	\$ 10,264,679	\$ 120,481,846	
8/31/2010	\$ 122,984,092	\$ 2,502,246	\$ 122,984,092	
9/30/2010	\$ 129,422,439	\$ 6,438,347	\$ 129,422,439	
10/31/2010	\$ 107,322,526	\$ (22,099,913)	\$ 107,322,526	
11/30/2010	\$ 99,387,740	\$ (7,934,786)	\$ 99,387,740	
12/31/2010				?
1/31/2011				
2/28/2011				
3/31/2011				
4/30/2011				
5/31/2011				
6/30/2011				
7/31/2011				
8/31/2011				
9/30/2011				
10/31/2011				
11/30/2011				
12/31/2011				?

Florida Power & Light Company
and Subsidiaries
Capital Structure
FPSC Adjusted Basis 13 Month Average
2010

<u>FPSC Adjusted Average Jurisdictional Return on Common Equity</u>		<u>Jun-10</u>
Rate Base		16,362,315,134
FPSC Adjusted/Allowed Rate of Return		7.01%
FPSC Adjusted Operating Income		1,146,702,149
Weather Normalization Clause		(110,217,167)
Proforma Adjusted		1,036,484,982
Company Calculated Return on Common Equity		9.97%
Rate Base		16,362,315,134
FPSC Adjusted/Allowed Rate of Return @	10.00%	6.35%
Operating Income		1,038,735,097
Over Earnings		107,967,052
Pro Forma FPSC Allowed Common Equity w/o Weather Norm Adj.		10.00%
Rate Base		16,362,315,134
FPSC Adjusted/Allowed Rate of Return @	10.75%	6.69%
Operating Income		1,095,331,778
Over Earnings		51,370,371
Pro Forma FPSC Allowed Common Equity w/o Weather Norm Adj.		10.75%
FPSC Adjusted Operating Income		1,146,702,149
Rate Base		16,362,315,134
FPSC Adjusted/Allowed Rate of Return @	11.00%	6.81%
Operating Income		1,114,197,338
Over Earnings		32,504,811
Pro Forma FPSC Allowed Common Equity w/o Weather Norm Adj.		11.00%
Difference Allowed ROE	11.00% 10.00%	0.46%
Difference in Over Earnings		75,462,240
Check		107,967,052
FPSC Adjusted Rate of Return		7.01%
Less: Average Retail Weighted Cost Ratios For:		
Long Term Debt		1.51%
Short Term Debt		0.02%
Preferred Stock		0.00%
Customer Deposits		0.20%
Tax Credits - WYD Cost		0.00%
Subtotal		1.74%
Pro Forma ROR Less Non Equity Cost		5.27%
Pro Forma Common Equity Ratio		46.12%
Pro Forma Return on Common Equity Company w/o Weather Norm Adj.		11.43%

Florida Power & Light Company
and Subsidiaries
Capital Structure
FPSC Adjusted Basis 13 Month Average
2010

FPSC Adjusted Average Jurisdictional Return on Common Equity	Jun-10			
Average Return	16,362,315,134			
Average Rate of Return	7.01%			
Actual Net Operating Income	1,146,702,149			
 Capital Components				
Long Term Debt	4,699,755,164			
Short Term Debt	543,627,162			
Preferred Stock	-			
Customer Deposits	554,628,290			
Common Equity	7,546,224,028			
Deferred Income Tax	3,014,381,991			
Investment Tax Credits	1,698,489			
Total	16,362,315,134			
 Capital Ratio				
Long Term Debt	28.72%			
Short Term Debt	3.32%			
Preferred Stock	0.00%			
Customer Deposits	3.39%			
Common Equity	46.12%			
Deferred Income Tax	18.42%			
Investment Tax Credits	0.02%			
Total	100.00%			
 Cost of Capital				
Long Term Debt	5.27%			
Short Term Debt	0.56%			
Preferred Stock	0.00%			
Customer Deposits	5.97%			
Common Equity	10.00%			
Deferred Income Tax	0.00%			
Investment Tax Credits	7.57%			
 Return on Equity (ROE)				
Weighted Cost Adjusted	11.00%	10.75%	10.00%	
Long Term Debt	1.51%	1.51%	1.51%	
Short Term Debt	0.02%	0.02%	0.02%	
Preferred Stock	0.00%	0.00%	0.00%	
Customer Deposits	0.20%	0.20%	0.20%	
Common Equity	5.07%	4.96%	4.61%	
Deferred Income Tax	0.00%	0.00%	0.00%	
Investment Tax Credits	0.00%	0.00%	0.00%	
Total	6.81%	6.68%	6.35%	

Prepared by Robert H Smith from 2010 Earnings Surveillance Reports - Draft 2 of 2

2/11/2011

Confidentiality Statement

The documents accompanying this telecopy transmission contain information which is confidential and/or legally privileged. The information is intended only for the use of the individual or entity named on this transmission sheet. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution or the taking of any action in reliance on the contents of this telecopied information is strictly prohibited, and the documents should be returned. In this regard, if you received this telecopy in error, please contact the sender by reply E-mail and destroy all copies of the original.

From: RSmith [rpjrb@yahoo.com] [mailto:rpjrb@yahoo.com]
Sent: Monday, November 22, 2010 11:25 AM
To: 'John.Butler@fpl.com <John.Butler@fpl.com>'; 'ken.rubin@fpl.com'; 'Pat.Brian@fpl.com'

2/15/2011

Cc: 'Charles_Sieving@fpl.com'; 'Lew_Hay@fpl.com'

Subject: Withdrawal of the Confidential Classification of Provisional Electric Forecasted Earnings Surveillance Report / Questions regarding the forecast assumptions

Dear Mr. Butler, Mr. Rubin and Mr. Brian,

Thanks for your patience in this matter.

I left a voicemail on Friday and sent quick email regarding this report (Docket 080677-EI Document number 09517-10). I am sorry I could not speak to you on Friday. I was in the middle of a phone interview for a CFO position.

Thank you for a copy of the Provisional Electric Forecasted Earnings Surveillance report. I noticed that the information contains the exact same pages that are in the normal operating report (Rate of Return Surveillance report 24 pages including the cover letter (12/31/2008)). The provisional report contains 7 pages. I would expect to see that these similar reports will be provided with the final order in this case.

Here are some preliminary questions regarding the Provisional Electric Forecasted Earnings Surveillance Report. Did the company prepare any 2011 and 2012 forecasted earnings surveillance reports? This would be needed to see if there would be further cost of service reductions in the years that the base rates would be set if the Settlement and Stipulation agreement was approved based upon the 2010 forecasted earnings surveillance report. If there are other reduction(s) in cost in the years in which the base rates are frozen then the customer might not see a benefit for these reduction since there is no forecast to show what will happen in 2011 and 2012. Will there be an excess earning test to keep track of any future over earnings?

How come the long term debt assumption is 5.8%? Is this assumption for 2010? If so, are there any plans to refinance the debt for 2011 and 2012? If so, and the cash rates are set will the customer receive the benefit of the refinancing of this debt through a cash rate reduction in base rates or will this reduction be returned through an excess earnings mechanism?

Are there any plans to refinance the debt to lower interest rates with the current economic climate? If so, then how come we do not see any reduction in the overall cost of Long term debt cost rate below? Is this due to not being able to refinance this during 2010 since we are already in November?

If there are no plans to refinance the Long term debt below did they ask the financial community if there was an opportunity to refinance any of their debt? Have they completed any economic analysis regarding the impacts of retiring higher cost long term debt with refinancing this debt at lower interest rates? This would include early retirement costs that the company would have to potentially pay with the refinancing and early retirement of the existing debt? Are there plans to refinance in 2011 and 2012? If so, then the customer would not see a reduction for this in their cash base rates since the rates will be set based upon the 2010 test year and the assumption that have been provided in the Provisional Electric Forecasted Earnings Surveillance report.

If the commission decides to use an Excess Earnings mechanism to return any cost reductions/interest savings to its customers what will be the annual rate of return (carrying charges) that will recorded to FERC Account 253 (deferred credits)? This amount should equal the same rate of return as the actual overall cost of money or the customer might not receive the full benefit for the refinancing of the debt. If this was trued up into base rates then the customer would receive the full benefit therefore any carrying charges calculated on excess earnings should be at the overall cost of money.

There is an adjustment of \$525,901 (\$610,457-\$84,556 (\$000's)) to reduce the total long term debt outstanding. Do we know what this adjustment represents? Is this a normal retirement of debt? By the nature of this adjustment the debt to equity ratio will change. The equity component will increase therefore increasing the equity component. This will translate to increased revenue requirements. Are there any plans to issue new debt? What would be the targeted debt to equity ratio that the company would expect to maintain? Do we know what the interest rate impact for a ratings change at the company if the company issues more debt?

Any change in the debt to equity ratio will impact revenue requirements. If you just reduce the debt below without a change in interest rates then the equity component of the debt to equity ratio will increase therefore increasing revenue requirements. If the cash rates are set in 2010 without taking into account any future change in debt/equity ratio based upon any issuance or refinancing of debt then how will any potential cost savings be given back to the customer? Will this be refunded through an excess earnings test? If so, at what rate of return will the carrying charges be calculated at to refund this money?

With the depreciation reserve surplus amortization below, what would be the difference between the amortization below of \$30,000 and the original amount as set by the Florida public Service Commission? According to note 3 it indicates that this "Assumes FPSC approval of the August 20, 2010 Stipulation and Settlement Agreement. Does this represent \$30 million since there is no (\$000's) on the top of the Forecast Assumption page. Is this an annual amount of amortization? If this is an annual amortization how come it is significantly lower than the original amount as set by the original order? The original order has indicated that there will be a base rate increase of \$75 million but a depreciation amortization that is \$500 million over 4 years or \$125 million per year for 4 years. In addition, there was \$394.6 million being amortized at \$17.9 million over 22 years. If the \$30,000 represents \$30 million then does this replace the original amortization?

I noticed that the 30 day commercial paper rate of .5% has been put onto the assumption page. What specific items are being considered with this interest rate assumption?

What annual interest rate assumptions (carrying charges) are being used to calculate the carrying charges for the any recovery clause that is being collected in base rates but is being returned through a separate recovery clause? (i.e fuel recovery clause, nuclear uprate recovery clause etc.) Are these rates lower than the overall cost of money?

If I have any additional questions I will let you know.

I have sent prior emails to both Mr. Hay and Mr. Sieving regarding the holding company structure at the company as well as the same type of questions that has been asked in the email above.

Again thank you for sending me the information and I am looking forward to hearing from the company.

Hopefully there are no typo(s).

If you have any questions regarding this email please do not hesitate to email me at rpjrb@yahoo.com or give me a call at 954-340-4956.

2/15/2011

Thanks,

Robert H. Smith

This schedule below has been sent to the Commission in my email dated May 13th, 2010.

Surplus Amort	1,208.8
Less: Recov. Sch	<u>(314.2)</u>
	894.6
Less Credits	<u>(590.0)</u> Amortize at \$125 m over 4 yrs
	304.6 Amortize at \$17.9 m over 22 yrs

Sites to Recovery Sched.	Plant in	Reserve	Rem
	Service	Balance	Plant
Cape Canaveral Site	187.5	(152.2)	35.3
Riviera Site	103.7	(94.1)	9.6
	<u>291.2</u>	<u>(246.3)</u>	<u>44.9</u>

Recovery Schedule

As per Above 314.2

Cape & Riviera Site	44.9	Are these going to be added to the new repowered generating units? If so then, then how is the new cost going to take into account the old book costs for ledger 3 purposes? Since they have been fully recovered by the surplus reserve is the new ledger 3 amounts only going to reflect the new costs only? How is the vintage year issues being addressed for the old costs? If it will reflect only the new costs then all old ledger 3 amounts will be removed. This might not follow GAAP since from a strict asset perspective these assets might still exist with the new repowered generating units. How will the going forward depreciation reflect the vintage year issue?
Nuclear Upgrades	166.2	Removed from Base Rates. Recovered through Nuclear Cost Recovery Clause. Removed from RateBase? Calculated Carrying Charges? Will the cash recovery in Base rates equal the new recovery in cash rates based upon the new Nuclear Cost Recovery Clause? Is this a break even for cash recovery or has the amount of time to recover these costs changed?
Obsolete Meters	101.1	Retired. Is there any salvage money that can be recovered for the scrap sale or sale of these meters? Will there be any cost of removal or are these being left in place? If they are being left in place then and they will be considered fully recovered will ledger 10 be adjusted to match ledger 3 to keep track of these assets? Ledger 3 plant should match ledger 10 accumulated depreciation reserves. These should be kept on the books until they are removed/sold or scrapped. Any money should be credited to the ratepayers.
	<u>314.2</u>	

Based upon the above reduction of the Depreciation Surplus/OverRecovery it appears that the Recovery Schedule items are being reduced against surplus refund immediately. What is going to be done with these plants? Are they being retired or sold? If they are going to be sold then if there is any gain on the sale of the plants then this would have to be refunded to the ratepayer. If these plants are not sold, what would be the new recovery period for these plants since it appears that they are being moved out of the normal depreciation recovery? Are they going to remain in Ledger 3 for book purposes since the normal depreciation recovery will be stopped?

C. OTHER CORPORATE ASSUMPTIONS

INTEREST RATES -	
1) 30 DAY COMMERCIAL PAPER	0.5%
2) LONG TERM DEBT	5.8%
DEPRECIATION RESERVE SURPLUS AMORTIZATION (3)	\$30,000

FLORIDA PUBLIC SERVICE COMMISSION
ELECTRIC FORECASTED EARNINGS SURVEILLANCE REPORT
CAPITAL STRUCTURE (\$000'S)
FP&C ADJUSTED BASIS

SCHEDULE 3
PAGE 1 OF 1

Company: Florida Power & Light Company and Subsidiaries
Year 2010

AVERAGE	SYSTEM PER BOOKS	RETAIL PER BOOKS	ADJUSTMENTS PRORATA	ADJUSTMENT'S SPECIFIC	ADJUSTED RETAIL	RATIO	LOWPOINT		MIDPOINT		HIGHPOINT	
							COST RATE	WEIGHTED COST	COST RATE	WEIGHTED COST	COST RATE	WEIGHTED COST
LONG TERM DEBT	\$5,610,039	\$6,388,846	\$94,560	(\$610,457)	\$4,862,945	29.02%	5.32%	1.54%	6.32%	1.54%	5.32%	1.54%
SHORT TERM DEBT	498,874	466,628	8,611	0	485,240	2.95%	0.75%	0.02%	0.75%	0.02%	0.75%	0.02%
PREFERRED STOCK	0	0	0	0	0	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
CUSTOMER DEPOSITS	546,611	546,385	9,851	0	556,036	3.31%	5.98%	0.20%	5.98%	0.20%	5.98%	0.20%
COMMON EQUITY	7,932,700	7,737,980	136,628	0	7,874,908	47.00%	9.00%	4.20%	10.00%	4.70%	11.00%	5.17%
DEFERRED INCOME TAXES	3,310,189	3,238,990	51,481	(327,718)	2,960,753	17.87%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
TAX CREDITS WEIGHTED COST	78,796	77,985	111	(71,723)	6,378	0.04%	7.80%	0.00%	8.21%	0.00%	8.83%	0.00%
TOTAL	\$17,876,220	\$17,473,814	\$291,338	(\$1,006,508)	\$16,766,264	100.00%		6.00%		8.47%		8.84%

		CURRENT MONTH				YEARS TO DATE			
LINE NO		ACTUAL	ACTUAL (B)	DIFFERENCE		ACTUAL	ACTUAL (B)	DIFFERENCE	
C True-up Calculation									
1	Jurisdictional Fuel Revenues (Net of Revenue Taxes)	\$ 481,992,385	\$ 527,156,101	(\$ 45,163,716)	(8.6) %	\$ 6,088,426,723	\$ 6,163,762,784	(\$ 75,336,061)	(1.9) %
Fuel Adjustment Revenues Not Applicable to Period									
2	Prorated True-up (Collected/Refunded) This Period	(6,610,188)	(6,610,188)	0	0.0 %	(79,322,258)	(79,322,258)	0	0.0 %
3	GPFF, Net of Revenue Taxes (a)	(749,568)	(749,568)	0	0.0 %	(8,994,819)	(8,994,819)	0	0.0 %
4	Prorated True-up (Collected/Refunded) This Period	(24,207,221)	(24,207,221)	0	0.0 %	(121,036,106)	(121,036,106)	0	0.0 %
5	Jurisdictional Fuel Revenues Applicable to Period	\$ 430,425,408	\$ 495,589,123	(\$ 65,163,715)	(9.1) %	\$ 5,839,071,340	\$ 5,954,409,601	(\$ 115,338,261)	(1.9) %
6	Adjusted Total Fuel Costs & Net Power Transactions (Line A-7)	\$ 130,170,039	\$ 130,997,200	(\$ 827,161)	(2.9) %	\$ 6,081,078,508	\$ 6,116,439,801	(\$ 35,361,293)	(0.6) %
7	Nuclear Fuel Expense - 100% Retail	0	0	0	N/A	0	0	0	N/A
8	HTP Incremental Fuel - 100% Retail	0	0	0	N/A	0	0	0	N/A
9	D&D Fuel Payments - 100% Retail	0	0	0	N/A	0	0	0	N/A
10	Adj. Total Fuel Costs & Net Power Transactions - Excluding 100% Retail Items (C4a-C4c-C4e-C4d)	\$ 130,170,039	\$ 130,997,200	(\$ 827,161)	(2.9) %	\$ 6,081,078,508	\$ 6,116,439,801	(\$ 35,361,293)	(0.6) %
11	Jurisdictional Sales Net of Total kWh Sales (Line B-6)	\$ 98,993,806	\$ 98,993,778	28	0.0 %	N/A	N/A	0	N/A
12	Jurisdictional Total Fuel Costs & Net Power Transactions (Line C4a-C4e) x (1.0005)(a)	\$ 132,156,321	\$ 133,991,013	(\$ 17,854,692)	(13.5) %	\$ 6,084,621,746	\$ 6,120,012,059	(\$ 35,390,313)	(0.6) %
13	True-up Provision for the Month - Over/(Under) Recovery (Line C7 - Line C6)	\$ 129,369,087	\$ 164,799,610	(\$ 35,428,523)	(21.9) %	\$ 1,345,547,706	\$ 1,355,602,138	(\$ 9,954,432)	(0.7) %
14	Interest Provision for the Month (Line D10)	(283,664)	(672,148)	388,484	(57.8) %	(10,651,813)	(10,663,919)	12,106	(0.1) %
15	True-up & Interest Provision Beg of Period-Over/(Under) Recovery	(294,472,066)	(250,191,144)	(44,280,922)	N/A	(79,322,258)	(79,322,258)	0	0.0 %
16	Deferred True-up Beginning of Period - Over/(Under) Recovery	(121,036,106)	(121,036,106)	0	0.0 %	(121,036,106)	(121,036,106)	0	0.0 %
17	Prorated True-up (Collected/Refunded) This Period	6,610,188	6,610,188	0	0.0 %	79,322,258	79,322,258	0	0.0 %
18	Prorated True-up (Collected/Refunded) This Period	24,207,221	24,207,221	0	0.0 %	121,036,106	121,036,106	0	0.0 %
19	End of Period Net True-up Amount - Over/(Under) Recovery (Lines C7 through C10)	\$ (255,605,380)	\$ (176,284,778)	(\$ 79,320,602)	45.0 %	\$ (255,605,380)	\$ (176,284,778)	(\$ 79,320,602)	45.0 %
D Interest Provision									
1	Beginning True-up Amount (Lines C7 + C10)	\$ (415,508,192)	N/A	N/A	N/A	N/A	N/A	N/A	N/A
2	Ending True-up Amount Before Int. (C7-C10-C13-C10)	\$ (235,321,696)	N/A	N/A	N/A	N/A	N/A	N/A	N/A
3	Total of Beginning & Ending True-up Amount	\$ (650,829,888)	N/A	N/A	N/A	N/A	N/A	N/A	N/A
4	Average True-up Amount (50% of Line D3)	\$ (325,414,944)	N/A	N/A	N/A	N/A	N/A	N/A	N/A
5	Interest Rate - First Day Reporting Business Month	4.9000 %	N/A	N/A	N/A	N/A	N/A	N/A	N/A
6	Interest Rate - First Day Subsequent Business Month	0.54000 %	N/A	N/A	N/A	N/A	N/A	N/A	N/A
7	Total (Line D5 + Line D6)	2.63000 %	N/A	N/A	N/A	N/A	N/A	N/A	N/A
8	Average Interest Rate (50% of Line D7)	1.61500 %	N/A	N/A	N/A	N/A	N/A	N/A	N/A
9	Monthly Average Interest Rate (Line D8 / 12)	0.08458 %	N/A	N/A	N/A	N/A	N/A	N/A	N/A
10	Interest Provision (Line D4 + Line D9)	\$ (283,664)	N/A	N/A	N/A	N/A	N/A	N/A	N/A

NOTES: (a) Operating Performance Incentive Factor as of (02/01/2010) is 91.7707% - See Order No. FSC-08-0030-T09-01.
(b) For Revised Estimates from Mid-course correction filed on 11/17/08 and approved on 12/28/08 Agenda Calendar.

Confidentiality Statement

The documents accompanying this telecopy transmission contain information which is confidential and/or legally privileged. The information is intended only for the use of the individual or entity named on this transmission sheet. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution or the taking of any action in reliance on the contents of this telecopied information is strictly prohibited, and the documents should be returned. In this regard, if you received this telecopy in error, please contact the sender by reply E-mail and destroy all copies of the original.

From: rpjrb@yahoo.com [mailto:rpjrb@yahoo.com]
Sent: Tuesday, February 08, 2011 8:01 PM
To: 'Curt Kiser'; 'Records Clerk'; 'Lisa Bennett'
Cc: 'Ann Cole'; 'Office Of Commissioner Edgar'; 'Office Of Commissioner Graham'; 'Office of Commissioner Brisé'; 'Office Of Commissioner Graham'; 'Office of Commissioner Balbis'; 'Office of Commissioner Brown'; 'rick.scott@eog.myflorida.com'; 'jennifer.carroll@eog.myflorida.com'
Subject: FW: Response to E-mail dated January 27, 2011 1:47 PM

Dear Mr. Kiser, Commissioner's, Ms. Bennett and Records Clerk,

I noticed that the December 2009 and 2010 Earnings Surveillance reports are now being populated. Is the rest of 2009 going to be populated?

We are still waiting for December 2010 in order to answer my questions about the depreciation amortization for the over recovery (12 months) 2010 as well as to see how the Weather Normalization Clause is going to reverse out. Based upon my previous email with regard to the 12 months 2009 the Weather Normalization amount was lower. It would be very interesting to see if this issue existed in 2009 and to see how it is going to reverse out from 2009 to 2010 as well.

Sorry for the typo below. I should have said 2009.

I will be working on how this has adjusted in 2010 tomorrow. I am curious to see how this adjustment is going to reverse out year to year.

I have the 2008 and 2010 ESR reports. The only ones that I am missing is the 2009 rest of the year. It will be interesting to take a look at this adjustment month to month which reflects the moving 12 month number. This way we can take a look at the adjustment on a monthly and annual basis. This will show the trend in seasonality which usually is a timing adjustment only. Since this would be a typical adjustment it appears that measuring the over earnings with this adjustment omitted does not make sense unless this adjustment is being reflected for ratemaking/GAAP earnings as I have indicated in detail in my email below.

What is the status of making my emails as part of the record?

Thanks,

Robert H. Smith

Confidentiality Statement

The documents accompanying this telecopy transmission contain information which is confidential and/or legally privileged. The information is intended only for the use of the individual or entity named on this transmission sheet. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution or the taking of any action in reliance on the contents of this telecopied information is strictly prohibited, and the documents should be returned. In this regard, if you received this telecopy in error, please contact the sender by reply E-mail and destroy all copies of the original.

From: rpjrb@yahoo.com [mailto:rpjrb@yahoo.com]
Sent: Monday, February 07, 2011 3:53 PM
To: 'Curt Kiser'; 'Records Clerk'; 'Lisa Bennett'
Cc: 'Ann Cole'; 'Office Of Commissioner Edgar'; 'Office Of Commissioner Graham'; 'Office of Commissioner Brisé'; 'Office Of Commissioner Graham'; 'Office of Commissioner Balbis'; 'Office of Commissioner Brown'; 'rick.scott@eog.myflorida.com'; 'jennifer.carroll@eog.myflorida.com'
Subject: FW: Response to E-mail dated January 27, 2011 1:47 PM

Dear Mr. Kiser, Commissioner's, Ms. Bennett and Records Clerk,

I noticed that the Weather Normalization adjustment has gone down for the 12 months ended December 2009.

What is the status of populating all the ESR reports for 2009 and the rest of 2010?

When will the current files be updated with my latest email correspondence? It is February 7th, 2011 and the last email that I have sent was on February 3rd, 2011. The files should have been updated. Have the files been updated?

What is the level of depreciation amortization for the over recovery (12 months) that is being reflected in the December 2010 Earnings Surveillance report?

2/15/2011

This is not transparent on the report and I would like to know what the total amount was for 2010.

Thanks,

Robert H. Smith

Confidentiality Statement

The documents accompanying this telecopy transmission contain information which is confidential and/or legally privileged. The information is intended only for the use of the individual or entity named on this transmission sheet. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution or the taking of any action in reliance on the contents of this telecopied information is strictly prohibited, and the documents should be returned. In this regard, if you received this telecopy in error, please contact the sender by reply E-mail and destroy all copies of the original.

From: rpjrb@yahoo.com [mailto:rpjrb@yahoo.com]

Sent: Thursday, February 03, 2011 12:57 PM

To: 'Records Clerk'; 'Lisa Bennett'; 'Curt Kiser'

Cc: 'Ann Cole'; 'Office Of Commissioner Edgar'; 'Office Of Commissioner Graham'; 'Office of Commissioner Brisé'; 'Office Of Commissioner Graham'; 'Office of Commissioner Balbis'; 'Office of Commissioner Brown'; 'rick.scott@eog.myflorida.com'; 'jennifer.carroll@eog.myflorida.com'

Subject: FW: Response to E-mail dated January 27, 2011 1:47 PM

Dear Commissioner's, Ms. Bennett, Mr. Kiser, and Records Clerk,

I noticed that the November 2010 ESR has been published on the web site for download. Thank you all for instituting this.

Will the rest of the ESR's be published? This would be furnished at no cost therefore this would be much cheaper. I am sure that all the reports can be scanned and published on the web site since it would be very cost effective for the process to be able to track the over earnings at the company.

I see that they have adjusted their pro forma Net Operating Income for the twelve months ended November 2010. This adjustment was for \$99.4 million dollars.

If I recall in the testimony Florida Power & Light has made the argument that this adjustment will reverse out.

Based upon my previous experience with these cases normally the weather normalization clause was used for a ratecase filing to normalize the seasonal revenues for earnings purposes. Over the period of a rateyear forecast these usually reversed out by the end of the rateyear.

Since they are removing these revenues from the ESR calculation to calculate the over earnings at the company, did the company make an adjustment to their GAAP/ratemaking earnings to defer (253 Deferred Credit) these amounts to see if these reverse out by the end of the rateyear? If not, then by the end of the year these should be included in the final ESR report to calculate the over earnings.

The adjustment on the ESR is just an ESR adjustment for presentation purposes only if they did not in fact defer (253 Deferred Credits) these revenues on the Companies GAAP/ratemaking (FERC) books for the Utility.

According to the testimony the company had indicated that these will reverse out. What time frame are they talking about? By the end of the year if these are not deferred for GAAP/ratemaking (FERC) they should be included in the over earnings test. This might put the company into an over earnings position for 2010 which would be subject to commission review for the disposition of these over earnings.

As I have indicated based upon the receipt of the November 2010 ESR over earnings report on January 18th, 2011 the ruling on the over earnings in this proceeding on January 11th, 2011 might have been a premature decision.

Did the commission have electronic access to the November 2010 report before the January 18th, 2011? Was this through electronic means?

Where is the December 2010 ESR over earnings report to substantiate the reversal of the Weather Normalization Adjustment as they have indicated in their testimony?

If this does not occur by the end of the year (rateyear) then the December 2010 ESR report should reflect these revenues (Weather Normalization Adjustment) and they should be subject to the overearnings calculation.

The argument that the over earnings should not be held or reviewed for disposition based upon the agreement with the Stipulation and Settlement agreement does not make sense.

The reason for this is that the Stipulation and Settlement agreement identified a range of allowed return on equity that the company was going to be allowed to earn for the period in the Stipulation and Settlement agreement. If there are any over earnings above the agreed upon 11% rate of return then these should be deferred and subject to review for disposition. The Stipulation and Settlement agreement allows the company to file another rate proceeding if the return on equity falls below the minimum (9%) as required by the Stipulation and Settlement agreement.

This appears to be a one sided approach.

Why should the company expect to keep any over earnings (above 11%) related to the Weather Normalization adjustment if they do not reverse out by the end of the year (rateyear)?

2/15/2011

The agreement gives them a range to adjust the reversal of the over recovery of depreciation to allow them to earn at the agreed upon 11% rate of return. The intent of the Stipulation and Settlement agreement was to allow the company to use the over recovery of the depreciation to earn at the 11% rate of return. This was to ensure that the over recovery in cash rates was going to be returned to the customer.

It would not make sense that an argument would be used that the Stipulation and Settlement agreement would cover any over earnings above the 11% return on equity for the term of the agreement.

Based upon the Stipulation and Settlement agreement language below it indicates "Other key provisions of the Settlement Agreement include, but are not limited to: (a) the ability of the Signatories other than FPL to initiate a rate proceeding during the term of the Settlement Agreement if the FPL's surveillance reports show that it is earning a return on common equity ("ROE") above 11% and for FPL to do so if its ROE fall below 9%,"

This would lead me to believe that any over earnings above the 11% threshold would be subject to review and should be held for disposition. I think that the intent of the agreement is that they should be using the over recovery of depreciation to bring the company to the 11% agreed upon ROE so that the over funding of the depreciation is being returned to the customer. Based upon the language below would also support that a review of the over earnings would be warranted if they are earning over their 11% return on common equity ("ROE"). The language in the agreement below supports this position.

I am sure that FPL would initiate a rate proceeding if their return on common equity ("ROE") was below the 9%. This should work for anything over the 11% as well.

3. The Settlement Agreement provides, among other things, that FPL's base rates will remain at existing levels, except as otherwise provided for in the Settlement Agreement, through the last billing cycle of 2012. Other key provisions of the Settlement Agreement include, but are not limited to: (a) the ability of the Signatories other than FPL to initiate a rate proceeding during the term of the Settlement Agreement if FPL's surveillance reports show that it is earning a return on common equity ("ROE") above 11% and for FPL to do so if its ROE falls below 9%; (b) flexibility for FPL to vary the annual amortization of theoretical depreciation reserve surplus, subject to constraints that are intended to keep FPL's ROE within the previously approved range of 9% to 11% and to limit FPL's amortization to \$776 million out of the total \$894 million of reserve surplus during the term of the Settlement Agreement; and (c) the ability

Please let me know when December 2010 will be available (February 12th, 2011?).

I would like to see if the Weather Normalization Adjustment has reversed out by the end of the year or if not, when will they reverse out? You have to remember that any over earnings should be maintained in the company's Utility cash account (131 FERC account). I need to see the full year to determine how the Weather Normalization adjustment has changed monthly to see if the accumulated cash was being maintained in the cash (131) account. This would be the only way to see the monthly change of cash flow. Based upon this type of analysis if the Weather Normalization adjustment does not reverse out by the end of the year then the cash (131) account should have an accumulated balance of this excess cash since any revenues over the 11% would be subject to review and disposition based upon the Stipulation and Settlement agreement. I know that based upon my legal interest I would want an over earnings review if they earned above the 11% return on equity from both a ratepayer and shareholder's perspective. The reason for this is if the company has over earned above it allowed 11% then the company should be maintaining the excess cash in its cash account (131). From a ratepayer perspective they would be interested in a refund of their money. From a shareholder perspective they would want to know if there is any exposure related to these over earnings from a cash flow perspective.

I cannot fully see this until I see the final December 2010 ESR report.

Will the rest of the ESR's be published? (2009, 2010, 2011) These can be scanned and populated on the web site just like the November 2011 ESR.

This will allow parties all parties with a legal interest to be able to obtain these types of documents at no cost.

As I have indicated based upon the receipt of the November 2010 ESR over earnings report on January 18th, 2011 the ruling on the over earnings in this proceeding on January 11th, 2011 might have been a premature decision.

I think that we would have to take a look at what December 2010 shows.

What is the level of depreciation amortization that is being reflected in the Earnings Surveillance reports (ESR)? This is very pertinent to what is being presented. This is flowing through the Depreciation and Amortization Section. This adjustment should be disclosed to show the user of the report what the actual level of depreciation over recovery amortization is. If this is not disclosed the transparency needed to identify the actual return of the cash over recovery will not be transparent. This will also have an impact on the actual overearnings that is being presented in the ESR report since the company based upon the Stipulation and Settlement agreement is allowed to control the level of depreciation over recovery amortization. It is very important to know what the cash impact is on the return of the depreciation over recovery. Depending on the level of depreciation over recovery amortization this can have an impact on the return on equity that is being furnished in the Earnings Surveillance reports. A person would not have the transparency needed to see how much of this has been returned to the customer. This can also have an impact on any over earnings above the 11% return on equity ("ROE").

This is just for 2010.

I do not know about 2009 until I take a look at the reports. I am starting with 2010 for cost reasons.

I still want to take a look at the cash impacts of the tax payments as well. If there is anything that comes up as I review the November 2010 ESR I will let you know.

Please let me know when the rest of the information will be available.

Please let me know when all the Docket files will be updated with any new email correspondence that I have sent to the Commission.

Thanks,

Robert H. Smith

2/3/2011

PSC Company Information Company C...

Company: Florida Power & Light Company
 Docket Number: 07-1284-0000

Company Registered by the Florida Public Service Commission

Company Code: E1862
 Regulated Classes: No county information
 Name: Florida Power & Light Company
 Certificates: No certificates issued
 Address: 215 South Monroe Street, Suite 810
 Tallahassee, FL 32301-1858

Home Page: <http://www.fpl.com>

Current Open Dockets

Current Closed Dockets

View Associated Open Dockets (24)

View Associated Closed Dockets (1652)

Annual Reports (ARs)				
Year	File Name	File Size	56K modem	Broadband
2000	ER02-00_AR.PDF	31.8 MB	1 hr 19 min 34 sec	1 min 52 sec
2001	ER02-01_AR.PDF	31.0 MB	1 hr 19 min 4 sec	1 min 31 sec
2002	ER02-02_AR.PDF	28.3 MB	1 hr 10 min 48 sec	1 min 22 sec
2003	ER02-03_AR.PDF	36.7 MB	1 hr 31 min 34 sec	1 min 46 sec
2004	ER02-04_AR.PDF	33.7 MB	2 hr 14 min 9 sec	2 min 53 sec
2005	ER02-05_AR.PDF	60.4 MB	2 hr 30 min 52 sec	2 min 52 sec
2006	ER02-06_AR.PDF	28.5 MB	2 hr 25 min 33 sec	2 min 46 sec
2007	ER02-07_AR.PDF	19 MB	47 min 39 sec	56 sec
2008	ER02-08_AR.PDF	15.6 MB	38 min 46 sec	47 sec
2009	ER02-09_AR.PDF	31 MB	1 hr 17 min 22 sec	1 min 39 sec
1985	ER02-85_AR.PDF	24.7 MB	1 hr 1 min 46 sec	1 min 12 sec
1998	ER02-98_AR.PDF	16.7 MB	41 min 43 sec	50 sec
1999	ER02-99_AR.PDF	16.6 MB	41 min 17 sec	50 sec
Earnings Surveillance Reports (ESRs)				
Month/Year	File Name	File Size	56K modem	Broadband
Nov 2010	ER02-11-01-ESR.PDF	437 K B	1 min 7 sec	4 sec

Tall Website: Not available

www.psc.state.fl.us/.../details.aspx?co...

1/1

FLORIDA PUBLIC SERVICE COMMISSION

10

VOTE SHEET

January 11, 2011

Docket No. 100410-E1 - Review of Florida Power & Light Company's earnings. (Deferred from the December 14, 2010 Commission Conference.)

Issue 1: Should the Commission initiate a review of Florida Power & Light Company's earnings?
Recommendation: Yes.

DENIED

Issue 2: Should the Commission order FPL to hold earnings, for the 12-month period ending March 31, 2011, in excess of the authorized 11.00 percent maximum of the ROE range subject to refund under bond or corporate undertaking?

Recommendation: Yes. The Commission should order FPL to hold earnings, for the 12-month period ending March 31, 2011, in excess of the authorized 11.00 percent maximum of the ROE range subject to refund under a corporate undertaking.

DENIED

COMMISSIONERS ASSIGNED: All Commissioners

COMMISSIONERS' SIGNATURES

MAJORITY DISSENTING
[Handwritten signatures in the majority column]

REMARKS/DISSENTING COMMENTS:

0275 JUN 11

FILED

Confidentiality Statement

The documents accompanying this telecopy transmission contain information which is confidential and/or legally privileged. The information is intended only for the use of the individual or entity named on this transmission sheet. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution or the taking of any action in reliance on the contents of this telecopied information is strictly prohibited, and the documents should be returned. In this regard, if you received this telecopy in error, please contact the sender by reply E-mail and destroy all copies of the original.

From: rpjrb@yahoo.com [mailto:rpjrb@yahoo.com]
Sent: Wednesday, February 02, 2011 8:55 AM
To: 'Records Clerk'; 'Lisa Bennett'; 'curt.kiser@psc.state.fl.us'
Cc: 'Ann Cole'; 'Office Of Commissioner Edgar'; 'Office Of Commissioner Graham'; 'Office of Commissioner Brisé'; 'Office Of Commissioner Graham'; 'Office of Commissioner Balbis'; 'Office of Commissioner Brown'; 'rick.scott@eog.myflorida.com'; 'jennifer.carroll@eog.myflorida.com'; 'Curt Kiser'
Subject: FW: Response to E-mail dated January 27, 2011 1:47 PM

Dear Records Clerk,

Do you have November 2010 and December 2010 Earnings Surveillance reports?

How did the commission rule on the over earnings without the November 2010 and December 2010 Earnings Surveillance reports?

2/15/2011

Did someone at the commission receive this information electronically? I would think that based upon the testimony in which staff recommended that the over earnings should be deferred that they had this information to determine this position.

If it is not available in a paper format as indicated, then how would the staff and/or the commissioners come up to the conclusion to not defer the over earnings until all the proper due diligence was completed?

I have not heard back.

Thanks,

Robert H. Smith

Confidentiality Statement

The documents accompanying this telecopy transmission contain information which is confidential and/or legally privileged. The information is intended only for the use of the individual or entity named on this transmission sheet. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution or the taking of any action in reliance on the contents of this telecopied information is strictly prohibited, and the documents should be returned. In this regard, if you received this telecopy in error, please contact the sender by reply E-mail and destroy all copies of the original.

From: rpjrb@yahoo.com [mailto:rpjrb@yahoo.com]

Sent: Friday, January 28, 2011 2:19 PM

To: 'Records Clerk'; 'Lisa Bennett'

Cc: 'Ann Cole'; 'Office Of Commissioner Edgar'; 'Office Of Commissioner Graham'; 'Office of Commissioner Brisé'; 'Office Of Commissioner Graham'; 'Office of Commissioner Balbis'; 'Office of Commissioner Brown'; 'rick.scott@eog.myflorida.com'; 'jennifer.carroll@eog.myflorida.com'; 'Curt Kiser'

Subject: FW: Response to E-mail dated January 27, 2011 1:47 PM

Dear Records Clerk,

I noticed a **typo** below.

What is the status of an answer to the email below with regard to the actual counts and when the 2010 information will be fully available?

Thanks,

Robert H. Smith

Confidentiality Statement

The documents accompanying this telecopy transmission contain information which is confidential and/or legally privileged. The information is intended only for the use of the individual or entity named on this transmission sheet. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution or the taking of any action in reliance on the contents of this telecopied information is strictly prohibited, and the documents should be returned. In this regard, if you received this telecopy in error, please contact the sender by reply E-mail and destroy all copies of the original.

From: rpjrb@yahoo.com [mailto:rpjrb@yahoo.com]

Sent: Friday, January 28, 2011 9:29 AM

To: 'Records Clerk'; 'Lisa Bennett'; 'skiser@psc.state.fl.us'

Cc: 'Ann Cole'; 'Office Of Commissioner Edgar'; 'Office Of Commissioner Graham'; 'Office of Commissioner Brisé'; 'Office Of Commissioner Graham'; 'Office of Commissioner Balbis'; 'Office of Commissioner Brown'; 'rick.scott@eog.myflorida.com'; 'jennifer.carroll@eog.myflorida.com'

Subject: RE: Response to E-mail dated January 27, 2011 1:47 PM

Dear Commissioner's and S. Curtis Kiser,

I need legal to answer this since this would be an electronic discovery issue.

Please have legal provide me a response to my email correspondence below.

2/15/2011

I need a sign-off from legal that no electronic earnings surveillance reports have been sent by the Utility to the Commission. If they have been sent by email then the least cost approach based upon 119.01 (2) and 119.011 (1) if the information is available it would have to be sent electronically based upon the following schedule?

If there are any electronic documents then they would be free of charge. I am unemployed. I am working on public service initiatives for the benefit of the general public. I need an answer from legal why Federal Preemption would not take precedence over State law. I know that at the Federal level it appears that preemption should take care of the fee waiver. I will forward this correspondence to FERC for an opinion on this issue since I am trying to find out based upon the FERC form 1 cash balances to Earnings Surveillance reports reconciliation for months that there were over earnings that the cash has been maintained in the Utility (131) account. If not, then a reconciliation of the cash would be warranted to account for the over collection of approximately \$400 million dollars of cash. If based upon my reconciliation I find that the over earnings was mostly accumulated in the last months of 2010 then a monthly cash reconciliation from both the PSC and the Utility would be warranted to account for where the \$400 million dollars is residing or has been spent.

This is a very important issue and I will be following up with FERC regarding this issue.

Section 119.01 (2), that if the records are available in an electronic format that the records should be provided in the "most cost-effective and efficient manner available to the agency providing the information".

Based upon 119.011 (1) it indicates "Public records" means all documents, paper, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material, regardless of the physical form, characteristics, or means of transmission, made or received pursuant to law or ordinance or in connection with the transaction of official business by any agency." This would mean email communication as well.

I need all of the Earnings Surveillance reports for 2010 therefore when all the information is available and the answers to all the questions below are answered we can then proceed with the request. I need a legal opinion from legal to support that there are no other electronic communications with regard to any work related to these Earnings Surveillance reports.

STATEMENT OF AGENCY ORGANIZATION & OPERATIONS		
COPYING CHARGES FOR COMMISSION RECORDS		
Copies of Documents		
§ 119.07(2)(a), F.S.	Records provided electronically	no charge
§ 119.07(4)(a)1, F.S.	Single-sided pages	\$ 0.15
§ 119.07(4)(a)2, F.S.	Duplexed pages	\$ 0.20
§ 119.07(4)(c), F.S.	Certified copies	\$ 1.00 each
§ 28.24(27), F.S.	Certified or registered mailing	cost of mailing
§ 350.06(6), F.S.	Where fee would be < \$ 1.00	no charge
Florida State Agencies		
§ 28.24(12)(e)1, F.S.		no charge
<i>All court records are the property of the State of Florida. The clerk of the court shall not charge for copies generated by CMS or held by the court.</i>		
§ 119.011(2), F.S.		
<i>"Agency" means any state, county, district, authority, or municipal officer, department, division, board, bureau, commission, or other separate unit of government created or established by law.</i>		
Media Charges		
§ 119.07(4)(a)3, F.S.	Thumb drive	\$ 10.00 each
	Video tape	\$ 2.56 each
	Audio tape	\$ 0.46 each
	DVD	\$ 0.60 each
	CD	\$ 0.19 each
§ 350.06(6), F.S.	Where fee would be < \$ 1.00	no charge

Dear Records Clerk,

Did you forward the email correspondence to legal for a response? There are very specific questions regarding electronic email communications between staff and the Utility. Is your area the area that would handle this request? I think that based upon the previous information request logs that a determination should be able to be determined if there was any electronic communications between staff and the Utility with regard to any emails with any Earnings Surveillance reports as attachments.

We will start to work our way backwards since the primary concern is the over earnings for 2010.

Where is the rest of 2010? I need the last couple of months. November 2010 should have been received by about January 15th, 2011. December 2010 should have been received by about February 15th, 2011.

Based upon the PSC rule 25-6.1352 Earnings Surveillance Report each month's reports should be filed based upon the time requirements listed in the rule. I am sure that by February 12th, 2011 that both the November 2010 and December 2010 reports would be available.

Did the company ask for an extension?

2/15/2011

Based upon what I have in my possession for 2008 it appears that there is approximately 12 pages which are duplex pages per month.

Why is the estimate below much higher by month? Are you counting each side of the page? Each two sided page would be considered one duplex page.

Are there any blank pages in which there is only one side of information? If so, then I do not want to be charged for a blank page.

What about the forecasted Earnings Surveillance Report based upon rule 25-6.1353?

2010

Jan-Feb - 19

Mar - 24

Apr-Jun - 19

Jul - 20

Aug-Oct - 19

Total 196 - Estimated cost is 98 pages X .20 per duplexed page = \$19.60

25-6.1352 Earnings Surveillance Report.

(1) Each investor-owned electric utility shall file rate of return data using Commission Form PSC/ECR 14 (6/94), which is incorporated by reference into this rule. Form PSC/ECR 14, entitled "Investor-Owned Electric Utility Earnings Surveillance Report," may be obtained from the Commission's Division of Economic Regulation.

(2) The report shall be filed:

(a) Monthly, by the 15th day of the second month following the reported month for electric utilities with 50,000 or more customers.

(b) Quarterly, by the 15th day of the second month following the reported quarter for electric utilities with less than 50,000 customers.

(3) A utility may file a written request for an extension of time with the Division of Economic Regulation prior to the due date of the report. One extension of 31 days will be granted upon request. A request for Commission approval of a longer extension must be accompanied by a statement of good cause and shall specify the date by which the report will be filed.

Specific Authority 350.127(2), 366.05(1) FS. Law Implemented 350.117(1), 366.04(2)(f) FS. History—New 6-9-94, Amended 3-14-96.

25-6.1353 Forecasted Earnings Surveillance Report.

(1) Each investor-owned electric utility that is not under an incentive regulation plan or not subject to an earnings cap shall file with the Commission its forecasted financial information on Commission Form PSC/ECR 22 (1/95) which is incorporated into this rule by reference. Form PSC/ECR 22, entitled "Investor-Owned Electric Utility Forecasted Earnings Surveillance Report", may be obtained from the Commission's Division of Economic Regulation. The report shall be verified by the responsible officer of the utility making the report. The report shall be due on or before March 1 of each year, and shall contain the forecasted financial information for that calendar year.

(2) A utility may file a written request for an extension of time with the Division of Economic Regulation no later than March 1. One extension of 15 days will be granted upon request. A request for a longer extension must be accompanied by a statement of good cause and shall specify the date by which the report will be filed.

(3) If during the course of the forecast year the utility should revise its forecasted financial information as a result of a change in a forecast assumption such that its forecasted annual Return on Equity changes by more than 25 basis points, whether as a result of a single or several events or assumptions, the utility shall provide the Commission with the following information within 30 days of the revised forecast:

(a) A description of the revised forecast assumptions or other events that caused the forecasted return on equity to be revised.

(b) An estimate of the revised annual Return on Equity.

Specific Authority 350.127(2), 366.05(1) FS. Law Implemented 350.117(1), 366.04(2)(f), 366.05(1) FS. History—New 1-11-95.

Confidentiality Statement

The documents accompanying this telecopy transmission contain information which is confidential and/or legally privileged. The information is intended only for the use of the individual or entity named on this transmission sheet. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution or the taking of any action in reliance on the contents of this telecopied information is strictly prohibited, and the documents should be returned. In this regard, if you received this telecopy in error, please contact the sender by reply E-mail and destroy all copies of the original.

From: Ann Cole [mailto:ACOLE@PSC.STATE.FL.US]

Sent: Friday, January 28, 2011 8:06 AM

2/15/2011

To: rpjrb@yahoo.com
Cc: Dorothy Menasco
Subject: Response to E-mail dated January 27, 2011 1:47 PM

Dear Mr. Smith,

In response to your e-mail directed to the Records Clerk, please note that the Charges for Commission Copies were revised by the Florida Public Service Commission on September 13, 2010. These charges were placed on the Web site and in the Statement of Agency Organization and Operation, pursuant to the requirements of Rule 28-101.001(1)(c), Florida Administrative Code.

FPL ESR pages are as follows:

2009
 Jan-Oct - 19
 Nov-Dec - 24
 Total 239 - Estimated cost is 120 pages X .20 per duplexed page = \$24.00

2010
 Jan-Feb - 19
 Mar - 24
 Apr-Jun - 19
 Jul - 20
 Aug-Oct - 19
 Total 196 - Estimated cost is 98 pages X .20 per duplexed page = \$19.60

Depending on the amount of staff time it takes to copy the requested records, a special service charge of \$11.29, per hour, may be included in the Invoice. Please note that this information is not an official Invoice for services, but an estimate of charges.

I will await further instructions from you regarding this request.

Sincerely,
 Ann Cole, Commission Clerk
 Office of Commission Clerk

From: rpjrb@yahoo.com [mailto:rpjrb@yahoo.com]
Sent: Thursday, January 27, 2011 1:47 PM
To: Records Clerk
Cc: Ann Cole; Office Of Commissioner Edgar; Office Of Commissioner Graham; Office of Commissioner Brisé; Office Of Commissioner Graham; Office of Commissioner Balbis; Office of Commissioner Brown; rick.scott@eog.myflorida.com; jennifer.carroll@eog.myflorida.com
Subject: FW: Freedom of Information Act Request (FOIA), 5 U.S.C. § 552 / Actual Earnings Surveillance Reports as filed by Florida Power & Light / Docket 080677 / Docket 100009/110009 / Docket 100410

Dear Records Clerk,

This PSC log was sent with another email that was cut off with the previous response below. I sent it again to find out why my charges would not conform to the similar requests below.

Here is a PSC log in which the charges were significantly less. How come my charges would not be similar or match what is in the logs?

These are 2010 requests. Are you indicating that Documents + 2 CD's are going to cost less than my request? Why?

The same Florida Statutes were in effect when these requests have been answered. Correct?

Please break out the charges by year. How much would it cost for 2010 and 2009?

Thanks,

Robert H. Smith

in that many document requests are responded to directly during the normal course of business

Requested By	Re'd	Ack'd	Docket or Subject Matter	Status	Completed	Charges
			2010; and any further communications or			

10.	Mary Ellen Klas	03/04/10 as modified	03/04/10	All written requests for information, including but not limited to public records requests, made between 02/01/10 and 03/03/10.	E-mailed PRRs. Faxed documents requests.	03/05/10 03/08/10	n/a n/a
11.	Mary Ellen Klas	03/08/10	03/08/10	Copies of the documents provided to Diana Caldwell as a result of her 03/02/10 PRR, and any other documents, e-mails and other information provided to Ms. Caldwell and Senate Committee on Communications, Energy, and Public Utilities since 03/01/10.	Documents+2 CDs E-mailed responsive documents	03/09/10 3/16/10	\$12.75 n/a
12.	Julie Patel	03/08/10 03/09/10	03/09/10 03/09/10	1. A copy of all information (documents relate to the Inspector General's investigation of the November 6 fuel hearing) provided recently to Diana Caldwell, from the Senate's utilities committee. 2. Inspector General's letter to PDLE.	1. Documents +2 CDs mailed 2. Exempt pursuant to 119.08(1), F.S. and 24(a), Art I of the State Constitution.	03/19/10	\$12.75
14.	Mary Ellen Klas	07/13/10 (received after 5:05 pm)	07/13/10	Copies of any internal memos sent to staff between May 1 st and July 31 st from Chairman Argenkiano, Commissioner Skop, or Commissioner Edgar.	Completed, e-mailed.	07/30/10	n/a
7.	Diana Caldwell	03/02/10	03/02/10	All documents, letters, memorandum, e-mails, and any other information related to a preliminary investigation of an internal ex parte communication complaint initiated around January 26.	Documents+2 CDs	03/05/10	n/a

Confidentiality Statement

The documents accompanying this telecopy transmission contain information which is confidential and/or legally privileged. The information is intended only for the use of the individual or entity named on this transmission sheet. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution or the taking of any action in reliance on the contents of this telecopied information is strictly prohibited, and the documents should be returned. In this regard, if you received this telecopy in error, please contact the sender by reply E-mail and destroy all copies of the original.

From: RSmith [rpjrb@yahoo.com] [mailto:rpjrb@yahoo.com]

Sent: Thursday, January 27, 2011 12:28 PM

To: 'Records Clerk'

Cc: 'Ann Cole'; 'Office Of Commissioner Edgar'; 'Office Of Commissioner Graham'; 'Office of Commissioner Brisé'; 'Office Of Commissioner Graham'; 'Office of Commissioner Balbis'; 'Office of Commissioner Brown'; rick.scott@eog.myflorida.com; jennifer.carroll@eog.myflorida.com

Subject: RE: Freedom of Information Act Request (FOIA), 5 U.S.C. § 552 / Actual Earnings Surveillance Reports as filed by Florida Power & Light / Docket 080677 / Docket 100009/110009 / Docket 100410

Dear Records Clerk,

Please let me know why there is a price change and why other requests have been released at no charge?

Based upon Federal Preemption under the Freedom of Information Act Request (FOIA), 5 U.S.C. § 552 this would be in the best interest of the general public therefore based upon Federal Preemption I am requesting a Fee waiver or for the information to be released based upon what I was charged previously. The Freedom of Information Act would apply to a State Agency since this would be covered under the Public Utility Holding Company Act of 1935 (PUHCA) or Public Utility Holding Company Act of 2005 ("PUHCA 2005"). This act is governed under FERC (Federal Energy Regulatory Commission). Since this would be covered under these both acts and the State would have to make sure that they are in compliance with this Act it appears that Preemption would cover a fee waiver. I am trying to track the cash balances as they relate to the earned returns at the company. I have asked for a tax payment reconciliation to see how the tax payments are being accounted for between regulated and non-regulated entities. This would be covered under the Federal Acts therefore preemption should afford a fee waiver since this would be the required "because furnishing the information can be considered as a primarily benefiting the general public".

There is no reason why the Commission should not release this information at a minimum cost and/or should not conform to Federal regulations with regard these issues.

Please let me know if the Commission will be providing a legal opinion why the Federal Acts would not preempt the State position.

I am unemployed and I will only pay a minimum cost. I need a records request for email communications between PSC Staff and the Utility to see if this information has been emailed to Staff. I think that legal should be able to answer this question. I was charged for 126 pages at 5¢/page for a total of \$6.30. How many of the pages are blank? If there are no blank pages then the total charge should be based upon the previous invoice \$21.70. If there are blank pages the total charges should be less.

Please answer why I am not being charged the same amount as last time. Why is there a change when the invoice was a 5/08/2009 invoice which at this time the same Florida Statutes were in effect?

2/15/2011

FLORIDA PUBLIC SERVICE COMMISSION			
2540 Steward Oak Blvd. • Tallahassee, Florida 32399-0850			
Order: 01/20/2009		10819	
To: Mr. Robert H. Smith 11340 Heron Bay Blvd. Coral Springs, Florida 33076		Date Paid _____ Amount Paid _____ Check # _____ <input type="checkbox"/> Check <input type="checkbox"/> Cash PSC Signature _____	
Please make checks payable to: FLORIDA PUBLIC SERVICE COMMISSION			
QUANTITY	DESCRIPTION	PRICE	AMOUNT
126 pgs.	FPL 2008 Earning Surveillance Reports (Jan-Dec)	\$1/pg.	\$126.00
TOTAL			\$126.00

Section 119.01 (2), that if the records are available in an electronic format that the records should be provided in the "most cost-effective and efficient manner available to the agency providing the information".

Based upon 119.011 (1) it indicates "Public records" means all documents, paper, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material, regardless of the physical form, characteristics, or means of transmission, made or received pursuant to law or ordinance or in connection with the transaction of official business by any agency." This would mean email communication as well.

Please provide a legal response from the General Counsel that based upon looking at the all electronic logs at the Commission that this information is not available in any type of electronic format.

I am still waiting for a response to the rest of the emails. Please forward this email to the General Counsel at the Commission. I need a legal response from the Commission.

Please send me the email address of the General Counsel at the Commission.

Thanks,

Robert H. Smith

119.01 General state policy on public records...

- (1) It is the policy of this state that all state, county, and municipal records shall be open for personal inspection by any person.
- (2) The Legislature finds that, given advancements in technology, providing access to public records by remote electronic means is an additional method of access that agencies should strive to provide to the extent feasible. If an agency provides access to public records by remote electronic means, then such access should be provided in the most cost-effective and efficient manner available to the agency providing the information.
- (3) The Legislature finds that providing access to public records is a duty of each agency and that automation of public records must not erode the right of access to those records. As each agency increases its use of and dependence on electronic recordkeeping, each agency must ensure reasonable access to records electronically maintained.
- (4) Each agency shall establish a program for the disposal of records that do not have sufficient legal, fiscal, administrative, or archival value in accordance with retention schedules established by the records and information management program of the Division of Library and Information Services of the Department of State.

119.011 Definitions.--For the purpose of this chapter:

(1) "Public records" means all documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material, regardless of the physical form, characteristics, or means of transmission, made or received pursuant to law or ordinance or in connection with the transaction of official business by any agency.

(2) "Agency" means any state, county, district, authority, or municipal officer, department, division, board, bureau, commission, or other separate unit of government created or established by law including, for the purposes of this chapter, the Commission on Ethics, the Public Service Commission, and the Office of Public Counsel, and any other public or private agency, person, partnership, corporation, or business entity acting on behalf of any public agency.

119.02 Penalty.--A public officer who knowingly violates the provisions of s. 119.07(1) is subject to suspension and removal or impeachment and, in addition, is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

119.07 Inspection, examination, and duplication of records; exemptions.--

(1)(a) Every person who has custody of a public record shall permit the record to be inspected and examined by any person desiring to do so, at any reasonable time, under reasonable conditions, and under supervision by the custodian of the public record or the custodian's designee. The custodian shall furnish a copy or a certified copy of the record upon payment of the fee prescribed by law or, if a fee is not prescribed by law, for duplicated copies of not more than 14 inches by 8 1/2 inches, upon payment of not more than 15 cents per one-sided copy, and for all other copies, upon payment of the actual cost of duplication of the record. An agency may charge no more than an additional 5 cents for each two-sided duplicated copy. For purposes of this section, duplicated copies shall mean new copies produced by duplicating, as defined in s. 283.30. The phrase "actual cost of duplication" means the cost of the material and supplies used to duplicate the record, but it does not include the labor cost or overhead cost associated with such duplication. However, the charge for copies of county maps or aerial photographs supplied by county constitutional officers may also include a reasonable charge for the labor and overhead associated with their duplication. Unless otherwise provided by law, the fees to be charged for duplication of public records shall be collected, deposited, and accounted for in the manner prescribed for other operating funds of the agency. An agency may charge up to \$1 per copy for a certified copy of a public record.

(b) If the nature or volume of public records requested to be inspected, examined, or copied pursuant to this subsection is such as to require extensive use of information technology resources or extensive clerical or supervisory assistance by personnel of the agency involved, or both, the agency may charge, in addition to the actual cost of duplication, a special service charge, which shall be reasonable and shall be based on the cost incurred for such extensive use of information technology resources or the labor cost of the personnel providing the service that is actually incurred by the agency or attributable to the agency for the clerical and supervisory assistance required, or both. "Information technology resources" shall have the same meaning as in s. 282.303(12).

119.10 Violation of chapter; penalties.--

(1) Any public officer who violates any provision of this chapter is guilty of a noncriminal infraction, punishable by fine not exceeding \$500.

(2) Any person willfully and knowingly violating any of the provisions of this chapter is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

Confidentiality Statement

The documents accompanying this telecopy transmission contain information which is confidential and/or legally privileged. The information is intended only for the use of the individual or entity named on this transmission sheet. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution or the taking of any action in reliance on the contents of this telecopied information is strictly prohibited, and the documents should be returned. In this regard, if you received this telecopy in error, please contact the sender by reply E-mail and destroy all copies of the original.

From: Dorothy Menasco [mailto:DMenasco@PSC.STATE.FL.US] **On Behalf Of** Records Clerk
Sent: Thursday, January 27, 2011 11:42 AM
To: rpjrb@yahoo.com
Cc: Ann Cole
Subject: RE: Freedom of Information Act Request (FOIA), 5 U.S.C. § 552 / Actual Earnings Surveillance Reports as filed by Florida Power & Light / Docket 080677 /Docket 100009/110009 / Docket 100410

Mr. Smith:

2/15/2011

By e-mail of January 13, 2011, I advised you that the estimated charge for copying the documents you requested is \$54.69. In response to this e-mail, you requested a fee waiver "based upon Federal Preemption under 5 U.S.C. § 552 Section 1803."

Please be advised that the Federal Freedom of Information Act does not apply to state agencies. Instead, the FPSC is governed by Chapter 119, Florida Statutes, Public Records. Pursuant to Section 119.07(4)(a), Florida Statutes, the FPSC's current charge for two-sided copies is .20¢ each. There is no charge if the total copy cost would be less than \$1.00, but since your request is for 434 pages (217 duplexed), it does not fall within this provision. In addition, a special service charge for staff's copying time has been added as allowed by Section 119.07(4)(d), Florida Statutes. This information about charges is published on the FPSC's website, www.floridapsc.com (click on "Public Records Requests"). As you have been previously informed, we do not have this information electronically.

As previously instructed, please provide confirmation of whether you would like us to make the copies. On verification that you would like us to make the copies, we will begin the copying process, and the documents will be mailed to you on receipt of your payment.

As an alternative, Section 119.07(1), Florida Statutes, provides that you may come to the FPSC to inspect the documents, at any reasonable time, under reasonable conditions, and under supervision by the custodian of the public records. Please be advised that if you wish to copy any documents, the standard copy charges apply.

Dorothy Menasco
Deputy Clerk Supervisor
Florida Public Service Commission
Office of Commission Clerk
850-413-6770

Please note: Florida has a very broad public records law. Most written communications to or from state officials regarding state business are public records available to the public and media upon request. Your e-mail communications may therefore be subject to public disclosure.

From: rpjrb@yahoo.com [mailto:rpjrb@yahoo.com]
Sent: Wednesday, January 26, 2011 5:03 PM
To: Records Clerk; Lisa Bennett; John Slemkewicz
Cc: Office Of Commissioner Edgar; Office Of Commissioner Graham; Office of Commissioner Brisé; Office Of Commissioner Graham; Office of Commissioner Balbis; Office of Commissioner Brown; Ann Cole; rick.scott@eog.myflorida.com; jennifer.carroll@eog.myflorida.com
Subject: FW: Freedom of Information Act Request (FOIA), 5 U.S.C. § 552 / Actual Earnings Surveillance Reports as filed by Florida Power & Light / Docket 080677 / Docket 100009/110009 / Docket 100410

To all,

When I will be receiving a response with regard to processing my request for the ESR's for 2009, 2010 and 2011? I want to lay out the actual earned returns against the adjudicated level of operating income at the company on a monthly/yearly basis. I then want to compare this to the actual cash balances that are being maintained in the Utility 131 Account. I would like to receive a response before the Standard order is issued to see how 2009 and 2010 earnings compares to the actual cash balances that are being maintained at the company.

I requested a fee waiver based upon Federal Freedom of Information Act 5 U.S.C. § 552 and I have not received a legal response regarding the status of releasing this information based upon a fee waiver and/or minimal cost.

According to Chapter 119.01 of the Florida Public Records Statute, if the documents are available in an electronic format, then these should be made available electronically. Please let me know based upon the email logs at the Commission if there is electronic email correspondence between commission staff and/or the utility that would have this information in an electronic format. If so, then this information should be considered public information subject to Federal and State laws in which they should be made available by electronic means. This is supported by both the Freedom of Information Act 5 U.S.C. § 552 and Chapter 119.01 of the Florida Statutes.

If not, then please let me know if this is going to be processed based upon similar requests that have been honored at no charge. This information should be released based upon a fee waiver, "because furnishing the information can be considered as a primarily benefiting the general public".

What was very interesting today was that there was talk about the pending merger of Duke Energy and Progress Energy. There was a comment made during the meeting that if the company earned above the allowed rate of return that they would be subject to an over earnings review by the Commission. How would this be any different than the over earnings at FPL that exceeded their 11% allowed return on equity as indicated by the Stipulation and Settlement Agreement? Since the agreement has indicated that they are only allowed to earn up to 11%, there is no reason why the over earnings in 2010 has not been deferred for future disposition. Based upon the Stipulation and Settlement agreement, they are only allowed to earn up to the 11% return on equity. They are not allowed to earn over the 11% therefore it would appear that a deferral of these over earnings would have been warranted. This is similar to the comment made in the meeting today.

Please explain the actual rule of law that would support this exception to normal/typical Commission ratecase proceedings related to over earnings at a Utility. What rules would provide for the legal ruling to support the non-deferral of the \$400 million of over earnings for Florida Power & Light? Why would this situation be different than any other deferral or requirement of another Utility to give back any over earnings that exceed an agreed upon return on equity? This would be for a standard rate order and/or any other type of agreement. Why was this handled differently? Will this have an impact on future ratecase rulings with regard to how other Utilities over earnings will be treated?

I noticed that the commission has been reorganized. Who on the legal staff will be responding to this request? I noticed that in the past Ms. Bennett has been providing the legal responses.

2/15/2011

Information Directory

(Area Code 850)

COMMISSIONERS:

Art Graham - Chairman - 413-6040

Mark Long - Chief Advisor to the Chairman - 413-6022

Bety Leind - Executive Assistant to the Chairman - 413-6024

Lisa Polak Edgar - 413-6044

Roberta Bass - Chief Advisor to the Commissioner - 413-6016

Kelly McLanahan - Executive Assistant to the Commissioner - 413-6018

Ronald A. Brisé

Baldwyn English - Chief Advisor to the Commissioner - 413-6036

Pamela Paulre - Executive Assistant to the Commissioner - 413-6036

Eduardo E. Balbis - 413-6038

Lisa Bennett - Chief Advisor to the Commissioner - 413-6002

Cristina Skton - Executive Assistant to the Commissioner - 413-6004

Julie Immanuel Brown - 413-6042

Samantha Cibula - Chief Advisor to the Commissioner - 413-6028

Kathleen Stewart - Executive Assistant to the Commissioner - 413-6030

EXECUTIVE DIRECTOR:

Timothy J. Devlin - 413-6068

DEPUTY EXECUTIVE DIRECTOR:

Charles Hill - 413-6055

GENERAL COUNSEL:

S. Curtis Kiser - 413-6199

INSPECTOR GENERAL:

Steven J. Stoking - 413-6071

CHAPTER 119

PUBLIC RECORDS

119.01 General state policy on public records.

(1) It is the policy of this state that all state, county, and municipal records shall be open for personal inspection by any person.

(2) The Legislature finds that, given advancements in technology, providing access to public records by remote electronic means is an additional method of access that agencies should strive to provide to the extent feasible. If an agency provides access to public records by remote electronic means, then such access should be provided in the most cost-effective and efficient manner available to the agency providing the information.

(3) The Legislature finds that providing access to public records is a duty of each agency and that automation of public records must not erode the right of access to those records. As each agency increases its use of and dependence on electronic recordkeeping, each agency must ensure reasonable access to records electronically maintained.

(4) Each agency shall establish a program for the disposal of records that do not have sufficient legal, fiscal, administrative, or archival value in accordance with retention schedules established by the records and information management program of the Division of Library and Information Services of the Department of State.

Dear Records Clerk,

Please let me know if there are minutes to today's internal affairs meeting that took place at 9:30AM Today. Will the minutes have a list of all the people who attended the meeting?

Upcoming Events

Name	Date
Tipp Test	February 05, 2011 - 6:22 AM
Commission Conference	February 08, 2011 - 9:15 AM
Internal Affairs Meeting	February 09, 2011 - 9:15 AM
Commission Conference	February 22, 2011 - 9:15 AM
Internal Affairs Meeting	February 23, 2011 - 9:15 AM
Prehearing - 090539-GU	March 07, 2011 - 9:15 AM
Commission Conference - IA following immediately	March 08, 2011 - 9:15 AM
Internal Affairs Meeting	March 08, 2011 - 2:45 PM

Search Archives:

Enter keywords here

Subscribe via RSS feeds

[Agenda](#) | [Minutes](#) | [Podcast](#) | [Video Podcast](#)

Commission Conference Agenda

Hearing						
Internal Affairs						
Name	Date	Duration				
Internal Affairs Meeting	Jan 12, 2011	00h 45m	Agenda	Video	MP3 Audio	MP4 Video
Internal Affairs Meeting	Dec 14, 2010	00h 56m	Agenda	Video	MP3 Audio	MP4 Video
Internal Affairs Meeting	Nov 30, 2010	02h 04m	Agenda	Video	MP3 Audio	MP4 Video
Internal Affairs	Nov 9, 2010	01h 38m	Agenda	Video	MP3 Audio	MP4 Video
Internal Affairs Meeting	Oct 12, 2010	00h 18m	Agenda	Video	MP3 Audio	MP4 Video
Internal Affairs Meeting	Sep 28, 2010	00h 05m	Agenda	Video	MP3 Audio	MP4 Video
Internal Affairs Meeting	Sep 14, 2010	00h 29m	Agenda	Video	MP3 Audio	MP4 Video
Internal Affairs Meeting	Aug 17, 2010	01h 14m	Agenda	Video	MP3 Audio	MP4 Video
Internal Affairs Meeting	Aug 3, 2010	00h 28m	Agenda	Video	MP3 Audio	MP4 Video

There was talk about compliance issues regarding Sunshine Laws (Chapter 286), Florida Administrative Procedure Act (Chapter 120) and Florida Ex Parte Communications (Chapter 350).

The meeting talked about what would be required compliance under these provisions at the State level.

Please let me know if the minutes are available.



State of Florida
Public Service Commission
INTERNAL AFFAIRS AGENDA
Wednesday – January 26, 2011
9:30 a.m.
Room 140 - Betty Easley Conference Center

1. Approve January 12, 2011, Internal Affairs Meeting Minutes. (Attachment 1)
2. Presentation by Progress Energy Florida on the Duke Energy/Progress Energy Merger. (Attachment 2)
3. Presentation by Staff on Hedging Practices in the Electric Industry. (Attachment 3)
4. Discussion of Sunshine Law. (No attachment)
5. Legislative Update. (No Attachment)
6. Other matters, if any.

TID:sa

OUTSIDE PERSONS WISHING TO ADDRESS THE COMMISSION ON
ANY OF THE AGENDAED ITEMS SHOULD CONTACT THE
OFFICE OF THE EXECUTIVE DIRECTOR AT (850) 413-6668.

Thanks,

Robert H. Smith

Confidentiality Statement

The documents accompanying this telecopy transmission contain information which is confidential and/or legally privileged. The information is intended only for the use of the individual or entity named on this transmission sheet. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution or the taking of any action in reliance on the contents of this telecopied information is strictly prohibited, and the documents should be returned. In this regard, if you received this telecopy in error, please contact the sender by reply E-mail and destroy all copies of the original.

	12 month Weather			FERC 131
	<u>Normalization</u>	<u>Monthly</u>	<u>Cum Chk</u>	<u>CASH</u>
12/31/2009	\$ 50,771,175		\$ 50,771,175	\$ 34,255,751
1/31/2010	\$ 85,381,929	\$ 34,610,754	\$ 85,381,929	
2/28/2010	\$ 87,483,710	\$ 2,101,781	\$ 87,483,710	
3/31/2010	\$ 90,064,511	\$ 2,580,801	\$ 90,064,511	
4/30/2010	\$ 77,766,253	\$ (12,298,258)	\$ 77,766,253	
5/31/2010	\$ 89,322,808	\$ 11,556,555	\$ 89,322,808	
6/30/2010	\$ 110,217,167	\$ 20,894,359	\$ 110,217,167	
7/31/2010	\$ 120,481,846	\$ 10,264,679	\$ 120,481,846	
8/31/2010	\$ 122,984,092	\$ 2,502,246	\$ 122,984,092	
9/30/2010	\$ 129,422,439	\$ 6,438,347	\$ 129,422,439	
10/31/2010	\$ 107,322,526	\$ (22,099,913)	\$ 107,322,526	
11/30/2010	\$ 99,387,740	\$ (7,934,786)	\$ 99,387,740	
12/31/2010				?
1/31/2011				
2/28/2011				
3/31/2011				
4/30/2011				
5/31/2011				
6/30/2011				
7/31/2011				
8/31/2011				
9/30/2011				
10/31/2011				
11/30/2011				
12/31/2011				?

Florida Power & Light Company
and Subsidiaries
Capital Structure
FPSC Adjusted Basis 13 Month Average
2010

<u>FPSC Adjusted Average Jurisdictional Return on Common Equity</u>	<u>Jun-10</u>
Rate Base	16,362,315,134
FPSC Adjusted/Allowed Rate of Return	7.01%
FPSC Adjusted Operating Income	1,146,702,149
Weather Normalization Clause	(110,217,167)
Proforma Adjusted	1,036,484,982
Company Calculated Return on Common Equity	9.97%
Rate Base	16,362,315,134
FPSC Adjusted/Allowed Rate of Return @	10.00% 6.35%
Operating Income	1,038,735,097
Over Earnings	107,967,052
Pro Forma FPSC Allowed Common Equity w/o Weather Norm Adj.	10.00%
Rate Base	16,362,315,134
FPSC Adjusted/Allowed Rate of Return @	10.75% 6.69%
Operating Income	1,095,331,778
Over Earnings	51,370,371
Pro Forma FPSC Allowed Common Equity w/o Weather Norm Adj.	10.75%
FPSC Adjusted Operating Income	1,146,702,149
Rate Base	16,362,315,134
FPSC Adjusted/Allowed Rate of Return @	11.00% 6.81%
Operating Income	1,114,197,338
Over Earnings	32,504,811
Pro Forma FPSC Allowed Common Equity w/o Weather Norm Adj.	11.00%
Difference Allowed ROE	11.00% 10.00% 0.46%
Difference in Over Earnings	75,462,240
Check	107,967,052
FPSC Adjusted Rate of Return	7.01%
Less: Average Retail Weighted Cost Rates For:	
Long Term Debt	1.51%
Short Term Debt	0.02%
Peferred Stock	0.00%
Customer Deposits	0.20%
Tax Credits - WTD Cost	0.00%
Subtotal	1.74%
Pro Forma ROR Less Non Equity Cost	5.27%
Pro Forma Common Equity Ratio	46.12%
Pro Forma Return on Common Equity Company w/o Weather Norm Adj.	11.43%

Florida Power & Light Company
and Subsidiaries
Capital Structure
FPSC Adjusted Basis 13 Month Average
2010

<u>FPSC Adjusted Average Jurisdictional Return on Common Equity</u>	<u>Jun-10</u>
Average RateBase	16,362,315,134
Average Rate of Return	7.01%
Actual Net Operating Income	1,146,702,149
Capital Components	
Long Term Debt	4,699,755,164
Short Term Debt	543,627,162
Preferred Stock	
Customer Deposits	554,628,290
Common Equity	7,546,224,028
Deferred Income Tax	3,014,381,991
Investment Tax Credits	3,698,499
Total	16,362,315,134
Capital Ratio	
Long Term Debt	28.72%
Short Term Debt	3.32%
Preferred Stock	0.00%
Customer Deposits	3.39%
Common Equity	46.12%
Deferred Income Tax	18.42%
Investment Tax Credits	0.02%
Total	100.00%
Cost of Capital	
Long Term Debt	5.27%
Short Term Debt	0.56%
Preferred Stock	0.00%
Customer Deposits	5.97%
Common Equity	10.00%
Deferred Income Tax	0.00%
Investment Tax Credits	7.57%

	Return on Equity (ROE)	ROE	ROE	ROE
Weighted Cost Adjudicated		11.00%	10.75%	10.00%
Long Term Debt		1.51%	1.51%	1.51%
Short Term Debt		0.02%	0.02%	0.02%
Preferred Stock		0.00%	0.00%	0.00%
Customer Deposits		0.20%	0.20%	0.20%
Common Equity		5.07%	4.96%	4.61%
Deferred Income Tax		0.00%	0.00%	0.00%
Investment Tax Credits		0.00%	0.00%	0.00%
Total		6.81%	6.69%	6.35%

Dorothy Menasco

110009-EE

From: Ann Cole
Sent: Friday, January 28, 2011 8:06 AM
To: 'rpjrb@yahoo.com'
Cc: Dorothy Menasco
Subject: Response to E-mail dated January 27, 2011 1:47 PM

FPSC, CLK - CORRESPONDENCE
Administrative Parties Consumer
DOCUMENT NO. 00056-11
DISTRIBUTION: _____

Dear Mr. Smith,

In response to your e-mail directed to the Records Clerk, please note that the Charges for Commission Copies were revised by the Florida Public Service Commission on September 13, 2010. These charges were placed on the Web site and in the Statement of Agency Organization and Operation, pursuant to the requirements of Rule 28-101.001(1)(c), Florida Administrative Code.

FPL ESR pages are as follows:

2009
Jan-Oct - 19
Nov-Dec - 24
Total 239 - Estimated cost is 120 pages X .20 per duplexed page = \$24.00

2010
Jan-Feb - 19
Mar - 24
Apr-Jun - 19
Jul - 20
Aug-Oct - 19
Total 196 - Estimated cost is 98 pages X .20 per duplexed page = \$19.60

Depending on the amount of staff time it takes to copy the requested records, a special service charge of \$11.29, per hour, may be included in the Invoice. Please note that this information is not an official Invoice for services, but an estimate of charges.

I will await further instructions from you regarding this request.

Sincerely,
Ann Cole, Commission Clerk
Office of Commission Clerk

From: rpjrb@yahoo.com [mailto:rpjrb@yahoo.com]
Sent: Thursday, January 27, 2011 1:47 PM
To: Records Clerk
Cc: Ann Cole; Office Of Commissioner Edgar; Office Of Commissioner Graham; Office of Commissioner Brisé; Office Of Commissioner Graham; Office of Commissioner Balbis; Office of Commissioner Brown; rick.scott@eog.myflorida.com; jennifer.carroll@eog.myflorida.com
Subject: FW: Freedom of Information Act Request (FOIA), 5 U.S.C. § 552 / Actual Earnings Surveillance Reports as filed by Florida Power & Light / Docket 080677 /Docket 100009/110009 / Docket 100410

Dear Records Clerk,

This PSC log was sent with another email that was cut off with the previous response below. I sent it again to find out why my charges would not conform to the similar requests below.

Here is a PSC log in which the charges were significantly less. How come my charges would not be similar or match what is in the logs?

These are 2010 requests. Are you indicating that Documents + 2 CD's are going to cost less than my

1/28/2011

request? Why?

The same Florida Statutes were in effect when these requests have been answered. Correct?

Please break out the charges by year. How much would it cost for 2010 and 2009?

Thanks,

Robert H. Smith

in that many document requests are responded to directly during the normal course of business

Requested By	Rec'd	Ackn'd.	Docket or Subject Matter	Status	Completed	Charges	
10.	Mary Ellen Klas	03/04/10 as modified	03/04/10	2010; and any further communications or All written requests for information, including but not limited to public records requests, made between 02/01/10 and 03/03/10.	E-mailed PRRs. Faxed documents requests.	03/05/10 03/08/10	n/a n/a
11.	Mary Ellen Klas	03/08/10	03/08/10	Copies of the documents provided to Diana Caldwell as a result of her 03/02/10 PRR, and any other documents, e-mails and other information provided to Ms. Caldwell and Senate Committee on Communications, Energy, and Public Utilities since 02/01/10.	Documents+2 CDs E-mailed responsive documents	03/09/10 3/16/09	\$12.75 n/a
12.	Julie Patel	03/08/10 03/09/10	03/09/10 03/09/10	1. A copy of all information (documents relate to the Inspector General's investigation of the November 6 fuel hearing) provided recently to Diana Caldwell, from the Senate's utilities committee. 2. Inspector General's letter to FDLE.	1. Documents +2 CDs mailed 2. Exempt pursuant to 119.08(1), F.S. and 24(a), Art 1 of the State Constitution.	03/15/10	\$12.75
34.	Mary Ellen Klas	07/12/10 (received after 5:00 pm)	07/13/10	Copies of any internal memos sent to staff between May 1 st and July 12 th from Chairman Argenziano, Commissioner Skop, or Commissioner Edgar.	Completed; e-mailed.	07/16/10	n/a
7.	Diana Caldwell	03/02/10	03/02/10	All documents, letters, memorandum, e-mails, and any other information related to a preliminary investigation of an internal ex parte communication complaint initiated around January 26.	Documents+2 CDs	03/05/10	n/a

Confidentiality Statement

The documents accompanying this telecopy transmission contain information which is confidential and/or legally privileged. The information is intended only for the use of the individual or entity named on this transmission sheet. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution or the taking of any action in reliance on the contents of this telecopied information is strictly prohibited, and the documents should be returned. In this regard, if you received this telecopy in error, please contact the sender by reply E-mail and destroy all copies of the original.

1/28/2011

From: RSmith [rpjrb@yahoo.com] [mailto:rpjrb@yahoo.com]

Sent: Thursday, January 27, 2011 12:28 PM

To: 'Records Clerk'

Cc: 'Ann Cole'; 'Office Of Commissioner Edgar'; 'Office Of Commissioner Graham'; 'Office of Commissioner Brisé'; 'Office Of Commissioner Graham'; 'Office of Commissioner Balbis'; 'Office of Commissioner Brown'; 'rick.scott@eog.myflorida.com'; 'jennifer.carroll@eog.myflorida.com'

Subject: RE: Freedom of Information Act Request (FOIA), 5 U.S.C. § 552 / Actual Earnings Surveillance Reports as filed by Florida Power & Light / Docket 080677 /Docket 100009/110009 / Docket 100410

Dear Records Clerk,

Please let me know why there is a price change and why other requests have been released at no charge?

Based upon Federal Preemption under the Freedom of Information Act Request (FOIA), 5 U.S.C. § 552 this would be in the best interest of the general public therefore based upon Federal Preemption I am requesting a Fee waiver or for the information to be released based upon what I was charged previously. The Freedom of Information Act would apply to a State Agency since this would be covered under the Public Utility Holding Company Act of 1935 (PUHCA) or Public Utility Holding Company Act of 2005 ("PUHCA 2005"). This act is governed under FERC (Federal Energy Regulatory Commission). Since this would be covered under these both acts and the State would have to make sure that they are in compliance with this Act it appears that Preemption would cover a fee waiver. I am trying to track the cash balances as they relate to the earned returns at the company. I have asked for a tax payment reconciliation to see how the tax payments are being accounted for between regulated and non-regulated entities. This would be covered under the Federal Acts therefore preemption should afford a fee waiver since this would be the required "because furnishing the information can be considered as a primarily benefiting the general public".

There is no reason why the Commission should not release this information at a minimum cost and/or should not conform to Federal regulations with regard these issues.

Please let me know if the Commission will be providing a legal opinion why the Federal Acts would not preempt the State position.

I am unemployed and I will only pay a minimum cost. I need a records request for email communications between PSC Staff and the Utility to see if this information has been emailed to Staff. I think that legal should be able to answer this question. I was charged for 126 pages at 5¢/page for a total of \$6.30. How many of the pages are blank? If there are no blank pages then the total charge should be based upon the previous invoice \$21.70. If there are blank pages the total charges should be less.

Please answer why I am not being charged the same amount as last time. Why is there a change when the invoice was a 5/08/2009 invoice which at this time the same Florida Statutes were in effect?

1/28/2011

FLORIDA PUBLIC SERVICE COMMISSION

2540 Stanzard Oak Blvd. ♦ Tallahassee, Florida 32399-0850

Date: 05/08/2008

To:

Mr. Robert H. Smith
11340 Neeson Bay Blvd.
Coral Springs, Florida 33076

Date Paid _____

Amount Paid _____

Check # _____

Check Cash

PSC Signature _____

10819

* *
This number must appear on
all checks or correspondence
regarding this invoice.

Please make checks payable to: FLORIDA PUBLIC SERVICE COMMISSION			
QUANTITY	DESCRIPTION	PRICE	AMOUNT
126 pgs.	FPL 2008 Earning Surveillance Reports (Jan-Dec)	5¢/pg.	\$6.30
TOTAL			\$6.30

Section 119.01 (2), that if the records are available in an electronic format that the records should be provided in the "most cost-effective and efficient manner available to the agency providing the information".

Based upon 119.011 (1) it indicates "Public records" means all documents, paper, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material, regardless of the physical form, characteristics, or means of transmission, made or received pursuant to law or ordinance or in connection with the transaction of official business by any agency." This would mean email communication as well.

Please provide a legal response from the General Counsel that based upon looking at the all electronic logs at the Commission that this information is not available in any type of electronic format.

I am still waiting for a response to the rest of the emails. Please forward this email to the General Counsel at the Commission. I need a legal response from the Commission.

Please send me the email address of the General Counsel at the Commission.

Thanks,

Robert H. Smith

1/28/2011

119.01 General state policy on public records.--

(1) It is the policy of this state that all state, county, and municipal records shall be open for personal inspection by any person.

(2) The Legislature finds that, given advancements in technology, providing access to public records by remote electronic means is an additional method of access that agencies should strive to provide to the extent feasible. If an agency provides access to public records by remote electronic means, then such access should be provided in the most cost-effective and efficient manner available to the agency providing the information.

(3) The Legislature finds that providing access to public records is a duty of each agency and that automation of public records must not erode the right of access to those records. As each agency increases its use of and dependence on electronic recordkeeping, each agency must ensure reasonable access to records electronically maintained.

(4) Each agency shall establish a program for the disposal of records that do not have sufficient legal, fiscal, administrative, or archival value in accordance with retention schedules established by the records and information management program of the Division of Library and Information Services of the Department of State.

119.011 Definitions.--For the purpose of this chapter:

(1) "Public records" means all documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material, regardless of the physical form, characteristics, or means of transmission, made or received pursuant to law or ordinance or in connection with the transaction of official business by any agency.

(2) "Agency" means any state, county, district, authority, or municipal officer, department, division, board, bureau, commission, or other separate unit of government created or established by law including, for the purposes of this chapter, the Commission on Ethics, the Public Service Commission, and the Office of Public Counsel, and any other public or private agency, person, partnership, corporation, or business entity acting on behalf of any public agency.

119.02 Penalty.--A public officer who knowingly violates the provisions of s. 119.07(1) is subject to suspension and removal or impeachment and, in addition, is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

119.07 Inspection, examination, and duplication of records; exemptions.--

(1)(a) Every person who has custody of a public record shall permit the record to be inspected and examined by any person desiring to do so, at any reasonable time, under reasonable conditions, and under supervision by the custodian of the public record or the custodian's designee. The custodian shall furnish a copy or a certified copy of the record upon payment of the fee prescribed by law or, if a fee is not prescribed by law, for duplicated copies of not more than 14 inches by 8 1/2 inches, upon payment of not more than 15 cents per one-sided copy, and for all other copies, upon payment of the actual cost of duplication of the record. An agency may charge no more than an additional 5 cents for each two-sided duplicated copy. For purposes of this section, duplicated copies shall mean new copies produced by duplicating, as defined in s. 283.30. The phrase "actual cost of duplication" means the cost of the material and supplies used to duplicate the record, but it does not include the labor cost or overhead cost associated with such duplication. However, the charge for copies of county maps or aerial photographs supplied by county constitutional officers may also include a reasonable charge for the labor and overhead associated with their duplication. Unless otherwise provided by law, the fees to be charged for duplication of public records shall be collected, deposited, and accounted for in the manner prescribed for other operating funds of the agency. An agency may charge up to \$1 per copy for a certified copy of a public record.

(b) If the nature or volume of public records requested to be inspected, examined, or copied pursuant to this subsection is such as to require extensive use of information technology resources or extensive clerical or supervisory assistance by personnel of the agency involved, or both, the agency may charge, in addition to the actual cost of duplication, a special service charge, which shall be reasonable and shall be based on the cost incurred for such extensive use of information technology resources or the labor cost of the personnel providing the service that is actually incurred by the agency or attributable to the agency for the clerical and supervisory assistance required, or both. "Information technology resources" shall have the same meaning as in s. 282.303(12).

119.10 Violation of chapter; penalties.--

(1) Any public officer who violates any provision of this chapter is guilty of a noncriminal infraction, punishable by fine not exceeding \$500.

(2) Any person willfully and knowingly violating any of the provisions of this chapter is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

Confidentiality Statement

The documents accompanying this telecopy transmission contain information which is confidential and/or legally privileged. The information is intended only for the use of the individual or entity named on this transmission sheet. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution or the taking of any action in reliance on the contents of this telecopied information is strictly prohibited, and the documents should be returned. In this regard, if you received this telecopy in error, please contact the sender by reply E-mail and destroy all copies of the original.

Dorothy Menasco

110009-ET

FPSC, CLK - CORRESPONDENCE

Administrative Parties Consumer DOCUMENT NO. 00056-11

DISTRIBUTION: _____

From: Dorothy Menasco on behalf of Records Clerk**Sent:** Thursday, January 27, 2011 11:42 AM**To:** 'rpjrb@yahoo.com'**Cc:** Ann Cole**Subject:** RE: Freedom of Information Act Request (FOIA), 5 U.S.C. § 552 / Actual Earnings Surveillance Reports as filed by Florida Power & Light / Docket 080677 / Docket 100009/110009 / Docket 100410

Mr. Smith:

By e-mail of January 13, 2011, I advised you that the estimated charge for copying the documents you requested is \$54.69. In response to this e-mail, you requested a fee waiver "based upon Federal Preemption under 5 U.S.C. § 552 Section 1803."

Please be advised that the Federal Freedom of Information Act does not apply to state agencies. Instead, the FPSC is governed by Chapter 119, Florida Statutes, Public Records. Pursuant to Section 119.07(4)(a), Florida Statutes, the FPSC's current charge for two-sided copies is .20¢ each. There is no charge if the total copy cost would be less than \$1.00, but since your request is for 434 pages (217 duplexed), it does not fall within this provision. In addition, a special service charge for staff's copying time has been added as allowed by Section 119.07(4)(d), Florida Statutes. This information about charges is published on the FPSC's website, www.floridapsc.com (click on "Public Records Requests"). As you have been previously informed, we do not have this information electronically.

As previously instructed, please provide confirmation of whether you would like us to make the copies. On verification that you would like us to make the copies, we will begin the copying process, and the documents will be mailed to you on receipt of your payment.

As an alternative, Section 119.07(1), Florida Statutes, provides that you may come to the FPSC to inspect the documents, at any reasonable time, under reasonable conditions, and under supervision by the custodian of the public records. Please be advised that if you wish to copy any documents, the standard copy charges apply.

*Dorothy Menasco
Deputy Clerk Supervisor
Florida Public Service Commission
Office of Commission Clerk
850-413-6770*

Please note: Florida has a very broad public records law. Most written communications to or from state officials regarding state business are public records available to the public and media upon request. Your e-mail communications may therefore be subject to public disclosure.

From: rpjrb@yahoo.com [mailto:rpjrb@yahoo.com]**Sent:** Wednesday, January 26, 2011 5:03 PM**To:** Records Clerk; Lisa Bennett; John Slemkewicz**Cc:** Office Of Commissioner Edgar; Office Of Commissioner Graham; Office of Commissioner Brisé; Office Of Commissioner Graham; Office of Commissioner Balbis; Office of Commissioner Brown; Ann Cole; rick.scott@eog.myflorida.com; jennifer.carroll@eog.myflorida.com**Subject:** FW: Freedom of Information Act Request (FOIA), 5 U.S.C. § 552 / Actual Earnings Surveillance Reports as filed by Florida Power & Light / Docket 080677 / Docket 100009/110009 / Docket 100410

To all,

1/27/2011

When I will be receiving a response with regard to processing my request for the ESR's for 2009, 2010 and 2011? I want to lay out the actual earned returns against the adjudicated level of operating income at the company on a monthly/yearly basis. I then want to compare this to the actual cash balances that are being maintained in the Utility 131 Account. I would like to receive a response before the Standard order is issued to see how 2009 and 2010 earnings compares to the actual cash balances that are being maintained at the company.

I requested a fee waiver based upon Federal Freedom of Information Act 5 U.S.C. § 552 and I have not received a legal response regarding the status of releasing this information based upon a fee waiver and/or minimal cost.

According to Chapter 119.01 of the Florida Public Records Statute, if the documents are available in an electronic format, then these should be made available electronically. Please let me know based upon the email logs at the Commission if there is electronic email correspondence between commission staff and/or the utility that would have this information in an electronic format. If so, then this information should be considered public information subject to Federal and State laws in which they should be made available by electronic means. This is supported by both the Freedom of Information Act 5 U.S.C. § 552 and Chapter 119.01 of the Florida Statutes.

If not, then please let me know if this is going to be processed based upon similar requests that have been honored at no charge. This information should be released based upon a fee waiver, "because furnishing the information can be considered as a primarily benefiting the general public".

What was very interesting today was that there was talk about the pending merger of Duke Energy and Progress Energy. There was a comment made during the meeting that if the company earned above the allowed rate of return that they would be subject to an over earnings review by the Commission. How would this be any different than the over earnings at FPL that exceeded their 11% allowed return on equity as indicated by the Stipulation and Settlement Agreement? Since the agreement has indicated that they are only allowed to earn up to 11%, there is no reason why the over earnings in 2010 has not been deferred for future disposition. Based upon the Stipulation and Settlement agreement, they are only allowed to earn up to the 11% return on equity. They are not allowed to earn over the 11% therefore it would appear that a deferral of these over earnings would have been warranted. This is similar to the comment made in the meeting today.

Please explain the actual rule of law that would support this exception to normal/typical Commission ratecase proceedings related to over earnings at a Utility. What rules would provide for the legal ruling to support the non-deferral of the \$400 million of over earnings for Florida Power & Light? Why would this situation be different than any other deferral or requirement of another Utility to give back any over earnings that exceed an agreed upon return on equity? This would be for a standard rate order and/or any other type of agreement. Why was this handled differently? Will this have an impact on future ratecase rulings with regard to how other Utilities over earnings will be treated?

I noticed that the commission has been reorganized. Who on the legal staff will be responding to this request? I noticed that in the past Ms. Bennett has been providing the legal responses.

Information Directory

(Area Code 850)

COMMISSIONERS:

Art Graham - Chairman - 413-6040

Mark Long - Chief Advisor to the Chairman - 413-6022

Betty Lehard - Executive Assistant to the Chairman - 413-6024

Lisa Polak Edgar - 413-6044

Roberta Bass - Chief Advisor to the Commissioner - 413-6016

Kelly McLanahan - Executive Assistant to the Commissioner - 413-6018

Ronald A. Brisé

Baldwyn English - Chief Advisor to the Commissioner - 413-6036

Pamela Paultre - Executive Assistant to the Commissioner - 413-6036

Eduardo E. Balbis - 413-6038

Lisa Bennett - Chief Advisor to the Commissioner - 413-6002

Cristina Slaton - Executive Assistant to the Commissioner - 413-6004

Julie Imanuel Brown - 413-6042

Samantha Cibula - Chief Advisor to the Commissioner - 413-6028

Kathleen Stewart - Executive Assistant to the Commissioner - 413-6030

EXECUTIVE DIRECTOR:

Timothy J. Devlin - 413-6068

DEPUTY EXECUTIVE DIRECTOR:

Charles Hill - 413-6055

GENERAL COUNSEL:

S. Curtis Kiser - 413-6199

INSPECTOR GENERAL:

Steven J. Stoling - 413-6071

119.01 General state policy on public records.--

(1) It is the policy of this state that all state, county, and municipal records shall be open for personal inspection by any person.

(2) The Legislature finds that, given advancements in technology, providing access to public records by remote electronic means is an additional method of access that agencies should strive to provide to the extent feasible. If an agency provides access to public records by remote electronic means, then such access should be provided in the most cost-effective and efficient manner available to the agency providing the information.

(3) The Legislature finds that providing access to public records is a duty of each agency and that automation of public records must not erode the right of access to those records. As each agency increases its use of and dependence on electronic recordkeeping, each agency must ensure reasonable access to records electronically maintained.

(4) Each agency shall establish a program for the disposal of records that do not have sufficient legal, fiscal, administrative, or archival value in accordance with retention schedules established by the records and information management program of the Division of Library and Information Services of the Department of State.

Dear Records Clerk,

Please let me know if there are minutes to today's internal affairs meeting that took place at 9:30AM Today. Will the minutes have a list of all the people who attended the meeting?

1/27/2011

Upcoming Events

Name	Date
Tipp Test	February 05, 2011 - 6:22 AM
Commission Conference	February 08, 2011 - 9:15 AM
Internal Affairs Meeting	February 09, 2011 - 9:15 AM
Commission Conference	February 22, 2011 - 9:15 AM
Internal Affairs Meeting	February 23, 2011 - 9:15 AM
Prehearing - 090539-GU	March 07, 2011 - 9:15 AM
Commission Conference - IA following immediately	March 08, 2011 - 9:15 AM
Internal Affairs Meeting	March 08, 2011 - 2:45 PM

Search Archives:

Subscribe via RSS feeds 

[Agenda](#) | [Minutes](#) | [Podcast](#) | [Video Podcast](#)

Commission Conference Agenda

Hearing

Internal Affairs

Name	Date	Duration	Agenda	Video	MP3 Audio	MP4 Video
Internal Affairs Meeting	Jan 12, 2011	00h 45m	Agenda	Video	MP3 Audio	MP4 Video
Internal Affairs Meeting	Dec 14, 2010	00h 56m	Agenda	Video	MP3 Audio	MP4 Video
Internal Affairs Meeting	Nov 30, 2010	02h 04m	Agenda	Video	MP3 Audio	MP4 Video
Internal Affairs	Nov 9, 2010	01h 38m	Agenda	Video	MP3 Audio	MP4 Video
Internal Affairs Meeting	Oct 12, 2010	00h 18m	Agenda	Video	MP3 Audio	MP4 Video
Internal Affairs Meeting	Sep 28, 2010	00h 05m	Agenda	Video	MP3 Audio	MP4 Video
Internal Affairs Meeting	Sep 14, 2010	00h 29m	Agenda	Video	MP3 Audio	MP4 Video
Internal Affairs Meeting	Aug 17, 2010	01h 14m	Agenda	Video	MP3 Audio	MP4 Video
Internal Affairs Meeting	Aug 3, 2010	00h 28m	Agenda	Video	MP3 Audio	MP4 Video

Other Meetings

There was talk about compliance issues regarding Sunshine Laws (Chapter 286), Florida Administrative Procedure Act (Chapter 120) and Florida Ex Parte Communications (Chapter 350).

The meeting talked about what would be required compliance under these provisions at the State level.

Please let me know if the minutes are available.



State of Florida
Public Service Commission
INTERNAL AFFAIRS AGENDA
Wednesday – January 26, 2011
9:30 a.m.
Room 140 - Betty Easley Conference Center

1. Approve January 12, 2011, Internal Affairs Meeting Minutes. (Attachment 1)
2. Presentation by Progress Energy Florida on the Duke Energy/Progress Energy Merger. (Attachment 2)
3. Presentation by Staff on Hedging Practices in the Electric Industry. (Attachment 3)
4. Discussion of Sunshine Law. (No attachment)
5. Legislative Update. (No Attachment)
6. Other matters, if any.

TD/sa

OUTSIDE PERSONS WISHING TO ADDRESS THE COMMISSION ON ANY OF THE AGENDAED ITEMS SHOULD CONTACT THE OFFICE OF THE EXECUTIVE DIRECTOR AT (850) 413-6068.

Thanks,

Robert H. Smith

Confidentiality Statement

The documents accompanying this telecopy transmission contain information which is confidential and/or legally privileged. The information is intended only for the use of the individual or entity named on this transmission sheet. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution or the taking of any action in reliance on the contents of this telecopied information is strictly

1/27/2011

prohibited, and the documents should be returned. In this regard, if you received this telecopy in error, please contact the sender by reply E-mail and destroy all copies of the original.

FPSC, CLK - CORRESPONDENCE		
<input type="checkbox"/> Administrative	<input checked="" type="checkbox"/> Parties	<input type="checkbox"/> Consumer
DOCUMENT NO. <u>00056-11</u>		
DISTRIBUTION: _____		

110009-EI

Ann Cole

From: Ann Cole
Sent: Thursday, January 27, 2011 9:38 AM
To: Samantha Cibula
Cc: Commissioners Advisors; Administrative Assistants - Commission Suite
Subject: FW: Freedom of Information Act Request (FOIA), 5 U.S.C. § 552 / Actual Earnings Surveillance Reports as filed by Florida Power & Light / Docket 080677 / Docket 100009/110009 / Docket 100410
 Correction. This information will be placed in *Docket Correspondence - Parties and Interested Persons*, in Docket Nos. 080677-EI, 100009-EI, 100410-EI, and 110009-EI.

From: Ann Cole
Sent: Thursday, January 27, 2011 8:47 AM
To: Samantha Cibula
Cc: Commissioners Advisors; Administrative Assistants - Commission Suite
Subject: RE: Freedom of Information Act Request (FOIA), 5 U.S.C. § 552 / Actual Earnings Surveillance Reports as filed by Florida Power & Light / Docket 080677 / Docket 100009/110009 / Docket 100410

Thank you for this information, which will be placed in *Docket Correspondence - Consumers and their Representatives*, in Docket Nos. 080677-EI, 100009-EI, 100410-EI, and 110009-EI.

From: Samantha Cibula
Sent: Thursday, January 27, 2011 8:36 AM
To: Ann Cole
Cc: Kathleen Stewart
Subject: FW: Freedom of Information Act Request (FOIA), 5 U.S.C. § 552 / Actual Earnings Surveillance Reports as filed by Florida Power & Light / Docket 080677 / Docket 100009/110009 / Docket 100410

Ann,

Please place this e-mail in the docket file for Docket Nos. 080677-EI, 100009-EI, 100410-EI, and 110009-EI.

Thanks,
 Samantha

From: rpjrb@yahoo.com [mailto:rpjrb@yahoo.com]
Sent: Wednesday, January 26, 2011 5:03 PM
To: Records Clerk; Lisa Bennett; John Slemkewicz
Cc: Office Of Commissioner Edgar; Office Of Commissioner Graham; Office of Commissioner Brisé; Office Of Commissioner Graham; Office of Commissioner Balbis; Office of Commissioner Brown; Ann Cole; rick.scott@eog.myflorida.com; jennifer.carroll@eog.myflorida.com
Subject: FW: Freedom of Information Act Request (FOIA), 5 U.S.C. § 552 / Actual Earnings Surveillance Reports as filed by Florida Power & Light / Docket 080677 / Docket 100009/110009 / Docket 100410

To all,

When I will be receiving a response with regard to processing my request for the ESR's for 2009, 2010 and 2011? I want to lay out the actual earned returns against the adjudicated level of operating income at the company on a monthly/yearly basis. I then want to compare this to the actual cash balances that are being maintained in the Utility 131 Account. I would like to receive a response before the Standard order is issued to see how 2009 and 2010 earnings compares to the actual cash balances that are being maintained at the company.

I requested a fee waiver based upon Federal Freedom of Information Act 5 U.S.C. § 552 and I have not received a legal response regarding the status of releasing this information based upon a fee waiver and/or minimal cost.

According to Chapter 119.01 of the Florida Public Records Statute, if the documents are available in an electronic format, then these should be made available electronically. Please let me know based upon

1/27/2011

the email logs at the Commission if there is electronic email correspondence between commission staff and/or the utility that would have this information in an electronic format. If so, then this information should be considered public information subject to Federal and State laws in which they should be made available by electronic means. This is supported by both the Freedom of Information Act 5 U.S.C. § 552 and Chapter 119.01 of the Florida Statutes.

If not, then please let me know if this is going to be processed based upon similar requests that have been honored at no charge. This information should be released based upon a fee waiver, "because furnishing the information can be considered as a primarily benefiting the general public".

What was very interesting today was that there was talk about the pending merger of Duke Energy and Progress Energy. There was a comment made during the meeting that if the company earned above the allowed rate of return that they would be subject to an over earnings review by the Commission. How would this be any different than the over earnings at FPL that exceeded their 11% allowed return on equity as indicated by the Stipulation and Settlement Agreement? Since the agreement has indicated that they are only allowed to earn up to 11%, there is no reason why the over earnings in 2010 has not been deferred for future disposition. Based upon the Stipulation and Settlement agreement, they are only allowed to earn up to the 11% return on equity. They are not allowed to earn over the 11% therefore it would appear that a deferral of these over earnings would have been warranted. This is similar to the comment made in the meeting today.

Please explain the actual rule of law that would support this exception to normal/typical Commission ratecase proceedings related to over earnings at a Utility. What rules would provide for the legal ruling to support the non-deferral of the \$400 million of over earnings for Florida Power & Light? Why would this situation be different than any other deferral or requirement of another Utility to give back any over earnings that exceed an agreed upon return on equity? This would be for a standard rate order and/or any other type of agreement. Why was this handled differently? Will this have an impact on future ratecase rulings with regard to how other Utilities over earnings will be treated?

I noticed that the commission has been reorganized. Who on the legal staff will be responding to this request? I noticed that in the past Ms. Bennett has been providing the legal responses.

Information Directory

(Area Code 850)

COMMISSIONERS:

Art Graham - Chairman - 413-6040

Mark Long - Chief Advisor to the Chairman - 413-6022

Betty Lehard - Executive Assistant to the Chairman - 413-6024

Lisa Polak Edgar - 413-6044

Roberta Bass - Chief Advisor to the Commissioner - 413-6016

Kelly McLanahan - Executive Assistant to the Commissioner - 413-6018

Ronald A. Brisé

Baklwyn English - Chief Advisor to the Commissioner - 413-6036

Parveta Paulre - Executive Assistant to the Commissioner - 413-6036

Eduardo E. Balbis - 413-6038

Lisa Bennett - Chief Advisor to the Commissioner - 413-6002

Cristina Slaton - Executive Assistant to the Commissioner - 413-6004

Julie Imanuel Brown - 413-6042

Samantha Cibuls - Chief Advisor to the Commissioner - 413-6028

Kathleen Stewart - Executive Assistant to the Commissioner - 413-6030

EXECUTIVE DIRECTOR:

Timothy J. Devlin - 413-6068

DEPUTY EXECUTIVE DIRECTOR:

Charles Hill - 413-6055

GENERAL COUNSEL:

S. Curtis Kiser - 413-6199

INSPECTOR GENERAL:

Steven J. Stoling - 413-6071

CHAPTER 119
PUBLIC RECORDS

119.01 General state policy on public records.--

(1) It is the policy of this state that all state, county, and municipal records shall be open for personal inspection by any person.

(2) The Legislature finds that, given advancements in technology, providing access to public records by remote electronic means is an additional method of access that agencies should strive to provide to the extent feasible. If an agency provides access to public records by remote electronic means, then such access should be provided in the most cost-effective and efficient manner available to the agency providing the information.

(3) The Legislature finds that providing access to public records is a duty of each agency and that automation of public records must not erode the right of access to those records. As each agency increases its use of and dependence on electronic recordkeeping, each agency must ensure reasonable access to records electronically maintained.

(4) Each agency shall establish a program for the disposal of records that do not have sufficient legal, fiscal, administrative, or archival value in accordance with retention schedules established by the records and information management program of the Division of Library and Information Services of the Department of State.

Dear Records Clerk,

Please let me know if there are minutes to today's internal affairs meeting that took place at 9:30AM Today. Will the minutes have a list of all the people who attended the meeting?

Upcoming Events

Name	Date
Tipp Test	February 05, 2011 - 6:22 AM
Commission Conference	February 08, 2011 - 9:15 AM
Internal Affairs Meeting	February 09, 2011 - 9:15 AM
Commission Conference	February 22, 2011 - 9:15 AM
Internal Affairs Meeting	February 23, 2011 - 9:15 AM
Prehearing - 090539-GU	March 07, 2011 - 9:15 AM
Commission Conference - IA following immediately	March 08, 2011 - 9:15 AM
Internal Affairs Meeting	March 08, 2011 - 2:45 PM

Search Archives:

 Subscribe via RSS feeds 
[Agenda](#) | [Minutes](#) | [Podcast](#) | [Video Podcast](#)

Commission Conference Agenda							
Hearing							
Internal Affairs							
Name	Date	Duration	Agenda	Video	MP3 Audio	MP4 Video	
Internal Affairs Meeting	Jan 12, 2011	00h 45m	Agenda	Video	MP3 Audio	MP4 Video	
Internal Affairs Meeting	Dec 14, 2010	00h 56m	Agenda	Video	MP3 Audio	MP4 Video	
Internal Affairs Meeting	Nov 30, 2010	02h 04m	Agenda	Video	MP3 Audio	MP4 Video	
Internal Affairs	Nov 9, 2010	01h 38m	Agenda	Video	MP3 Audio	MP4 Video	
Internal Affairs Meeting	Oct 12, 2010	00h 18m	Agenda	Video	MP3 Audio	MP4 Video	
Internal Affairs Meeting	Sep 28, 2010	00h 05m	Agenda	Video	MP3 Audio	MP4 Video	
Internal Affairs Meeting	Sep 14, 2010	00h 29m	Agenda	Video	MP3 Audio	MP4 Video	
Internal Affairs Meeting	Aug 17, 2010	01h 14m	Agenda	Video	MP3 Audio	MP4 Video	
Internal Affairs Meeting	Aug 3, 2010	00h 28m	Agenda	Video	MP3 Audio	MP4 Video	
Other Meetings							

There was talk about compliance issues regarding Sunshine Laws (Chapter 286), Florida Administrative Procedure Act (Chapter 120) and Florida Ex Parte Communications (Chapter 350).

The meeting talked about what would be required compliance under these provisions at the State level.

Please let me know if the minutes are available.



State of Florida
Public Service Commission
INTERNAL AFFAIRS AGENDA
Wednesday – January 26, 2011
9:30 a.m.
Room 140 - Betty Easley Conference Center

1. Approve January 12, 2011, Internal Affairs Meeting Minutes. (Attachment 1)
2. Presentation by Progress Energy Florida on the Duke Energy/Progress Energy Merger. (Attachment 2)
3. Presentation by Staff on Hedging Practices in the Electric Industry. (Attachment 3)
4. Discussion of Sunshine Law. (No attachment)
5. Legislative Update. (No Attachment)
6. Other matters, if any.

TD:sa

OUTSIDE PERSONS WISHING TO ADDRESS THE COMMISSION ON
ANY OF THE AGENDAED ITEMS SHOULD CONTACT THE
OFFICE OF THE EXECUTIVE DIRECTOR AT (850) 413-6068.

Thanks,

Robert H. Smith

Confidentiality Statement

The documents accompanying this telecopy transmission contain information which is confidential and/or legally privileged. The information is intended only for the use of the individual or entity named on this transmission sheet. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution or the taking of any action in reliance on the contents of this telecopied information is strictly prohibited, and the documents should be returned. In this regard, if you received this telecopy in error, please contact the sender by reply E-

1/27/2011

mail and destroy all copies of the original.

From: RSmith [rpjrb@yahoo.com] [mailto:rpjrb@yahoo.com]
Sent: Thursday, January 20, 2011 10:09 AM
To: 'Records Clerk'; 'Lisa Bennett'; 'John Slemkewicz'
Cc: 'Office Of Commissioner Edgar'; 'Office Of Commissioner Graham'; 'Office of Commissioner Brisé'; 'Office Of Commissioner Graham'; 'Office of Commissioner Balbis'; 'Office of Commissioner Brown'; 'Ann Cole'; 'rick.scott@eog.myflorida.com'; 'jennifer.carroll@eog.myflorida.com'; 'John Slemkewicz'; 'rick.scott@eog.myflorida.com'
Subject: FW: Freedom of Information Act Request (FOIA), 5 U.S.C. § 552 / Actual Earnings Surveillance Reports as filed by Florida Power & Light / Docket 080677 / Docket 100009/110009 / Docket 100410

To all,

When I will be receiving a response with regard to processing my request for the ESR's for 2009, 2010 and 2011?

Dear Records Clerk,

Has the public record been updated with any additional emails since the last update?

Based upon the Public Docket file in Docket 100410 it has only been updated through the January 11th, 2011 email. It is January 20th, 2011 and the files have not been updated with the new information.

What about Docket 080677 and Docket 100009/110009?

Thanks,

Robert H. Smith

Dorothy Menasco

100410-EI

FPSC, CLK - CORRESPONDENCE

Administrative Parties Consumer

From: Dorothy Menasco on behalf of Records Clerk

Sent: Tuesday, January 11, 2011 3:30 PM

To: 'rpjrb@yahoo.com'

Cc: Office Of Commissioner Edgar; Office Of Commissioner Graham; Office of Commissioner Brisé; Office Of Commissioner Graham; Office of Commissioner Balbis; Office of Commissioner Brown; Lisa Bennett; Ann Cole

Subject: RE: Freedom of Information Act Request (FOIA), 5 U.S.C. § 552 / Actual Earnings Surveillance Reports as filed by Florida Power & Light / Docket 080677 / Docket 100009/110009 / Docket 100410

DOCUMENT NO. 080677-10

DISTRIBUTION:

Mr. Smith:

There are no responsive documents to this request. Please note that Florida Public Records Law does not recognize a continuing request (in other words, one that attaches to documents not yet in existence or custody of the agency). If you wish, you may renew this request at a future time. Please also note that the document you describe, at such time as it may be filed with this agency, could be subject to the agency's policies, which it may be subject to and would follow on dates

Confidentiality Statement

The documents accompanying this telecopy transmission contain information which is confidential and/or legally privileged. The information is intended only for the use of the individual or entity named on this transmission sheet. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution or the taking of any action in reliance on the contents of this telecopied information is strictly prohibited, and the documents should be returned. In this regard, if you received this telecopy in error, please contact the sender by reply E-mail and destroy all copies of the original.

1/27/2011

From: RSmith [rpjrb@yahoo.com] [mailto:rpjrb@yahoo.com]
Sent: Monday, January 17, 2011 7:40 AM
To: 'Lisa Bennett'; 'John Slemkewicz'
Cc: 'Office Of Commissioner Edgar'; 'Office Of Commissioner Graham'; 'Office of Commissioner Brisé'; 'Office Of Commissioner Graham'; 'Office of Commissioner Balbis'; 'Office of Commissioner Brown'; 'Ann Cole'; 'rick.scott@eog.myflorida.com'; 'jennifer.carroll@eog.myflorida.com'; 'John Slemkewicz'; 'rick.scott@eog.myflorida.com'; 'jennifer.carroll@eog.myflorida.com'; 'Records Clerk'
Subject: FW: Freedom of Information Act Request (FOIA), 5 U.S.C. § 552 / Actual Earnings Surveillance Reports as filed by Florida Power & Light / Docket 080677 /Docket 100009/110009 / Docket 100410

To all,

When I will be receiving a response with regard to processing my request for the ESR's for 2009, 2010 and 2011?

I found a **typo** below.

Thanks,

Robert H. Smith

Confidentiality Statement

The documents accompanying this telecopy transmission contain information which is confidential and/or legally privileged. The information is intended only for the use of the individual or entity named on this transmission sheet. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution or the taking of any action in reliance on the contents of this telecopied information is strictly prohibited, and the documents should be returned. In this regard, if you received this telecopy in error, please contact the sender by reply E-mail and destroy all copies of the original.

From: RSmith [rpjrb@yahoo.com] [mailto:rpjrb@yahoo.com]
Sent: Friday, January 14, 2011 10:12 AM
To: 'Lisa Bennett'; 'John Slemkewicz'
Cc: 'Office Of Commissioner Edgar'; 'Office Of Commissioner Graham'; 'Office of Commissioner Brisé'; 'Office Of Commissioner Graham'; 'Office of Commissioner Balbis'; 'Office of Commissioner Brown'; 'Ann Cole'; 'rick.scott@eog.myflorida.com'; 'jennifer.carroll@eog.myflorida.com'; 'John Slemkewicz'; 'rick.scott@eog.myflorida.com'; 'jennifer.carroll@eog.myflorida.com'; 'Records Clerk'
Subject: FW: Freedom of Information Act Request (FOIA), 5 U.S.C. § 552 / Actual Earnings Surveillance Reports as filed by Florida Power & Light / Docket 080677 /Docket 100009/110009 / Docket 100410

Dear Ms. Bennett,

Here are samples from a FOIA request log from the Florida Public Service Commission site. I was taking a look at the request and the fees charged. It appears that a majority of the requests below have been completed at a nominal or no charge. How can the charges quoted be more than the charges for Documents + 2 CD's below?

Based upon one of the requests below it indicates that one of the requests asks for copies of internal memos communications between the Public Service Commission Staff and the Commissioner's. There is another one talking about all documents, letters, memorandum, e-mails and any other information related to a preliminary investigation of ex parte communications. Some of the responses have been made through emails and provided on CD's at no charge.

With the legal response please provide for why some of the fees below have been waived and if any of the Florida Public Service

1/27/2011

Commission Staff has received any email correspondence with PDF/Excel attachments for any of the Earnings Surveillance reports. These can be for Preliminary reports and/or final reports.

Does the Commission maintain an email database for communications between Commission Staff and Florida Power & Light? If so, then I am sure that the Commission could check the logs in order to see if the Earnings Surveillance reports (Preliminary and/or Final) have been sent electronically from the Utility.

Since this information should be made part of the public record, and it would be in the best interest of the public to monitor the cash balances at the company and the Actual Earned returns at the company I think that the fee should be waived based upon the Freedom of Information Act 5 U.S.C. § 552.

If you have any questions please do not hesitate to ask.

Thanks,

Robert H. Smith

in that many document requests are responded to directly during the normal course of business

Requested By	Rec'd	Ackn'd.	Docket or Subject Matter	Status	Completed	Charges
			251D, and any further communications or			
10.	Mary Ellen Klas	03/04/10 as modified	03/04/10	All written requests for information, including but not limited to public records requests, made between 02/01/10 and 03/03/10.	E-mailed PRRs, 03/05/10 Faxed documents 03/08/10 requests.	n/a n/a
11.	Mary Ellen Klas	03/08/10	03/08/10	Copies of the documents provided to Diana Caldwell as a result of her 03/02/10 PRR, and any other documents, e-mails and other information provided to Ms. Caldwell and Senate Committee on Communications, Energy, and Public Utilities since 02/01/10.	Documents+2 CDs E-mailed 3/16/09 responsive documents	\$12.75 n/a
12.	Julie Patel	03/08/10 03/09/10	03/09/10 03/09/10	1. A copy of all information (documents relate to the Inspector General's investigation of the November 6 fuel hearing) provided recently to Diana Caldwell, from the Senate's utilities committee. 2. Inspector General's letter to FDLI.	1. Documents +2 CDs mailed 2. Exempt pursuant to 119.06(1), F.S. and 24(a), Art 1 of the State Constitution.	\$12.75
14.	Mary Ellen Klas	07/12/10 (received after 5:00 pm)	07/23/10	Copies of any internal memos sent to staff between May 1 st and July 12 th from Chairman Argenziano, Commissioner Skop, or Commissioner Edgar.	Completed; e-mailed.	07/15/10 n/a
7.	Diana Caldwell	03/02/10	03/02/10	All documents, letters, memorandum, e-mails, and any other information related to a preliminary investigation of an internal ex parte communication complaint initiated around January 24.	Documents+2 CDs	03/08/10 n/a

Confidentiality Statement

1/27/2011

The documents accompanying this telecopy transmission contain information which is confidential and/or legally privileged. The information is intended only for the use of the individual or entity named on this transmission sheet. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution or the taking of any action in reliance on the contents of this telecopied information is strictly prohibited, and the documents should be returned. In this regard, if you received this telecopy in error, please contact the sender by reply E-mail and destroy all copies of the original.

From: RSmith [rpjrb@yahoo.com] [mailto:rpjrb@yahoo.com]

Sent: Thursday, January 13, 2011 6:52 PM

To: 'John Slemkewicz'; 'Lisa Bennett'

Cc: 'Office Of Commissioner Edgar'; 'Office Of Commissioner Graham'; 'Office of Commissioner Brisé'; 'Office Of Commissioner Graham'; 'Office of Commissioner Balbis'; 'Office of Commissioner Brown'; 'Ann Cole'; 'rick.scott@eog.myflorida.com'; 'jennifer.carroll@eog.myflorida.com'; 'John Slemkewicz'; 'rick.scott@eog.myflorida.com'; 'jennifer.carroll@eog.myflorida.com'; 'Records Clerk'

Subject: FW: Freedom of Information Act Request (FOIA), 5 U.S.C. § 552 / Actual Earnings Surveillance Reports as filed by Florida Power & Light / Docket 080677 /Docket 100009/110009 / Docket 100410

Dear Ms. Bennett,

Here is a fee waiver that the US Treasury has honored based upon a Freedom of Information Act request for TARP with regard to Financial Regulatory reform.

A copy of the response for the fee waiver is below. This has been whited/redacted for any privacy related issues. I am using this letter to support a potential fee waiver for my Freedom of Information Act request that I have sent to the Commission.

I trust that the Commission understands my concern.

This information should be provided at a minimal cost or a fee waiver should be granted based upon Federal Preemption under 5 U.S.C. § 552 Section 1803.

This is a very important issue.

If you have any questions please do not hesitate to give me a call.

Thanks,

Robert H. Smith

954-340-4956



DEPARTMENT OF THE TREASURY
WASHINGTON, D.C. 20220

JUL 1 2009

Robert Smith
11340 Heron Bay Boulevard
Coral Springs, Florida 33076

Dear Mr. Smith:

This is the Department's third interim response to your Freedom of Information Act (FOIA) request dated April 27, 2009, in which you requested accounting records relating to TARP transactions.

In response to the portion of your request for access to records reflecting cash outflows to banks, the Office of Financial Stability conducted a further search of its files and located an additional forty-eight pages that are responsive to your request.

In light of my email to you _____, and your subsequent response, I am waiving all fees assessed by the Office of Financial Stability

Please note that within the Department of the Treasury, the Office of the Executive Secretary is continuing to process your request.

Enclosures

Confidentiality Statement

The documents accompanying this telecopy transmission contain information which is confidential and/or legally privileged. The information is intended only for the use of the individual or entity named on this transmission sheet. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution or the taking of any action in reliance on the contents of this telecopied information is strictly prohibited, and the documents should be returned. In this regard, if you received this telecopy in error, please contact the sender by reply E-mail and destroy all copies of the original.

From: RSmith [rpjrb@yahoo.com] [mailto:rpjrb@yahoo.com]
Sent: Thursday, January 13, 2011 6:21 PM
To: 'Dorothy Menasco'; 'John Slemkewicz'; 'Lisa Bennett'
Cc: 'Office Of Commissioner Edgar'; 'Office Of Commissioner Graham'; 'Office of Commissioner Brisé'; 'Office Of Commissioner Graham'; 'Office of Commissioner Balbis'; 'Office of Commissioner Brown'; 'Ann Cole'; 'rick.scott@eog.myflorida.com'; 'jennifer.carroll@eog.myflorida.com'; 'John Slemkewicz'; 'rick.scott@eog.myflorida.com'; 'jennifer.carroll@eog.myflorida.com'
Subject: FW: Freedom of Information Act Request (FOIA), 5 U.S.C. § 552 / Actual Earnings Surveillance Reports as filed by Florida Power & Light / Docket 080677 / Docket 100009/110009 / Docket 100410

Dear Ms. Bennett,

Since my request is under the Federal Freedom of information Act I trust that based upon Federal Preemption that a fee waiver should/would be considered with the processing of my request.

As per

“Such fees shall be limited to reasonable standard charges for document search and duplication and provide for recovery of only the direct costs of such search and duplication. Documents shall be furnished without charge or at a reduced charge where the agency determines that waiver or reduction of the fee is in the public interest because furnishing the information can be considered as primarily benefiting the general public.”

The statement above would give rise to a reduced fee or a waiver of the fee “because furnishing the information can be considered as a primarily benefiting the general public”.

This would give rise to providing this information at the least possible cost.

Please issue a legal opinion to support the position of the Commission.

Thanks,

Robert H. Smith

Under the FOIA Reform Act, the Office of Management and Budget was charged with the responsibility of promulgating, pursuant to notice and receipt of public comment, a "uniform schedule of fees"⁶ for individual agencies to follow when promulgating their FOIA fee regulations.⁷ In March 1987, OMB issued its Uniform Freedom of Information Act Fee Schedule and Guidelines [hereinafter OMB Fee Guidelines].⁸ As mandated by the 1986 FOIA amendments, agencies are obligated to conform their fee schedules to these guidelines.⁹

The FOIA Reform Act also required agencies to promulgate specific "procedures and guidelines for determining when such fees should be

FEES AND FEE WAIVERS

waived or reduced."¹⁰ The Department of Justice, in accordance with its statutory responsibility to encourage agency compliance with the FOIA,¹¹ developed new governmentwide policy guidance on the waiver of FOIA fees, to replace its previously issued guidance implementing the predecessor statutory fee waiver standard.¹² In April 1987, to assist federal agen-

¹⁰ § 1803, 100 Stat. at 3207-49.

⁵ USC Sec. 552

1986 - Subsec. (d)(4)(A). Pub. L. 99-570, Sec. 1803, amended subpar. (A) generally. Prior to amendment, subpar. (A) read as follows: "In order to carry out the provisions of this section, each agency shall promulgate regulations, pursuant to notice and receipt of public comment, specifying a uniform schedule of fees applicable to all constituent units of such agency. Such fees shall be limited to reasonable standard charges for document search and duplication and provide for recovery of only the direct costs of such search and duplication. Documents shall be furnished without charge or at a reduced charge where the agency determines that waiver or reduction of the fee is in the public interest because furnishing the information can be considered as primarily benefiting the general public."

Confidentiality Statement

The documents accompanying this telecopy transmission contain information which is confidential and/or legally privileged. The information is intended only for the use of the individual or entity named on this transmission sheet. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution or the taking of any action in reliance on the contents of this telecopied information is strictly prohibited, and the documents should be returned. In this regard, if you received this telecopy in error, please contact the sender by reply E-mail and destroy all copies of the original.

From: RSmith [rpjrb@yahoo.com] [mailto:rpjrb@yahoo.com]

Sent: Thursday, January 13, 2011 5:33 PM

To: 'Dorothy Menasco'; 'John Slemkewicz'; 'Lisa Bennett'

Cc: 'Office Of Commissioner Edgar'; 'Office Of Commissioner Graham'; 'Office of Commissioner Brisé'; 'Office Of Commissioner Graham'; 'Office of Commissioner Balbis'; 'Office of Commissioner Brown'; 'Ann Cole'; 'rick.scott@eog.myflorida.com'; 'jennifer.carroll@eog.myflorida.com'; 'John Slemkewicz'; 'rick.scott@eog.myflorida.com'; 'jennifer.carroll@eog.myflorida.com'

Subject: RE: Freedom of Information Act Request (FOIA), 5 U.S.C. § 552 / Actual Earnings Surveillance Reports as filed by Florida Power & Light / Docket 080677 /Docket 100009/110009 / Docket 100410

Dear Ms. Menasco,

The last time this was completed the charge was \$.05 per page for 126 pgs. What is going on and technology is getting better therefore if this was scanned and sent it would be much cheaper than the original cost in the invoice below.

Are any of the 434 pages blank? If so, then I should not have to pay for any of these pages.

Even at 434 pages it would only come out to \$21.70 as per the invoice below. This seems very expensive and does not make sense based upon the invoice below.

Please have legal answer the question about receiving this correspondence in an automated fashion to save time.

I need legal to sign off that no one at the Commission has received any electronic document regarding these reports. If these were received electronically then the electronic files would be part of the public docket and should be available in an electronic format.

Ms. Bennett,

I need a legal response that the Commission staff is not receiving any of these reports in an electronic fashion from any FPL staff and why the cost would be different than the last invoice.

If I recall correctly the cost charged for replication of the documents should be completed at the least cost.

This does not make sense and I am unemployed and need this information as soon as possible.

There is no reason for any of the cost to be more than the last invoice.

Thanks,

Robert H. Smith

FLORIDA PUBLIC SERVICE COMMISSION
2340 Stanzani Oak Blvd. • Tallahassee, Florida 32309-0830

Date: 05/08/2009

To: Mr. Robert H. Smith
11340 Heron Bay Blvd.
Coral Springs, Florida 33076

Date Paid _____
Amount Paid _____
Check # _____
 Check Cash
PSC Signature _____

10819
* * *
This number must appear on all checks or correspondence regarding this invoice.

Please make checks payable to: FLORIDA PUBLIC SERVICE COMMISSION

QUANTITY	DESCRIPTION	PRICE	AMOUNT
126 Pgs.	FPL 2008 Earning Surveillance Reports (Jan-Dec)	Sc/pg.	\$6.30
TOTAL			\$6.30

Confidentiality Statement

The documents accompanying this telecopy transmission contain information which is confidential and/or legally privileged. The information is intended only for the use of the individual or entity named on this transmission sheet. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution or the taking of any action in reliance on the contents of this telecopied information is strictly prohibited, and the documents should be returned. In this regard, if you received this telecopy in error, please contact the sender by reply E-mail and destroy all copies of the original.

From: Dorothy Menasco [mailto:DMenasco@PSC.STATE.FL.US]
Sent: Thursday, January 13, 2011 5:03 PM
To: rpjrb@yahoo.com; John Slemkewicz
Cc: Office Of Commissioner Edgar; Office Of Commissioner Graham; Office of Commissioner Brisé; Office Of Commissioner Graham; Office of Commissioner Balbis; Office of Commissioner Brown; Lisa Bennett; Ann Cole; rick.scott@eog.myflorida.com; jennifer.carroll@eog.myflorida.com; John Slemkewicz
Subject: RE: Freedom of Information Act Request (FOIA), 5 U.S.C. § 552 / Actual Earnings Surveillance Reports as filed by Florida Power & Light / Docket 080677 /Docket 100009/110009 / Docket 100410

Mr. Smith,

I have been advised that there are an estimated 434 pages of ESRs. There will be a charge for the time it will take to copy the document. Please note that the estimated charges are \$54.89 and is broken down as follows:

\$43.40 (for 217 duplexed pages at .20 cents per page);
 + 11.29 (special service charge - staff's copying time);
 = \$54.69 (estimated total)

Please provide confirmation of whether you would like us to make those copies. On verification that you would like us to make the copies, we will begin the copying process, and the documents will be mailed to you on receipt of your payment.

*Dorothy Menasco
 Chief Deputy Commission Clerk
 Florida Public Service Commission
 Office of Commission Clerk
 850-413-6770*

Please note: Florida has a very broad public records law. Most written communications to or from state officials regarding state business are public records available to the public and media upon request. Your e-mail communications may therefore be subject to public disclosure.

From: rpjrb@yahoo.com [mailto:rpjrb@yahoo.com]
Sent: Thursday, January 13, 2011 2:13 PM
To: John Slemkewicz
Cc: Dorothy Menasco; Office Of Commissioner Edgar; Office Of Commissioner Graham; Office of Commissioner Brisé; Office Of Commissioner Graham; Office of Commissioner Balbis; Office of Commissioner Brown; Lisa Bennett; Ann Cole; rick.scott@eog.myflorida.com; jennifer.carroll@eog.myflorida.com
Subject: FW: Freedom of Information Act Request (FOIA), 5 U.S.C. § 552 / Actual Earnings Surveillance Reports as filed by Florida Power & Light / Docket 080677 /Docket 100009/110009 / Docket 100410

To all,

I noticed a typo.

Thanks,

1/27/2011

Robert H. Smith

Confidentiality Statement

The documents accompanying this telecopy transmission contain information which is confidential and/or legally privileged. The information is intended only for the use of the individual or entity named on this transmission sheet. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution or the taking of any action in reliance on the contents of this telecopied information is strictly prohibited, and the documents should be returned. In this regard, if you received this telecopy in error, please contact the sender by reply E-mail and destroy all copies of the original.

From: RSmith [rpjrb@yahoo.com] [<mailto:rpjrb@yahoo.com>]

Sent: Thursday, January 13, 2011 12:08 PM

To: 'John Slemkewicz'

Cc: 'Dorothy Menasco'; 'Office Of Commissioner Edgar'; 'Office Of Commissioner Graham'; 'Office of Commissioner Brisé'; 'Office Of Commissioner Graham'; 'Office of Commissioner Balbis'; 'Office of Commissioner Brown'; 'Lisa Bennett'; 'Ann Cole'; 'rick.scott@eog.myflorida.com'; 'jennifer.carroll@eog.myflorida.com'

Subject: FW: Freedom of Information Act Request (FOIA), 5 U.S.C. § 552 / Actual Earnings Surveillance Reports as filed by Florida Power & Light / Docket 080677 /Docket 100009/110009 / Docket 100410

Dear Mr. Slemkewicz,

Here is a way that the cost can be minimized. Just like the Commission is scanning the documents for the rate case. These documents can be scanned and sent electronically as well. This will save time and money as well since if you are making a copy I am sure that the Commission is utilizing a high speed scanner to keep up with the electronic documents that are being made part of the record in any ratecase proceeding.

Is this correct?

I have a \$150 printer, copier, scanner, fax machine that lets me scan to a PDF file very quickly. This information then can be attached to an email to be sent much quicker than a hard copy sent through the mail. As a CFO I used this type of printer to help with answering audit questions for my year end audits. I also used this technology to send information to the US Treasury and CMS regarding Healthcare and Financial Regulatory reform. This would work very well and save the Commission money.

Please let me know when I will be receiving a response to my full email below. If a legal response is needed, please have the legal staff at the commission sign off on the response. Since the cash balances are very low as indicated by the FERC form 1 my concerns are warranted therefore I would like a response as soon as possible.

Thanks,

Robert H. Smith

Confidentiality Statement

The documents accompanying this telecopy transmission contain information which is confidential and/or legally privileged. The information is intended only for the use of the individual or entity named on this transmission sheet. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution or the taking of any action in reliance on the contents of this telecopied information is strictly prohibited, and the documents should be returned. In this regard, if you received this telecopy in error, please contact the sender by reply E-mail and destroy all copies of the original.

1/27/2011

From: RSmith [rpjrb@yahoo.com] [<mailto:rpjrb@yahoo.com>]

Sent: Thursday, January 13, 2011 11:52 AM

To: 'John Slemkewicz'

Cc: 'Dorothy Menasco'; 'Office Of Commissioner Edgar'; 'Office Of Commissioner Graham'; 'Office of Commissioner Brisé'; 'Office Of Commissioner Graham'; 'Office of Commissioner Balbis'; 'Office of Commissioner Brown'; 'Lisa Bennett'; 'Ann Cole'; 'rick.scott@eog.myflorida.com'; 'jennifer.carroll@eog.myflorida.com'

Subject: RE: Freedom of Information Act Request (FOIA), 5 U.S.C. § 552 / Actual Earnings Surveillance Reports as filed by Florida Power & Light / Docket 080677 /Docket 100009/110009 / Docket 100410

Dear Mr. Slemkewicz,

What about the answers to the rest of the email?

Thanks,

Robert H. Smith

Confidentiality Statement

The documents accompanying this telecopy transmission contain information which is confidential and/or legally privileged. The information is intended only for the use of the individual or entity named on this transmission sheet. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution or the taking of any action in reliance on the contents of this telecopied information is strictly prohibited, and the documents should be returned. In this regard, if you received this telecopy in error, please contact the sender by reply E-mail and destroy all copies of the original.

From: John Slemkewicz [<mailto:JSlemkew@PSC.STATE.FL.US>]

Sent: Thursday, January 13, 2011 11:48 AM

To: rpjrb@yahoo.com

Cc: Dorothy Menasco

Subject: RE: Freedom of Information Act Request (FOIA), 5 U.S.C. § 552 / Actual Earnings Surveillance Reports as filed by Florida Power & Light / Docket 080677 /Docket 100009/110009 / Docket 100410

FPL's monthly ESRs are submitted to the PSC in a hard copy format (paper). The ESRs are not submitted electronically, by email or on disk. The ESRs are not on line.

From: rpjrb@yahoo.com [<mailto:rpjrb@yahoo.com>]

Sent: Thursday, January 13, 2011 11:32 AM

To: John Slemkewicz

Cc: Dorothy Menasco; Office Of Commissioner Edgar; Office Of Commissioner Graham; Office of Commissioner Brisé; Office Of Commissioner Graham; Office of Commissioner Balbis; Office of Commissioner Brown; Lisa Bennett; Ann Cole; rick.scott@eog.myflorida.com; jennifer.carroll@eog.myflorida.com

Subject: RE: Freedom of Information Act Request (FOIA), 5 U.S.C. § 552 / Actual Earnings Surveillance Reports as filed by Florida Power & Light / Docket 080677 /Docket 100009/110009 / Docket 100410

Dear Mr. Slemkewicz, Ms. Bennett and all Commissioners,

Thanks for the link to the FERC Form 1 reports. Is there a link to the ESR reports as well? According to one of the email responses there was. Was this a correct statement?

Just by taking a look at the FERC 1 for 2009 it appears that there was only \$34.3 million in 2009 and \$94.0 million in 2008

1/27/2011

respectively in the FERC 131 Utility Cash account.

Where did all the over recovered money go? This would include the depreciation and excess earnings over recovery.

This is why I need access to the ledgers to see the accounting for the over recoveries.

According to the over earnings estimates there was \$400 million dollars of overearnings. Where did the money go? This can be determined by looking at the Cash 131 Account Ledger.

My concerns based upon this page have merit therefore I want to make sure that I have all the appropriate information in order to complete my analysis.

Name of Respondent Florida Power & Light Company		This Report Is: (1) <input checked="" type="checkbox"/> An Original (2) <input type="checkbox"/> A Resubmission		Date of Report (Mo, Da, Yr) 11	Year/Period of Report End of 2008/Q4
COMPARATIVE BALANCE SHEET (ASSETS AND OTHER DEBITS)					
Line No.	Title of Account (a)	Ref. Page No. (b)	Current Year End of Quarter/Year Balance (c)	Prior Year End Balance 12/31 (d)	
1	UTILITY PLANT				
2	Utility Plant (101-106, 114)	200-201	28,708,410,344	26,487,111,508	
35	Cash (131)		34,255,751	93,987,390	

Name of Respondent Florida Power & Light Company		This Report Is: (1) <input checked="" type="checkbox"/> An Original (2) <input type="checkbox"/> A Resubmission		Date of Report (Mo, Da, Yr) 11	Year/Period of Report End of 2008/Q4
COMPARATIVE BALANCE SHEET (ASSETS AND OTHER DEBITS)					
Line No.	Title of Account (a)	Ref. Page No. (b)	Current Year End of Quarter/Year Balance (c)	Prior Year End Balance 12/31 (d)	
1	UTILITY PLANT				
2	Utility Plant (101-106, 114)	200-201	26,487,111,508	25,577,923,370	
35	Cash (131)		93,987,390	59,816,338	

Are the ESR's sent to you electronically? If so, just like in the rate case these were filed electronically therefore I would like these sent electronically to save money.

I am sure that you receive these by email from Florida Power & Light just like I received the forecasted ESR from the company. This will save postage costs and turnaround time.

There should be no reason why these reports cannot be sent this way when these reports are being filed electronically by the company.

Do you receive these reports electronically in a PDF file?

Attached is an invoice for the 2008 reports that were sent. This must include postage therefore if these reports are being sent

1/27/2011

electronically to the Commission the postage costs can be saved therefore reducing the cost below.

If they are being sent electronically when they file to any staff member then they should be available with a public records request. This is no different when FPL responded to my motion for the declassification to the classified forecasted ESR report. This report was sent in a PDF format in an automated email.

Please provide a response with regard to the ledgers of the company. Does the Commission receive any of these documents? Does the Commission receive these electronically? I am sure that these are being sent to the Commission Electronically as well for the Commission to conduct its due diligence. This is the normal current business practice.

If so, then this would be part of a public records request as well. These should be fully transparent from both a ratepayer's and a shareholder's perspective.

I also would like these reports electronically since I have a nerve issue that acts up at times therefore I would like to have access to this information electronically so that I can work with the information in an automated way and not have to rekey all the hard copy materials. I am unemployed therefore I want these costs kept to a minimum.

Due to the delicate nature of this information I would like to make sure that this correspondence request/communication does not have any impact on my current/future employment. I can only hope that this request is viewed as a public service request for the ratepayers of the Florida Power & Light and does not have any impact on my family's well being.

I know that when I dealt with the US Treasury with regard to the TARP programs when I was working on Financial Regulatory reform they accommodated me with sending me the information electronically. When I worked with CMS with regard to third party downstream billing they also sent me my information in an electronic format as well. They both accommodated me with regard to my nerve condition that I have in my elbow and with me having numbness in my two lower fingers at times.

Based upon my rights as a ratepayer and shareholder and Federal/State laws this information should be fully transparent therefore I trust that this information will be made available for me to complete my analysis.

Please respond to my email in full since I need to bring this to a resolution quickly so that I can start my **analysis**, since the cash balances in the FERC form 1 for 2009 **are low**.

If you have any questions please do not hesitate to ask.

Dear all Commissioner's,

Based upon the cash balances my concerns have merit therefore my request should be fully accommodated in order for me to ascertain the accounting of the over recovered money.

This is my right as a shareholder and a ratepayer. Please expedite my request so that I am ready to go then the first ESR reports for 2011 become available. I have started to lay out an ESR summary that I have put together yesterday. This will track the adjudicated decision versus the actual earned returns that are being quoted in the monthly ESR reports. I am working on 2008 and I want to make sure that I can lay out 2009 and 2010 to track the Cash balances. I want to make sure that we are tracking the over recoveries as it relates to the cash balances that are being supported by the FERC form 1 reports.

This is very critical and if need be I will be seeking all avenues to ascertain the full accounting of all the over recovered monies. Just by taking a look at the year end balances in the FERC form 1 for **2010**, where did the \$400 million dollars go? This is why this is a very important issue to monitor. Now that the commission has not set aside the over recovered over earnings in a 253 account this analysis is even more critical. There is no reason why this information cannot be supplied to take a look at the accounting of the cash. This would be part of normal due diligence. This is just a check book reconciliation exercise which has to be completed considering the magnitude of the over recoveries.

I have cc'd the Governor's office since I know that there is a current legislative process in which commission members are put into place. There is the Public Service Commission Nominating Council and the Joint Committee on Public Counsel Oversight Committees in which these are legislative processes in which commission appointments are being made. In addition, the Joint Committee on Public Counsel Oversight is the Committee for the selection of Public Counsel. Since these are both legislative branches that govern the makeup of the Commission I have cc'd the Governor in order to keep them in the loop with regard to my concerns.

1/27/2011

**Joint Committee on Public Counsel Oversight
Rules of Procedure**

1.1 General Rules.

The committee shall be governed by the rules of the Senate in the even-numbered years and the rules of the House in odd-numbered years.

1.2 Selection of the Public Counsel.

(1) The term of the Public Counsel begins on the date the Public Counsel is appointed to office. The date of appointment is the date on which the letter of appointment is signed by the Chair. A copy of the letter must be filed with the President of the Senate and Speaker of the House of Representatives. A vacancy occurs in the office of Public Counsel when the Public Counsel is not reconfirmed, resigns, or is removed by the committee by majority vote.

I also would like these reports electronically since I have a nerve issue that acts up at times therefore I would like to have access to this information electronically so that I can work with the information in an automated way and not have to rekey all the hard copy materials. I am unemployed therefore I want these costs kept to a minimum.

Due to the delicate nature of this information I would like to make sure that this correspondence request/communication does not have any impact on my current/future employment. I can only hope that this request is viewed as a public service request for the ratepayers of the Florida Power & Light and does not have any impact on my family's well being.

If you have any questions please do not hesitate to email me. Please make sure that all these communications are being made available to all the parties with a legal interest..

Thanks,

Robert H. Smith

FLORIDA PUBLIC SERVICE COMMISSION

2540 Stearns Oak Blvd. • Tallahassee, Florida 32399-0850

10819

Date: 01/28/2009

To:
 Mr. Robert W. Smith
 11340 Heron Bay Blvd.
 Coral Springs, Florida 33076

Date Paid _____

Amount Paid _____

Check # _____

Check Cash

PSC Signature _____

This number must appear on all checks or correspondence regarding this invoice.

Please make checks payable to: FLORIDA PUBLIC SERVICE COMMISSION

QUANTITY	DESCRIPTION	PRICE	AMOUNT
326 pgs.	FPI 2008 Earning Surveillance Reports (Jan-Dec)	3c/pg.	\$6.30
TOTAL			\$6.30

Name of Respondent		This Report is:		Date of Report		Year/Period of Report	
Florida Power & Light Company		(1) <input checked="" type="checkbox"/> An Original (2) <input type="checkbox"/> A Resubmission		1 / 1		End of 2009/04	
COMPARATIVE BALANCE SHEET (ASSETS AND OTHER DEBITS)							
Line No.	Title of Account (a)	Ref. Page No. (b)	Current Year End of Calendar Year Balance (c)	Prior Year End Balance 12/31 (d)			
1	UTILITY PLANT						
2	Utility Plant (101-106, 114)	200-201	28,706,410,349	28,487,111,508			
3	Construction Work in Progress (107)	200-201	1,721,583,757	1,834,804,768			
4	TOTAL Utility Plant (Enter Total of lines 2 and 3)		30,427,994,101	28,341,916,276			
5	(Less) Accum. Prov. for Depr. Amort. Depl. (108, 110, 111, 115)	200-201	12,462,045,834	12,068,232,615			
6	Net Utility Plant (Enter Total of line 4 less 5)		17,965,928,267	16,276,683,663			
7	Nuclear Fuel in Process of Ref., Conv., Enrich., and Fab. (120.1)	202-203	0	0			
8	Nuclear Fuel Materials and Assemblies-Stock Account (120.2)		0	0			
9	Nuclear Fuel Assemblies in Reactor (120.3)		0	0			
10	Spent Nuclear Fuel (120.4)		0	0			
11	Nuclear Fuel Under Capital Leases (120.6)		388,688,582	337,802,650			
12	(Less) Accum. Prov. for Amort. of Nucl. Fuel Assemblies (120.5)	202-203	0	0			
13	Net Nuclear Fuel (Enter Total of lines 7-11 less 12)		388,688,582	337,802,650			
14	Net Utility Plant (Enter Total of lines 6 and 13)		18,354,616,850	16,624,546,013			
15	Utility Plant Adjustments (116)		0	0			
16	Gas Stored Underground - Noncurrent (117)		0	0			
17	OTHER PROPERTY AND INVESTMENTS						
18	Nonutility Property (121)		14,519,499	9,519,499			
19	(Less) Accum. Prov. for Depr. and Amort. (122)		0	0			
20	Investments in Associated Companies (123)		0	0			
21	Investment in Subsidiary Companies (123.1)	224-225	0	0			
22	(For Cost of Accounts 123.1, See Footnote Page 224, line 42)						
23	Noncurrent Portion of Allowances	228-229	0	0			
24	Other Investments (124)		0	243,085			
25	Sinking Funds (125)		0	0			
26	Depreciation Fund (126)		0	0			
27	Amortization Fund - Federal (127)		0	0			
28	Other Special Funds (128)		2,448,158,609	2,201,637,616			
29	Special Funds (Non Major Only) (129)		0	0			
30	Long-Term Portion of Derivative Assets (178)		0	0			
31	Long-Term Portion of Derivative Assets - Hedges (176)		0	0			
32	TOTAL Other Property and Investments (Lines 18-21 and 23-31)		2,459,878,368	2,211,900,200			
33	CURRENT AND ACCRUED ASSETS						
34	Cash and Working Funds (Non-major Only) (130)		0	0			
35	Cash (131)		34,255,751	93,987,360			
36	Special Deposits (132-134)		44,829	44,829			
37	Working Fund (130)		18,590	21,550			
38	Temporary Cash Investments (136)		43,068,719	26,900,562			
39	Notes Receivable (141)		0	0			
40	Customer Accounts Receivable (142)		737,183,551	699,297,156			
41	Other Accounts Receivable (143)		344,326,590	241,817,997			
42	(Less) Accum. Prov. for Uncollectible Acct.-Credit (144)		21,959,709	19,662,911			
43	Notes Receivable from Associated Companies (145)		0	0			
44	Accounts Receivable from Assoc. Companies (146)		18,515,330	34,018,746			
45	Fuel Stock (151)	227		302,116,617			
46	Fuel Stock Expenses Undistributed (152)	227	0	0			
47	Residuals (Elec) and Extracted Products (153)	227	0	0			
48	Plant Materials and Operating Supplies (154)	227		260,435,903			
49	Merchandise (155)	227		0			
50	Other Materials and Supplies (156)	227		0			
51	Nuclear Materials Held for Sale (157)	202-203/227		0			
52	Allowances (158.1 and 158.2)	228-229		0			

FERC FORM NO. 1 (REV. 12-03)

Page 110

Confidentiality Statement

The documents accompanying this telecopy transmission contain information which is confidential and/or legally privileged. The information is intended only for the use of the individual or entity named on this transmission sheet. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution or the taking of any action in reliance on the contents of this telecopied information is strictly prohibited, and the documents should be returned. In this regard, if you received this telecopy in error, please contact the sender by reply E-mail and destroy all copies of the original.

1/27/2011

From: John Slemkewicz [mailto:JSlemkew@PSC.STATE.FL.US]
Sent: Thursday, January 13, 2011 9:47 AM
To: rpirb@yahoo.com
Cc: Dorothy Menasco
Subject: RE: Freedom of Information Act Request (FOIA), 5 U.S.C. § 552 / Actual Earnings Surveillance Reports as filed by Florida Power & Light / Docket 080677 /Docket 100009/110009 / Docket 100410

Mr. Smith:

The Commission has the following documents in response to your requests:

ANNUAL REPORTS

The annual reports are available on line at the PSC's website and can be accessed as follows:

www.floridapsc.com

Point on "Utility Regulation" tab

Click on "Electric and Natural Gas" link

Click on "Electric Companies" link

In "Industry" box, select "Company Code"

Enter "E1802" in "Company Code" box

Click on "View" button

Click on "E1802" link

The Annual Reports are listed by year for 1985 and 1998-2009

EARNINGS SURVEILLANCE REPORTS (ESR)

Ms. Menasco will be contacting you concerning the charge for the monthly ESRs for the 22 months beginning with January 2009 and ending with October 2010, the most recently filed report.

From: rpirb@yahoo.com [mailto:rpirb@yahoo.com]

Sent: Wednesday, January 12, 2011 5:21 PM

To: Records Clerk; John Slemkewicz

Cc: Office Of Commissioner Edgar; Office Of Commissioner Graham; Office of Commissioner Brisé; Office Of Commissioner Graham; Office of Commissioner Balbis; Office of Commissioner Brown; Lisa Bennett; Ann Cole

Subject: RE: Freedom of Information Act Request (FOIA), 5 U.S.C. § 552 / Actual Earnings Surveillance Reports as filed by Florida Power & Light / Docket 080677 /Docket 100009/110009 / Docket 100410

Dear Ms. Menasco,

Thanks for the information and your response.

I am not sure that you would have the answers to the questions below. If you do not, please forward this email to the appropriate party for a response.

How does the Florida Public Service Commission tie out to any of the reports that are furnished to the commission for a rate case proceeding?

All reports that are supplied to the Commission (i.e. earnings surveillance reports, FERC Form 1 reports) would have to tie out to balance sheets, Income statements and cash flows. Up North we would have to furnish a copy of Ledgers to the Commission in order for them to conduct their normal due diligence. This included subsidiary ledgers (i.e. Plant (Plant additions, Plant retirements etc.), Accumulated depreciation (Depreciation expense, Cost of Removal charges, Salvage), Balance sheet ledgers,

1/27/2011

income statement ledgers and cash flow statements to tie out to Utility FERC account 131.

How does the Commission test for compliance with the Public Utility Holding Act with regard to regulated versus non-regulated monies? Reviewing the ledgers would be a requirement to conduct prudence testing of costs at the Utility.

Is the company using a pooling of cash method or is the company keeping the cash between regulated and non-regulated entities separate? This is very important when a rate case proceeding is being ruled on since there must be a tie out to the cash on FERC Form 1 for the Utility 131 Account and to all other reports that are being utilized for any rate case proceeding.

My previous experience with these filings we made available all ledgers in order for the commission to be able to complete their normal due diligence with a rate case proceeding. This is going to be very critical information since when I start receiving the 2011 Earnings surveillance reports I would like to identify the cash balances at the Utility. As I have indicated in my initial FOIA request this information would be needed in order to take a look at what the potential cash balances should be with regard to any cash surpluses as a result of over recovery of costs.

I want to monitor the actual depreciation surplus amortization as well as any amortization that would be related to the \$400 million dollars of over earnings that was identified at the company. If the company is not going to have to return the over earnings then these over earnings should be in the cash balance (FERC 131 account) at the Utility. If not, then a reconciliation of the cash flows of the over collection of these monies would be warranted. Between the Earnings Surveillance reports and the ledgers of the company I should be able to track the cash flow of any over earnings surplus at the company.

At the end of each rate year once we identify the actual depreciation surplus amortization that the company has recorded we can determine if some of the over collection of cash depreciation in rates has been returned to the customer. Does the company still have the \$400 million dollars of over earnings in the cash 131 account?

Based upon my rights as both a ratepayer and shareholder I know that I would be entitled to this information.

Again, thanks for your help and response.

Please let me know if you will be able to answer the questions above or who would be able to answer these questions.

Mr. Slemkewicz,

Do you have electronic copies of 2009 and 2010 Earnings Surveillance reports? In the previous email there was mention that this information is available on the web site. Is this correct? If not, then please provide me with a copy of the Earnings Surveillance reports for 2009 and 2010. It appears that these would be filed electronically just like the ratecase proceeding so this should be readily available for me to receive in an electronic format.

I want to make sure that since there was approximately \$1.4 billion dollars of over recovered dollars that if the money does not exist in the Utility Cash 131 there is appropriate backup to support that this money was kept in the Utility 131 Cash account. The only way that this can be determined is by looking at the balance sheets, income statements and cash flow statements at the company. I know that the FERC Form 1 would have this information in more detail. Has the company filed the 2008, 2009 and 2010 FERC Form 1 reports with the commission? If so, then please let me know if these were electronically filed so that I can obtain a copy to tie out to the Utility 131 cash account balance to cross reference to the Earnings Surveillance reports that are being furnished to the Commission. Has the commission conducted due diligence to tie out to the FERC Form 1 reports to the Earnings Surveillance reports? I need these reports in order from a Generally Accepted Accounting Principle basis to tie out the Earnings Surveillance reports to the balance sheets and income statements of the company. The cash flows would be needed to test for Cash in the regulated Utility Cash 131 Account.

I am not sure if the Records Clerk area is the area in which the above questions can be answered.

As a ratepayer and a shareholder I know that I would be entitled to this information.

Please let me know when this information can be made available.

I sent my original FOIA request early in order to make sure that this information would be made available when the first monthly earnings surveillance report is filed.

1/27/2011

Thanks in advance for your help.

Dear all Commissioner's,

This is very important to monitor the cash aspects of these over recoveries. Since the rates have not been changed, the cash collections for any depreciation items are the same in base rates therefore there is a continuation of the over recovery of depreciation in the current base rates. I want to make sure that after the term of the Stipulation and Settlement agreement that when they conduct their next depreciation study that the theoretical depreciation reserve does not reflect more over recovered depreciation. If so, then these cash over recoveries should be maintained in the Cash 131 Account for future disposition as the company would have to return any over recovered dollars. This would include any type of over recovery. I want to make sure that since there was an over recovery of \$1.4 billion dollars that the cash for these over collections is being maintained or is given back to the customer. From the Public Utility Holding Act perspective this is very important and the only way to determine how the money has been used is to take a look at the cash flows at the company.

Based upon my rights as a ratepayer and shareholder and Federal/State laws this information should be fully transparent therefore I trust that this information will be made available for me to complete my analysis.

Thanks,

Robert H. Smith

Confidentiality Statement

The documents accompanying this telecopy transmission contain information which is confidential and/or legally privileged. The information is intended only for the use of the individual or entity named on this transmission sheet. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution or the taking of any action in reliance on the contents of this telecopied information is strictly prohibited, and the documents should be returned. In this regard, if you received this telecopy in error, please contact the sender by reply E-mail and destroy all copies of the original.

From: Dorothy Menasco [<mailto:DMenasco@PSC.STATE.FL.US>] **On Behalf Of** Records Clerk

Sent: Wednesday, January 12, 2011 4:26 PM

To: rpirb@yahoo.com

Cc: Office Of Commissioner Edgar; Office Of Commissioner Graham; Office of Commissioner Brisé; Office Of Commissioner Graham; Office of Commissioner Balbis; Office of Commissioner Brown; Lisa Bennett; Ann Cole; John Slemkewicz

Subject: RE: Freedom of Information Act Request (FOIA), 5 U.S.C. § 552 / Actual Earnings Surveillance Reports as filed by Florida Power & Light / Docket 080677 /Docket 100009/110009 / Docket 100410

Mr. Smith:

The Florida Public Service Commission does not have any documents in response to your request to provide all accounting journal entries based upon Generally Accepted Accounting Principles, including a chronological record of accounting journal entries for the recording of all journal entries related to any regulated ratemaking assumptions; accounting entries supporting the actual earnings surveillance reports; and a cash flow statement to show the changes in cash balances as a result of these transactions. Staff has advised that this information would be found on the books of the company, of which the Florida Public Service Commission does not have copies.

For future surveillance report questions, please contact John Slemkewicz in the Division of Economic Regulation, Surveillance Section. The phone number for the Division of Economic Regulation is 850-413-6900. Mr. Slemkewicz's e-mail address is: JSlemkew@psc.state.fl.us.

I hope you find this information helpful.

1/27/2011

Dorothy Menasco
Chief Deputy Commission Clerk
Florida Public Service Commission
Office of Commission Clerk
850-413-6770

Please note: Florida has a very broad public records law. Most written communications to or from state officials regarding state business are public records available to the public and media upon request. Your e-mail communications may therefore be subject to public disclosure.

From: rpjrb@yahoo.com [mailto:rpjrb@yahoo.com]

Sent: Tuesday, January 11, 2011 3:50 PM

To: Records Clerk

Cc: Office Of Commissioner Edgar; Office Of Commissioner Graham; Office of Commissioner Brisé; Office Of Commissioner Graham; Office of Commissioner Balbis; Office of Commissioner Brown; Lisa Bennett; Ann Cole

Subject: RE: Freedom of Information Act Request (FOIA), 5 U.S.C. § 552 / Actual Earnings Surveillance Reports as filed by Florida Power & Light / Docket 080677 /Docket 100009/110009 / Docket 100410

Dear Ms. Menasco,

Are you indicating that these documents are available on the web site for 2009 and 2010 as well?

If so, please provide the link in which these documents are posted so that I can review and copy these documents for 2009 and 2010 respectively. Was 2008 available electronically as well?

Thanks for your response help.

Thanks,

Robert H. Smith

Confidentiality Statement

The documents accompanying this telecopy transmission contain information which is confidential and/or legally privileged. The information is intended only for the use of the individual or entity named on this transmission sheet. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution or the taking of any action in reliance on the contents of this telecopied information is strictly prohibited, and the documents should be returned. In this regard, if you received this telecopy in error, please contact the sender by reply E-mail and destroy all copies of the original.

1/27/2011

Dorothy Menasco

110009-EJ

FPSC, CLK - CORRESPONDENCE

Administrative Parties Consumer

DOCUMENT NO. 00056-11

DISTRIBUTION:

From: rpjrb@yahoo.com [mailto:rpjrb@yahoo.com]

Sent: Thursday, January 20, 2011 10:09 AM

To: Records Clerk; Lisa Bennett; John Slemkewicz

Cc: Office Of Commissioner Edgar; Office Of Commissioner Graham; Office of Commissioner Brisé; Office Of Commissioner Graham; Office of Commissioner Balbis; Office of Commissioner Brown; Ann Cole;

rick.scott@eog.myflorida.com; jennifer.carroll@eog.myflorida.com; John Slemkewicz; rick.scott@eog.myflorida.com

Subject: FW: Freedom of Information Act Request (FOIA), 5 U.S.C. § 552 / Actual Earnings Surveillance Reports as filed by Florida Power & Light / Docket 080677 / Docket 100009/110009 / Docket 100410

To all,

When I will be receiving a response with regard to processing my request for the ESR's for 2009, 2010 and 2011?

Dear Records Clerk,

Has the public record been updated with any additional emails since the last update?

Based upon the Public Docket file in Docket 100410 it has only been updated through the January 11th, 2011 email. It is January 20th, 2011 and the files have not been updated with the new information.

What about Docket 080677 and Docket 100009/110009?

Thanks,

Robert H. Smith

1/21/2011

Dorothy Menasco

110009-EJ

DOCUMENT NO. 00056-11

DISTRIBUTION: _____

From: rpjrb@yahoo.com**Sent:** Monday, January 17, 2011 7:40 AM**To:** Lisa Bennett; John Slemkewicz**Cc:** Office Of Commissioner Edgar; Office Of Commissioner Graham; Office of Commissioner Brisé; Office Of Commissioner Graham; Office of Commissioner Balbis; Office of Commissioner Brown; Ann Cole; rick.scott@eog.myflorida.com; jennifer.carroll@eog.myflorida.com; John Slemkewicz; rick.scott@eog.myflorida.com; jennifer.carroll@eog.myflorida.com; Records Clerk**Subject:** FW: Freedom of Information Act Request (FOIA), 5 U.S.C. § 552 / Actual Earnings Surveillance Reports as filed by Florida Power & Light / Docket 080677 / Docket 100009/110009 / Docket 100410

To all,

When I will be receiving a response with regard to processing my request for the ESR's for 2009, 2010 and 2011?

I found a **typo** below.

Thanks,

Robert H. Smith

Confidentiality Statement

The documents accompanying this telecopy transmission contain information which is confidential and/or legally privileged. The information is intended only for the use of the individual or entity named on this transmission sheet. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution or the taking of any action in reliance on the contents of this telecopied information is strictly prohibited, and the documents should be returned. In this regard, if you received this telecopy in error, please contact the sender by reply E-mail and destroy all copies of the original.

From: RSmith [rpjrb@yahoo.com] [mailto:rpjrb@yahoo.com]**Sent:** Friday, January 14, 2011 10:12 AM**To:** 'Lisa Bennett'; 'John Slemkewicz'**Cc:** 'Office Of Commissioner Edgar'; 'Office Of Commissioner Graham'; 'Office of Commissioner Brisé'; 'Office Of Commissioner Graham'; 'Office of Commissioner Balbis'; 'Office of Commissioner Brown'; 'Ann Cole'; 'rick.scott@eog.myflorida.com'; 'jennifer.carroll@eog.myflorida.com'; 'John Slemkewicz'; 'rick.scott@eog.myflorida.com'; 'jennifer.carroll@eog.myflorida.com'; 'Records Clerk'**Subject:** FW: Freedom of Information Act Request (FOIA), 5 U.S.C. § 552 / Actual Earnings Surveillance Reports as filed by Florida Power & Light / Docket 080677 / Docket 100009/110009 / Docket 100410

Dear Ms. Bennett,

Here are samples from a FOIA request log from the Florida Public Service Commission site. I was taking a look at the request and the fees charged. It appears that a majority of the requests below have been completed at a nominal or no charge. How can the charges quoted be more than the charges for Documents + 2 CD's below?

1/18/2011

Based upon one of the requests below it indicates that one of the requests asks for copies of internal memos communications between the Public Service Commission Staff and the Commissioner's. There is another one talking about all documents, letters, memorandum, e-mails and any other information related to a preliminary investigation of ex parte communications. Some of the responses have been made through emails and provided on CD's at no charge.

With the legal response please provide for why some of the fees below have been waived and if any of the Florida Public Service Commission Staff has received any email correspondence with PDF/Excel attachments for any of the Earnings Surveillance reports. These can be for Preliminary reports and/or final reports.

Does the Commission maintain an email database for communications between Commission Staff and Florida Power & Light? If so, then I am sure that the Commission could check the logs in order to see if the Earnings Surveillance reports (Preliminary and/or Final) have been sent electronically from the Utility.

Since this information should be made part of the public record, and it would be in the best interest of the public to monitor the cash balances at the company and the Actual Earned returns at the company I think that the fee should be waived based upon the Freedom of Information Act 5 U.S.C. § 552.

If you have any questions please do not hesitate to ask.

Thanks,

Robert H. Smith

in that many document requests are responded to directly during the normal course of business

Requested By	Rec'd	Ackn'd.	Docket or Subject Matter	Status	Completed	Charges
--------------	-------	---------	--------------------------	--------	-----------	---------

Requested By	Rec'd	Ackn'd.	Docket or Subject Matter	Status	Completed	Charges
--------------	-------	---------	--------------------------	--------	-----------	---------

10.	Mary Ellen Klas	03/04/10 as modified	03/04/10	All written requests for information, including but not limited to public records requests, made between 02/01/10 and 03/03/10.	E-mailed PRRs. Faxed documents requests.	03/05/10 03/08/10	n/a n/a
11.	Mary Ellen Klas	03/08/10	03/08/10	Copies of the documents provided to Diana Caldwell as a result of her 03/02/10 PRR, and any other documents, e-mails and other information provided to Ms. Caldwell and Senate Committee on Communications, Energy, and Public Utilities since 02/01/10.	Documents+2 CDs E-mailed responsive documents	03/09/10 3/16/09	\$12.75 n/a
12.	Julie Patel	03/08/10 03/09/10	03/09/10 03/09/10	1. A copy of all information (documents relate to the Inspector General's investigation of the November 6 fuel hearing) provided recently to Diana Caldwell. from the Senate's utilities committee. 2. Inspector General's letter to FDLE.	1. Documents +2 CDs mailed 2. Exempt pursuant to 119.09(1), F.S. and 24(a), Art 1 of the State Constitution.	03/19/10	\$12.75

34.	Mary Ellen Klad	07/12/10 (received after 5:00 pm)	07/13/10	Copies of any internal memos sent to staff between May 1 st and July 12 th from Chairman Argenziano, Commissioner Skop, or Commissioner Edgar.	Completed; e-mailed.	07/16/10	n/a
7.	Diana Caldwell	03/02/10	03/02/10	All documents, letters, memorandum, e-mails, and any other information related to a preliminary investigation of an internal ex parte communication complaint initiated around January 26.	Documents+2 CDs	03/05/10	n/a

Confidentiality Statement

The documents accompanying this telecopy transmission contain information which is confidential and/or legally privileged. The information is intended only for the use of the individual or entity named on this transmission sheet. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution or the taking of any action in reliance on the contents of this telecopied information is strictly prohibited, and the documents should be returned. In this regard, if you received this telecopy in error, please contact the sender by reply E-mail and destroy all copies of the original.

From: RSmith [rpjrb@yahoo.com] [mailto:rpjrb@yahoo.com]

Sent: Thursday, January 13, 2011 6:52 PM

To: 'John Slemkewicz'; 'Lisa Bennett'

Cc: 'Office Of Commissioner Edgar'; 'Office Of Commissioner Graham'; 'Office of Commissioner Brisé'; 'Office Of Commissioner Graham'; 'Office of Commissioner Balbis'; 'Office of Commissioner Brown'; 'Ann Cole'; 'rick.scott@eog.myflorida.com'; 'jennifer.carroll@eog.myflorida.com'; 'John Slemkewicz'; 'rick.scott@eog.myflorida.com'; 'jennifer.carroll@eog.myflorida.com'; 'Records Clerk'

Subject: FW: Freedom of Information Act Request (FOIA), 5 U.S.C. § 552 / Actual Earnings Surveillance Reports as filed by Florida Power & Light / Docket 080677 /Docket 100009/110009 / Docket 100410

Dear Ms. Bennett,

Here is a fee waiver that the US Treasury has honored based upon a Freedom of Information Act request for TARP with regard to Financial Regulatory reform.

A copy of the response for the fee waiver is below. This has been whited/redacted for any privacy related issues. I am using this letter to support a potential fee waiver for my Freedom of Information Act request that I have sent to the Commission.

I trust that the Commission understands my concern.

This information should be provided at a minimal cost or a fee waiver should be granted based upon Federal Preemption under 5 U.S.C. § 552 Section 1803.

This is a very important issue.

If you have any questions please do not hesitate to give me a call.

Thanks,

Robert H. Smith

954-340-4956

1/18/2011



DEPARTMENT OF THE TREASURY
WASHINGTON, D.C. 20220

JUL 1 2010

Robert Smith
11340 Heron Bay Boulevard
Coral Springs, Florida 33076

Dear Mr. Smith:

This is the Department's third interim response to your Freedom of Information Act (FOIA) request dated April 27, 2009, in which you requested accounting records relating to TARP transactions.

In response to the portion of your request for access to records reflecting cash outflows to banks, the Office of Financial Stability conducted a further search of its files and located an additional forty-eight pages that are responsive to your request.

In light of my email to you _____, and your subsequent response, I am waiving all fees assessed by the Office of Financial Stability

Please note that within the Department of the Treasury, the Office of the Executive Secretary is continuing to process your request.

Enclosures

Confidentiality Statement

The documents accompanying this telecopy transmission contain information which is confidential and/or legally privileged. The information is intended only for the use of the individual or entity named on this transmission sheet. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution or the taking of any action in reliance on the contents of this telecopied information is strictly prohibited, and the documents should be returned. In this regard, if you received this telecopy in error, please contact the sender by reply E-mail and destroy all copies of the original.

From: RSmith [rpjrb@yahoo.com] [mailto:rpjrb@yahoo.com]

Sent: Thursday, January 13, 2011 6:21 PM

To: 'Dorothy Menasco'; 'John Slemkewicz'; 'Lisa Bennett'

Cc: 'Office Of Commissioner Edgar'; 'Office Of Commissioner Graham'; 'Office of Commissioner Brisé'; 'Office Of Commissioner Graham'; 'Office of Commissioner Balbis'; 'Office of Commissioner Brown'; 'Ann Cole'; 'rick.scott@eog.myflorida.com'; 'jennifer.carroll@eog.myflorida.com'; 'John Slemkewicz'; 'rick.scott@eog.myflorida.com'; 'jennifer.carroll@eog.myflorida.com'

Subject: FW: Freedom of Information Act Request (FOIA), 5 U.S.C. § 552 / Actual Earnings Surveillance Reports as filed by Florida Power & Light / Docket 080677 /Docket 100009/110009 / Docket 100410

Dear Ms. Bennett,

Since my request is under the Federal Freedom of information Act I trust that based upon Federal Preemption that a fee waiver should/would be considered with the processing of my request.

As per

“Such fees shall be limited to reasonable standard charges for document search and duplication and provide for recovery of only the direct costs of such search and duplication. Documents shall be furnished without charge or at a reduced charge where the agency determines that waiver or reduction of the fee is in the public interest because furnishing the information can be considered as primarily benefiting the general public.”

The statement above would give rise to a reduced fee or a waiver of the fee “because furnishing the information can be considered as a primarily benefiting the general public”.

This would give rise to providing this information at the least possible cost.

Please issue a legal opinion to support the position of the Commission.

Thanks,

Robert H. Smith

1/18/2011

Under the FOIA Reform Act, the Office of Management and Budget was charged with the responsibility of promulgating, pursuant to notice and receipt of public comment, a "uniform schedule of fees"⁶ for individual agencies to follow when promulgating their FOIA fee regulations.⁷ In March 1987, OMB issued its Uniform Freedom of Information Act Fee Schedule and Guidelines [hereinafter OMB Fee Guidelines].⁸ As mandated by the 1986 FOIA amendments, agencies are obligated to conform their fee schedules to these guidelines.⁹

The FOIA Reform Act also required agencies to promulgate specific "procedures and guidelines for determining when such fees should be

FEES AND FEE WAIVERS

waived or reduced."¹⁰ The Department of Justice, in accordance with its statutory responsibility to encourage agency compliance with the FOIA,¹¹ developed new governmentwide policy guidance on the waiver of FOIA fees, to replace its previously issued guidance implementing the predecessor statutory fee waiver standard.¹² In April 1987, to assist federal agen-

¹⁰ § 1803, 100 Stat. at 3207-49.

⁵ USC Sec. 552

1986 - Subsec. (a)(4)(A). Pub. L. 99-570, Sec. 1803, amended subpar. (A) generally. Prior to amendment, subpar. (A) read as follows: 'In order to carry out the provisions of this section, each agency shall promulgate regulations, pursuant to notice and receipt of public comment, specifying a uniform schedule of fees applicable to all constituent units of such agency. Such fees shall be limited to reasonable standard charges for document search and duplication and provide for recovery of only the direct costs of such search and duplication. Documents shall be furnished without charge or at a reduced charge where the agency determines that waiver or reduction of the fee is in the public interest because furnishing the information can be considered as primarily benefiting the general public.'

Confidentiality Statement

The documents accompanying this telecopy transmission contain information which is confidential and/or legally privileged. The information is intended only for the use of the individual or entity named on this transmission sheet. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution or the taking of any action in reliance on the contents of this telecopied information is strictly prohibited, and the documents should be returned. In this regard, if you received this telecopy in error, please contact the sender by reply E-mail and destroy all copies of the original.

From: RSmith [rpjrb@yahoo.com] [mailto:rpjrb@yahoo.com]

Sent: Thursday, January 13, 2011 5:33 PM

To: 'Dorothy Menasco'; 'John Slemkewicz'; 'Lisa Bennett'

Cc: 'Office Of Commissioner Edgar'; 'Office Of Commissioner Graham'; 'Office of Commissioner Brisé'; 'Office Of Commissioner

1/18/2011

Graham'; 'Office of Commissioner Balbis'; 'Office of Commissioner Brown'; 'Ann Cole'; 'rick.scott@eog.myflorida.com'; 'jennifer.carroll@eog.myflorida.com'; 'John Slemkewicz'; 'rick.scott@eog.myflorida.com'; 'jennifer.carroll@eog.myflorida.com'
Subject: RE: Freedom of Information Act Request (FOIA), 5 U.S.C. § 552 / Actual Earnings Surveillance Reports as filed by Florida Power & Light / Docket 080677 /Docket 100009/110009 / Docket 100410

Dear Ms. Menasco,

The last time this was completed the charge was \$.05 per page for 126 pgs. What is going on and technology is getting better therefore if this was scanned and sent it would be much cheaper than the original cost in the invoice below.

Are any of the 434 pages blank? If so, then I should not have to pay for any of these pages.

Even at 434 pages it would only come out to \$21.70 as per the invoice below. This seems very expensive and does not make sense based upon the invoice below.

Please have legal answer the question about receiving this correspondence in an automated fashion to save time.

I need legal to sign off that no one at the Commission has received any electronic document regarding these reports. If these were received electronically then the electronic files would be part of the public docket and should be available in an electronic format.

Ms. Bennett,

I need a legal response that the Commission staff is not receiving any of these reports in an electronic fashion from any FPL staff and why the cost would be different than the last invoice.

If I recall correctly the cost charged for replication of the documents should be completed at the least cost.

This does not make sense and I am unemployed and need this information as soon as possible.

There is no reason for any of the cost to be more than the last invoice.

Thanks,

Robert H. Smith

1/18/2011

FLORIDA PUBLIC SERVICE COMMISSION

2540 Shumard Oak Blvd. • Tallahassee, Florida 32399-0850

Date: 05/08/2009

10819

To:
Mr. Robert H. Smith
11340 Heron Bay Blvd.
Coral Springs, Florida 33076

Date Paid _____
Amount Paid _____
Check # _____
 Check Cash
PSC Signature _____

This number must appear on all checks or correspondence regarding this invoice.

Please make checks payable to: FLORIDA PUBLIC SERVICE COMMISSION			
QUANTITY	DESCRIPTION	PRICE	AMOUNT
126 pgs.	FPL 2008 Earning Surveillance Reports (Jan-Dec)	5c/pg.	16.30
TOTAL			56.30

Confidentiality Statement

The documents accompanying this telecopy transmission contain information which is confidential and/or legally privileged. The information is intended only for the use of the individual or entity named on this transmission sheet. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution or the taking of any action in reliance on the contents of this telecopied information is strictly prohibited, and the documents should be returned. In this regard, if you received this telecopy in error, please contact the sender by reply E-mail and destroy all copies of the original.

From: Dorothy Menasco [mailto:DMenasco@PSC.STATE.FL.US]
Sent: Thursday, January 13, 2011 5:03 PM
To: rpjrb@yahoo.com; John Slemkewicz
Cc: Office Of Commissioner Edgar; Office Of Commissioner Graham; Office of Commissioner Brisé; Office Of Commissioner Graham; Office of Commissioner Balbis; Office of Commissioner Brown; Lisa Bennett; Ann Cole; rick.scott@eog.myflorida.com; jennifer.carroll@eog.myflorida.com; John Slemkewicz
Subject: RE: Freedom of Information Act Request (FOIA), 5 U.S.C. § 552 / Actual Earnings Surveillance Reports as filed by Florida Power & Light / Docket 080677 / Docket 100009/110009 / Docket 100410

Mr. Smith,

I have been advised that there are an estimated 434 pages of ESRs. There will be a charge for the time it will take to copy the document. Please note that the estimated charges are \$54.89 and is broken down as follows:

1/18/2011

\$43.40 (for 217 duplexed pages at .20 cents per page);
+ 11.29 (special service charge - staff's copying time);
= \$54.69 (estimated total)

Please provide confirmation of whether you would like us to make those copies. On verification that you would like us to make the copies, we will begin the copying process, and the documents will be mailed to you on receipt of your payment.

*Dorothy Menasco
Chief Deputy Commission Clerk
Florida Public Service Commission
Office of Commission Clerk
850-413-6770*

Please note: Florida has a very broad public records law. Most written communications to or from state officials regarding state business are public records available to the public and media upon request. Your e-mail communications may therefore be subject to public disclosure.

From: rpjrb@yahoo.com [mailto:rpjrb@yahoo.com]
Sent: Thursday, January 13, 2011 2:13 PM
To: John Slemkewicz
Cc: Dorothy Menasco; Office Of Commissioner Edgar; Office Of Commissioner Graham; Office of Commissioner Brisé; Office Of Commissioner Graham; Office of Commissioner Balbis; Office of Commissioner Brown; Lisa Bennett; Ann Cole; rick.scott@eog.myflorida.com; jennifer.carroll@eog.myflorida.com
Subject: FW: Freedom of Information Act Request (FOIA), 5 U.S.C. § 552 / Actual Earnings Surveillance Reports as filed by Florida Power & Light / Docket 080677 /Docket 100009/110009 / Docket 100410

To all,

I noticed a **typo**.

Thanks,

Robert H. Smith

Confidentiality Statement

The documents accompanying this telecopy transmission contain information which is confidential and/or legally privileged. The information is intended only for the use of the individual or entity named on this transmission sheet. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution or the taking of any action in reliance on the contents of this telecopied information is strictly prohibited, and the documents should be returned. In this regard, if you received this telecopy in error, please contact the sender by reply E-mail and destroy all copies of the original.

From: RSmith [rpjrb@yahoo.com] [mailto:rpjrb@yahoo.com]
Sent: Thursday, January 13, 2011 12:08 PM
To: 'John Slemkewicz'
Cc: 'Dorothy Menasco'; 'Office Of Commissioner Edgar'; 'Office Of Commissioner Graham'; 'Office of Commissioner Brisé'; 'Office Of Commissioner Graham'; 'Office of Commissioner Balbis'; 'Office of Commissioner Brown'; 'Lisa Bennett'; 'Ann Cole'; 'rick.scott@eog.myflorida.com'; 'jennifer.carroll@eog.myflorida.com'

Subject: FW: Freedom of Information Act Request (FOIA), 5 U.S.C. § 552 / Actual Earnings Surveillance Reports as filed by Florida Power & Light / Docket 080677 /Docket 100009/110009 / Docket 100410

Dear Mr. Slemkewicz,

Here is a way that the cost can be minimized. Just like the Commission is scanning the documents for the rate case. These documents can be scanned and sent electronically as well. This will save time and money as well since if you are making a copy I am sure that the Commission is utilizing a high speed scanner to keep up with the electronic documents that are being made part of the record in any ratecase proceeding.

Is this correct?

I have a \$150 printer, copier, scanner, fax machine that lets me scan to a PDF file very quickly. This information then can be attached to an email to be sent much quicker than a hard copy sent through the mail. As a CFO I used this type of printer to help with answering audit questions for my year end audits. I also used this technology to send information to the US Treasury and CMS regarding Healthcare and Financial Regulatory reform. This would work very well and save the Commission money.

Please let me know when I will be receiving a response to my full email below. If a legal response is needed, please have the legal staff at the commission sign off on the response. Since the cash balances are very low as indicated by the FERC form 1 my concerns are warranted therefore I would like a response as soon as possible.

Thanks,

Robert H. Smith

Confidentiality Statement

The documents accompanying this telecopy transmission contain information which is confidential and/or legally privileged. The information is intended only for the use of the individual or entity named on this transmission sheet. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution or the taking of any action in reliance on the contents of this telecopied information is strictly prohibited, and the documents should be returned. In this regard, if you received this telecopy in error, please contact the sender by reply E-mail and destroy all copies of the original.

From: RSmith [rpjrb@yahoo.com] [<mailto:rpjrb@yahoo.com>]

Sent: Thursday, January 13, 2011 11:52 AM

To: 'John Slemkewicz'

Cc: 'Dorothy Menasco'; 'Office Of Commissioner Edgar'; 'Office Of Commissioner Graham'; 'Office of Commissioner Brisé'; 'Office Of Commissioner Graham'; 'Office of Commissioner Balbis'; 'Office of Commissioner Brown'; 'Lisa Bennett'; 'Ann Cole'; 'rick.scott@eog.myflorida.com'; 'jennifer.carroll@eog.myflorida.com'

Subject: RE: Freedom of Information Act Request (FOIA), 5 U.S.C. § 552 / Actual Earnings Surveillance Reports as filed by Florida Power & Light / Docket 080677 /Docket 100009/110009 / Docket 100410

Dear Mr. Slemkewicz,

What about the answers to the rest of the email?

1/18/2011

Thanks,

Robert H. Smith

Confidentiality Statement

The documents accompanying this telecopy transmission contain information which is confidential and/or legally privileged. The information is intended only for the use of the individual or entity named on this transmission sheet. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution or the taking of any action in reliance on the contents of this telecopied information is strictly prohibited, and the documents should be returned. In this regard, if you received this telecopy in error, please contact the sender by reply E-mail and destroy all copies of the original.

From: John Slemkewicz [<mailto:JSlemkew@PSC.STATE.FL.US>]

Sent: Thursday, January 13, 2011 11:48 AM

To: rpjrb@yahoo.com

Cc: Dorothy Menasco

Subject: RE: Freedom of Information Act Request (FOIA), 5 U.S.C. § 552 / Actual Earnings Surveillance Reports as filed by Florida Power & Light / Docket 080677 /Docket 100009/110009 / Docket 100410

FPL's monthly ESRs are submitted to the PSC in a hard copy format (paper). The ESRs are not submitted electronically, by email or on disk. The ESRs are not on line.

From: rpjrb@yahoo.com [<mailto:rpjrb@yahoo.com>]

Sent: Thursday, January 13, 2011 11:32 AM

To: John Slemkewicz

Cc: Dorothy Menasco; Office Of Commissioner Edgar; Office Of Commissioner Graham; Office of Commissioner Brisé; Office Of Commissioner Graham; Office of Commissioner Balbis; Office of Commissioner Brown; Lisa Bennett; Ann Cole; rick.scott@eog.myflorida.com; jennifer.carroll@eog.myflorida.com

Subject: RE: Freedom of Information Act Request (FOIA), 5 U.S.C. § 552 / Actual Earnings Surveillance Reports as filed by Florida Power & Light / Docket 080677 /Docket 100009/110009 / Docket 100410

Dear Mr. Slemkewicz, Ms. Bennett and all Commissioners,

Thanks for the link to the FERC Form 1 reports. Is there a link to the ESR reports as well? According to one of the email responses there was. Was this a correct statement?

Just by taking a look at the FERC 1 for 2009 it appears that there was only \$34.3 million in 2009 and \$94.0 million in 2008 respectively in the FERC 131 Utility Cash account.

Where did all the over recovered money go? This would include the depreciation and excess earnings over recovery.

This is why I need access to the ledgers to see the accounting for the over recoveries.

According to the over earnings estimates there was \$400 million dollars of overearnings. Where did the money go? This can be determined by looking at the Cash 131 Account Ledger.

My concerns based upon this page have merit therefore I want to make sure that I have all the appropriate information in order to

1/18/2011

complete my analysis.

Name of Respondent Florida Power & Light Company	This Report Is: (1) <input checked="" type="checkbox"/> An Original (2) <input type="checkbox"/> A Resubmission	Date of Report (Mo, Da, Yr) 11	Year/Period of Report End of 2009/Q4
--	--	---	--

COMPARATIVE BALANCE SHEET (ASSETS AND OTHER DEBITS)

Line No.	Title of Account (a)	Ref. Page No. (b)	Current Year End of Quarter/Year Balance (c)	Prior Year End Balance 12/31 (d)
1	UTILITY PLANT			
2	Utility Plant (101-106, 114)	200-201	28,706,410,344	26,487,111,508

35	Cash (131)		34,255,751	93,987,390
----	------------	--	------------	------------

Name of Respondent Florida Power & Light Company	This Report Is: (1) <input checked="" type="checkbox"/> An Original (2) <input type="checkbox"/> A Resubmission	Date of Report (Mo, Da, Yr) 11	Year/Period of Report End of 2008/Q4
--	--	---	--

COMPARATIVE BALANCE SHEET (ASSETS AND OTHER DEBITS)

Line No.	Title of Account (a)	Ref. Page No. (b)	Current Year End of Quarter/Year Balance (c)	Prior Year End Balance 12/31 (d)
1	UTILITY PLANT			
2	Utility Plant (101-106, 114)	200-201	26,487,111,508	25,577,923,370

35	Cash (131)		93,987,390	59,516,339
----	------------	--	------------	------------

Are the ESR's sent to you electronically? If so, just like in the rate case these were filed electronically therefore I would like these sent electronically to save money.

I am sure that you receive these by email from Florida Power & Light just like I received the forecasted ESR from the company. This will save postage costs and turnaround time.

There should be no reason why these reports cannot be sent this way when these reports are being filed electronically by the company.

Do you receive these reports electronically in a PDF file?

Attached is an invoice for the 2008 reports that were sent. This must include postage therefore if these reports are being sent electronically to the Commission the postage costs can be saved therefore reducing the cost below.

If they are being sent electronically when they file to any staff member then they should be available with a public records request. This is no different when FPL responded to my motion for the declassification to the classified forecasted ESR report. This report was sent in a PDF format in an automated email.

1/18/2011

Please provide a response with regard to the ledgers of the company. Does the Commission receive any of these documents? Does the Commission receive these electronically? I am sure that these are being sent to the Commission Electronically as well for the Commission to conduct its due diligence. This is the normal current business practice.

If so, then this would be part of a public records request as well. These should be fully transparent from both a ratepayer's and a shareholder's perspective.

I also would like these reports electronically since I have a nerve issue that acts up at times therefore I would like to have access to this information electronically so that I can work with the information in an automated way and not have to rekey all the hard copy materials. I am unemployed therefore I want these costs kept to a minimum.

Due to the delicate nature of this information I would like to make sure that this correspondence request/communication does not have any impact on my current/future employment. I can only hope that this request is viewed as a public service request for the ratepayers of the Florida Power & Light and does not have any impact on my family's well being.

I know that when I dealt with the US Treasury with regard to the TARP programs when I was working on Financial Regulatory reform they accommodated me with sending me the information electronically. When I worked with CMS with regard to third party downstream billing they also sent me my information in an electronic format as well. They both accommodated me with regard to my nerve condition that I have in my elbow and with me having numbness in my two lower fingers at times.

Based upon my rights as a ratepayer and shareholder and Federal/State laws this information should be fully transparent therefore I trust that this information will be made available for me to complete my analysis.

Please respond to my email in full since I need to bring this to a resolution quickly so that I can start my **analysis, since** the cash balances in the FERC form 1 for 2009 **are low.**

If you have any questions please do not hesitate to ask.

Dear all Commissioner's,

Based upon the cash balances my concerns have merit therefore my request should be fully accommodated in order for me to ascertain the accounting of the over recovered money.

This is my right as a shareholder and a ratepayer. Please expedite my request so that I am ready to go then the first ESR reports for 2011 become available. I have started to lay out an ESR summary that I have put together yesterday. This will track the adjudicated decision versus the actual earned returns that are being quoted in the monthly ESR reports. I am working on 2008 and I want to make sure that I can lay out 2009 and 2010 to track the Cash balances. I want to make sure that we are tracking the over recoveries as it relates to the cash balances that are being supported by the FERC form 1 reports.

This is very critical and if need be I will be seeking all avenues to ascertain the full accounting of all the over recovered monies. Just by taking a look at the year end balances in the FERC form 1 for **2010**, where did the \$400 million dollars go? This is why this is a very important issue to monitor. Now that the commission has not set aside the over recovered over earnings in a 253 account this analysis is even more critical. There is no reason why this information cannot be supplied to take a look at the accounting of the cash. This would be part of normal due diligence. This is just a check book reconciliation exercise which has to be completed considering the magnitude of the over recoveries.

I have cc'd the Governor's office since I know that there is a current legislative process in which commission members are put into place. There is the Public Service Commission Nominating Council and the Joint Committee on Public Counsel Oversight Committees in which these are legislative processes in which commission appointments are being made. In addition, the Joint Committee on Public Counsel Oversight is the Committee for the selection of Public Counsel. Since these are both legislative branches that govern the makeup of the Commission I have cc'd the Governor in order to keep them in the loop with regard to my concerns.

1/18/2011

**Joint Committee on Public Counsel Oversight
Rules of Procedure**

1.1 General Rules.

The committee shall be governed by the rules of the Senate in the even-numbered years and the rules of the House in odd-numbered years.

1.2 Selection of the Public Counsel.

(1) The term of the Public Counsel begins on the date the Public Counsel is appointed to office. The date of appointment is the date on which the letter of appointment is signed by the Chair. A copy of the letter must be filed with the President of the Senate and Speaker of the House of Representatives. A vacancy occurs in the office of Public Counsel when the Public Counsel is not reconfirmed, resigns, or is removed by the committee by majority vote.

I also would like these reports electronically since I have a nerve issue that acts up at times therefore I would like to have access to this information electronically so that I can work with the information in an automated way and not have to rekey all the hard copy materials. I am unemployed therefore I want these costs kept to a minimum.

Due to the delicate nature of this information I would like to make sure that this correspondence request/communication does not have any impact on my current/future employment. I can only hope that this request is viewed as a public service request for the ratepayers of the Florida Power & Light and does not have any impact on my family's well being.

If you have any questions please do not hesitate to email me. Please make sure that all these communications are being made available to all the parties with a legal interest..

Thanks,

Robert H. Smith

FLORIDA PUBLIC SERVICE COMMISSION

2540 Stuenkel Oak Blvd. • Tallahassee, Florida 32399-0850

Date: 05/08/2009

10819

To:
 Mr. Robert H. Smith
 11340 Heron Bay Blvd.
 Coral Springs, Florida 33076

Date Paid _____
 Amount Paid _____
 Check # _____
 Check Cash
 PSC Signature _____

This number must appear on
 all checks or correspondence
 regarding this invoice.

Please make checks payable to: FLORIDA PUBLIC SERVICE COMMISSION			
QUANTITY	DESCRIPTION	PRICE	AMOUNT
126 pgs.	FPL 2008 Earning Surveillance Reports (Jan-Dec)	\$c/pg.	\$6.30
TOTAL			\$6.30

FPL 0000 000-C Rev. 08/08

Name of Respondent Florida Power & Light Company		This Report Is: (1) <input checked="" type="checkbox"/> An Original (2) <input type="checkbox"/> A Resubmission	Date of Report (Mo, Da, Yr) 11	Year/Period of Report End of 2009/04
COMPARATIVE BALANCE SHEET (ASSETS AND OTHER DEBITS)				
Line No	Title of Account (a)	Ref. Page No (b)	Current Year End of Quarter/Year Balance (c)	Prior Year End Balance 12/31 (d)
1	UTILITY PLANT			
2	Utility Plant (101-106, 114)	200-201	26,706,410,344	26,487,111,508
3	Construction Work in Progress (107)	200-201	1,721,583,757	1,894,804,768
4	TOTAL Utility Plant (Enter Total of lines 2 and 3)		30,427,994,101	28,341,916,276
5	(Less) Accum. Prov. for Depr. Amort. Depl. (108, 110, 111, 115)	200-201	12,462,046,834	12,055,232,913
6	Net Utility Plant (Enter Total of line 4 less 5)		17,965,928,267	16,286,683,363
7	Nuclear Fuel in Process of Ref., Conv., Enrich., and Fab. (120.1)	202-203	0	0
8	Nuclear Fuel Materials and Assemblies-Stock Account (120.2)		0	0
9	Nuclear Fuel Assemblies in Reactor (120.3)		0	0
10	Spent Nuclear Fuel (120.4)		0	0
11	Nuclear Fuel Under Capital Leases (120.5)		368,688,592	337,852,650
12	(Less) Accum. Prov. for Amort. of Nucl. Fuel Assemblies (120.5)	202-203	0	0
13	Net Nuclear Fuel (Enter Total of lines 7-11 less 12)		368,688,592	337,852,650
14	Net Utility Plant (Enter Total of lines 6 and 13)		18,354,616,859	16,624,546,013
15	Utility Plant Adjustments (116)		0	0
16	Gas Stored Underground - Noncurrent (117)		0	0
17	OTHER PROPERTY AND INVESTMENTS			
18	Nonutility Property (121)		14,519,499	9,519,499
19	(Less) Accum. Prov. for Depr. and Amort. (122)		0	0
20	Investments in Associated Companies (123)		0	0
21	Investment in Subsidiary Companies (123.1)	224-225	0	0
22	(For Cost of Account 123.1, See Footnote Page 224, line 42)			
23	Noncurrent Portion of Allowances	228-229	0	0
24	Other Investments (124)		0	243,085
25	Sinking Funds (125)		0	0
26	Depreciation Fund (126)		0	0
27	Amortization Fund - Federal (127)		0	0
28	Other Special Funds (128)		2,445,156,869	2,201,837,616
29	Special Funds (Non Major Only) (129)		0	0
30	Long-Term Portion of Derivative Assets (175)		0	0
31	Long-Term Portion of Derivative Assets - Hedges (176)		0	0
32	TOTAL Other Property and Investments (Lines 18-21 and 23-31)		2,459,676,368	2,211,800,200
33	CURRENT AND ACCRUED ASSETS			
34	Cash and Working Funds (Non-major Only) (130)		0	0
35	Cash (131)		34,255,751	93,987,390
36	Special Deposits (132-134)		44,829	44,829
37	Working Fund (135)		18,550	21,550
38	Temporary Cash Investments (136)		43,059,719	26,900,352
39	Notes Receivable (141)		0	0
40	Customer Accounts Receivable (142)		737,163,951	699,297,196
41	Other Accounts Receivable (143)		344,326,500	241,817,997
42	(Less) Accum. Prov. for Uncollectible Acct.-Credit (144)		21,955,709	19,862,911
43	Notes Receivable from Associated Companies (145)		0	0
44	Accounts Receivable from Assoc. Companies (146)		18,515,335	34,019,748
45	Fuel Stock (151)	227		302,118,817
46	Fuel Stock Expenses Undistributed (152)	227	0	0
47	Residuals (Elec) and Extracted Products (153)	227	0	0
48	Plant Materials and Operating Supplies (154)	227		260,438,903
49	Merchandise (155)	227		0
50	Other Materials and Supplies (156)	227		0
51	Nuclear Materials Held for Sale (157)	202-203/227		0
52	Allowances (158.1 and 158.2)	228-229		0

The documents accompanying this telecopy transmission contain information which is confidential and/or legally privileged. The information is intended only for the use of the individual or entity named on this transmission sheet. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution or the taking of any action in reliance on the contents of this telecopied information is strictly prohibited, and the documents should be returned. In this regard, if you received this telecopy in error, please contact the sender by reply E-mail and destroy all copies of the original.

From: John Slemkewicz [mailto:JSlemkew@PSC.STATE.FL.US]

Sent: Thursday, January 13, 2011 9:47 AM

To: rpjrb@yahoo.com

Cc: Dorothy Menasco

Subject: RE: Freedom of Information Act Request (FOIA), 5 U.S.C. § 552 / Actual Earnings Surveillance Reports as filed by Florida Power & Light / Docket 080677 /Docket 100009/110009 / Docket 100410

Mr. Smith:

The Commission has the following documents in response to your requests:

ANNUAL REPORTS

The annual reports are available on line at the PSC's website and can be accessed as follows:

www.floridapsc.com

Point on "Utility Regulation" tab

Click on "Electric and Natural Gas" link

Click on "Electric Companies" link

In "Industry" box, select "Company Code"

Enter "EI802" in "Company Code" box

Click on "View" button

Click on "EI802" link

The Annual Reports are listed by year for 1985 and 1998-2009

EARNINGS SURVEILLANCE REPORTS (ESR)

Ms. Menasco will be contacting you concerning the charge for the monthly ESRs for the 22 months beginning with January 2009 and ending with October 2010, the most recently filed report.

From: rpjrb@yahoo.com [mailto:rpjrb@yahoo.com]

Sent: Wednesday, January 12, 2011 5:21 PM

To: Records Clerk; John Slemkewicz

Cc: Office Of Commissioner Edgar; Office Of Commissioner Graham; Office of Commissioner Brisé; Office Of Commissioner Graham; Office of Commissioner Balbis; Office of Commissioner Brown; Lisa Bennett; Ann Cole

Subject: RE: Freedom of Information Act Request (FOIA), 5 U.S.C. § 552 / Actual Earnings Surveillance Reports as filed by Florida Power & Light / Docket 080677 /Docket 100009/110009 / Docket 100410

Dear Ms. Menasco,

Thanks for the information and your response.

1/18/2011

I am not sure that you would have the answers to the questions below. If you do not, please forward this email to the appropriate party for a response.

How does the Florida Public Service Commission tie out to any of the reports that are furnished to the commission for a rate case proceeding?

All reports that are supplied to the Commission (i.e. earnings surveillance reports, FERC Form 1 reports) would have to tie out to balance sheets, income statements and cash flows. Up North we would have to furnish a copy of Ledgers to the Commission in order for them to conduct their normal due diligence. This included subsidiary ledgers (i.e. Plant (Plant additions, Plant retirements etc.), Accumulated depreciation (Depreciation expense, Cost of Removal charges, Salvage), Balance sheet ledgers, income statement ledgers and cash flow statements to tie out to Utility FERC account 131.

How does the Commission test for compliance with the Public Utility Holding Act with regard to regulated versus non-regulated monies? Reviewing the ledgers would be a requirement to conduct prudence testing of costs at the Utility.

Is the company using a pooling of cash method or is the company keeping the cash between regulated and non-regulated entities separate? This is very important when a rate case proceeding is being ruled on since there must be a tie out to the cash on FERC Form 1 for the Utility 131 Account and to all other reports that are being utilized for any rate case proceeding.

My previous experience with these filings we made available all ledgers in order for the commission to be able to complete their normal due diligence with a rate case proceeding. This is going to be very critical information since when I start receiving the 2011 Earnings surveillance reports I would like to identify the cash balances at the Utility. As I have indicated in my initial FOIA request this information would be needed in order to take a look at what the potential cash balances should be with regard to any cash surpluses as a result of over recovery of costs.

I want to monitor the actual depreciation surplus amortization as well as any amortization that would be related to the \$400 million dollars of over earnings that was identified at the company. If the company is not going to have to return the over earnings then these over earnings should be in the cash balance (FERC 131 account) at the Utility. If not, then a reconciliation of the cash flows of the over collection of these monies would be warranted. Between the Earnings Surveillance reports and the ledgers of the company I should be able to track the cash flow of any over earnings surplus at the company.

At the end of each rate year once we identify the actual depreciation surplus amortization that the company has recorded we can determine if some of the over collection of cash depreciation in rates has been returned to the customer. Does the company still have the \$400 million dollars of over earnings in the cash 131 account?

Based upon my rights as both a ratepayer and shareholder I know that I would be entitled to this information.

Again, thanks for your help and response.

Please let me know if you will be able to answer the questions above or who would be able to answer these questions.

Mr. Slemkewicz,

Do you have electronic copies of 2009 and 2010 Earnings Surveillance reports? In the previous email there was mention that this information is available on the web site. Is this correct? If not, then please provide me with a copy of the Earnings Surveillance reports for 2009 and 2010. It appears that these would be filed electronically just like the ratecase proceeding so this should be readily available for me to receive in a electronic format.

I want to make sure that since there was approximately \$1.4 billion dollars of over recovered dollars that if the money does not exist in the Utility Cash 131 there is appropriate backup to support that this money was kept in the Utility 131 Cash account. The only way that this can be determined is by looking at the balance sheets, income statements and cash flow statements at the company. I know that the FERC Form 1 would have this information in more detail. Has the company filed the 2008, 2009 and 2010 FERC Form 1 reports with the commission? If so, then please let me know if these were electronically filed so that I can obtain

1/18/2011

a copy to tie out to the Utility 131 cash account balance to cross reference to the Earnings Surveillance reports that are being furnished to the Commission. Has the commission conducted due diligence to tie out to the FERC Form 1 reports to the Earnings Surveillance reports? I need these reports in order from a Generally Accepted Accounting Principle basis to tie out the Earnings Surveillance reports to the balance sheets and income statements of the company. The cash flows would be needed to test for Cash in the regulated Utility Cash 131 Account.

I am not sure if the Records Clerk area is the area in which the above questions can be answered.

As a ratepayer and a shareholder I know that I would be entitled to this information.

Please let me know when this information can be made available.

I sent my original FOIA request early in order to make sure that this information would be made available when the first monthly earnings surveillance report is filed.

Thanks in advance for your help.

Dear all Commissioner's,

This is very important to monitor the cash aspects of these over recoveries. Since the rates have not been changed, the cash collections for any depreciation items are the same in base rates therefore there is a continuation of the over recovery of depreciation in the current base rates. I want to make sure that after the term of the Stipulation and Settlement agreement that when they conduct their next depreciation study that the theoretical depreciation reserve does not reflect more over recovered depreciation. If so, then these cash over recoveries should be maintained in the Cash 131 Account for future disposition as the company would have to return any over recovered dollars. This would include any type of over recovery. I want to make sure that since there was an over recovery of \$1.4 billion dollars that the cash for these over collections is being maintained or is given back to the customer. From the Public Utility Holding Act perspective this is very important and the only way to determine how the money has been used is to take a look at the cash flows at the company.

Based upon my rights as a ratepayer and shareholder and Federal/State laws this information should be fully transparent therefore I trust that this information will be made available for me to complete my analysis.

Thanks,

Robert H. Smith

Confidentiality Statement

The documents accompanying this telecopy transmission contain information which is confidential and/or legally privileged. The information is intended only for the use of the individual or entity named on this transmission sheet. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution or the taking of any action in reliance on the contents of this telecopied information is strictly prohibited, and the documents should be returned. In this regard, if you received this telecopy in error, please contact the sender by reply E-mail and destroy all copies of the original.

From: Dorothy Menasco [<mailto:DMenasco@PSC.STATE.FL.US>] **On Behalf Of** Records Clerk

Sent: Wednesday, January 12, 2011 4:26 PM

To: rpjrb@yahoo.com

Cc: Office Of Commissioner Edgar; Office Of Commissioner Graham; Office of Commissioner Brisé; Office Of Commissioner Graham;

1/18/2011

Office of Commissioner Balbis; Office of Commissioner Brown; Lisa Bennett; Ann Cole; John Slemkewicz

Subject: RE: Freedom of Information Act Request (FOIA), 5 U.S.C. § 552 / Actual Earnings Surveillance Reports as filed by Florida Power & Light / Docket 080677 /Docket 100009/110009 / Docket 100410

Mr. Smith:

The Florida Public Service Commission does not have any documents in response to your request to provide all accounting journal entries based upon Generally Accepted Accounting Principles, including a chronological record of accounting journal entries for the recording of all journal entries related to any regulated ratemaking assumptions; accounting entries supporting the actual earnings surveillance reports; and a cash flow statement to show the changes in cash balances as a result of these transactions. Staff has advised that this information would be found on the books of the company, of which the Florida Public Service Commission does not have copies.

For future surveillance report questions, please contact John Slemkewicz in the Division of Economic Regulation, Surveillance Section. The phone number for the Division of Economic Regulation is 850-413-6900. Mr. Slemkewicz's e-mail address is: JSlemkew@psc.state.fl.us.

I hope you find this information helpful.

Dorothy Menasco
Chief Deputy Commission Clerk
Florida Public Service Commission
Office of Commission Clerk
850-413-6770

Please note: Florida has a very broad public records law. Most written communications to or from state officials regarding state business are public records available to the public and media upon request. Your e-mail communications may therefore be subject to public disclosure.

From: rpjrb@yahoo.com [<mailto:rpjrb@yahoo.com>]

Sent: Tuesday, January 11, 2011 3:50 PM

To: Records Clerk

Cc: Office Of Commissioner Edgar; Office Of Commissioner Graham; Office of Commissioner Brisé; Office Of Commissioner Graham; Office of Commissioner Balbis; Office of Commissioner Brown; Lisa Bennett; Ann Cole

Subject: RE: Freedom of Information Act Request (FOIA), 5 U.S.C. § 552 / Actual Earnings Surveillance Reports as filed by Florida Power & Light / Docket 080677 /Docket 100009/110009 / Docket 100410

Dear Ms. Menasco,

Are you indicating that these documents are available on the web site for 2009 and 2010 as well?

If so, please provide the link in which these documents are posted so that I can review and copy these documents for 2009 and 2010 respectively. Was 2008 available electronically as well?

Thanks for your response help.

Thanks,

Robert H. Smith

Confidentiality Statement

1/18/2011

The documents accompanying this telecopy transmission contain information which is confidential and/or legally privileged. The information is intended only for the use of the individual or entity named on this transmission sheet. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution or the taking of any action in reliance on the contents of this telecopied information is strictly prohibited, and the documents should be returned. In this regard, if you received this telecopy in error, please contact the sender by reply E-mail and destroy all copies of the original.

Dorothy Menasco

110009-EI

FPSC, CLK - CORRESPONDENCE

Administrative ~~Parties~~ ConsumerDOCUMENT NO. 00056-11

DISTRIBUTION: _____

From: Dorothy Menasco on behalf of Records Clerk**Sent:** Tuesday, January 11, 2011 3:30 PM**To:** 'rpjrb@yahoo.com'**Cc:** Office Of Commissioner Edgar; Office Of Commissioner Graham; Office of Commissioner Brisé; Office Of Commissioner Graham; Office of Commissioner Balbis; Office of Commissioner Brown; Lisa Bennett; Ann Cole**Subject:** RE: Freedom of Information Act Request (FOIA), 5 U.S.C. § 552 / Actual Earnings Surveillance Reports as filed by Florida Power & Light / Docket 080677 /Docket 100009/110009 / Docket 100410

Mr. Smith:

There are no responsive documents to this request. Please note that Florida Public Records Law does not recognize a continuing request (in other words, one that attaches to documents not yet in existence or custody of the agency). If you wish, you may renew this request at a future time. Please also note that the document you describe, at such time as it may be filed with this agency, would be posted to the agency's website, where it may be reviewed and copied if you so desire.

*Dorothy Menasco**Chief Deputy Commission Clerk**Florida Public Service Commission**Office of Commission Clerk**850-413-6770*

Please note: Florida has a very broad public records law. Most written communications to or from state officials regarding state business are public records available to the public and media upon request. Your e-mail communications may therefore be subject to public disclosure.

From: rpjrb@yahoo.com [mailto:rpjrb@yahoo.com]**Sent:** Tuesday, January 11, 2011 11:18 AM**To:** Records Clerk; Lisa Bennett**Cc:** Office Of Commissioner Edgar; Office Of Commissioner Graham; Office of Commissioner Brisé; Office Of Commissioner Graham; Office of Commissioner Balbis; Office of Commissioner Brown**Subject:** Freedom of Information Act Request (FOIA), 5 U.S.C. § 552 / Actual Earnings Surveillance Reports as filed by Florida Power & Light / Docket 080677 /Docket 100009/110009 / Docket 100410

Dear Records Clerk and Commissioner's,

I have been listening to the testimony regarding the disposition of the depreciation surplus and over earnings surplus. In order to see the progress of the return of the cash surplus I am respectively requesting my Freedom of Information Act request below. My previous email(s) to both the Commission and Florida Power & Light has asked for this type of information in the past. Now that the Stipulation and Settlement agreement has been approved and there is testimony that the potential exists that the excess earnings disposition might not be reviewed and is being covered by the agreement, I feel that the monitoring of the progress of the return of the cash surplus is warranted.

I fully understand that this request will not be started until the end of January 2011. Please provide this information as soon as possible when the information is available.

Please see my Freedom of Information Act request below. This email is to serve as a Freedom of Information Act request as per The Freedom of Information Act (FOIA), 5 U.S.C. § 552.

This Freedom of information Act request should be made part of the following Dockets:

Docket 080677

Docket 100009/Docket 110009

Docket 100410

Thanks,

Robert H. Smith

January 11, 2011

1/11/2011

Director, Office of Commission Clerk
ATTN: Records Clerk/Ann Cole

Re: Request for a copy of the Actual Earnings Surveillance reports as filed. / Ongoing for the duration of the Stipulation and Settlement Agreement.

To whom it may concern:

Pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. § 552, I request a copy of all accounting information related to the specific answers to all questions below.

I am requesting access to identify the records as clearly and specifically as possible. If there are any fees, please let me know before you work on my request. Since these records have been provided on an electronic basis please provide this information electronically when they become available. Since the company is sending these reports as PDF files it appears that this should be the way that this correspondence can be sent to keep the costs to a minimum since these requests are part of the normal due diligence requirements of the company.

If you deny all or any part of this request, please cite each specific exemption (Federal) you think justifies your refusal to release the information and notify me of appeal procedures available under the law (Federal).

Please provide a copy of all actual Earnings Surveillance reports as they are filed. Please list the assumptions of the actual depreciation surplus amortization that is being amortized in the actual earnings surveillance reports and answer the email dated Monday, November 22, 2010 11:25 AM that was sent to Florida Power & Light's Senior Management. A list of assumptions should be provided to reflect what the company is actually recording to meet the requirements of the approved Stipulation and Settlement agreement that the Florida Public Service Commission has approved.

Please provide all accounting journal entries based upon Generally Accepted Accounting Principles. This should include a chronological record of accounting journal entries for the recording of all journal entries related to any regulated ratemaking assumptions below.

All accounting entries should be able to support the actual earnings surveillance reports.

Please provide a cash flow statement to show the changes in cash balances as a result of these transactions. This should be completed on a segmented cash flow basis to potentially show the movement of cash to holding/affiliated companies of FPL.

For example:

Total over recoveries approximately are \$1.4 billion (Depreciation \$1.0 billion plus, \$400 million of over earnings). Each earnings surveillance report is going to reflect a depreciation amortization assumption that as it is refunded would go against the over recovered depreciation reserve. In addition, pending the disposition of the \$400 million of over earnings this cash balance should be reflected in the cash accounts at the company (FERC 131 account). The total over recoveries in cash should equal approximately \$1.4 billion dollars. If the current cash balance does not reflect this total surplus, please provide an explanation of the use of the cash surplus.

I understand that the resources at the commission is limited but since I have extensive experience with these type of proceedings as long as the specific information is provided I would be able calculate the appropriate studies on my own which would not require help from the commission staff. Since I am both a ratepayer and a shareholder there should be no problem with the release of all specific information in order for me to complete my own analysis. This will ensure from both a

1/11/2011

ratepayer and shareholder perspective I am receiving the best possible rates and return on my investment.

On March 19th, 2009, The Office of the Attorney General has issued a memorandum regarding the release of information under The Freedom of Information Act (FOIA), 5 U.S.C. § 552.

This indicates "The Freedom of Information Act should be administered with clear presumption: In the case of doubt, openness prevails".

"This memorandum is meant to underscore that commitment and to ensure that it is realized in practice"

Due to the new nature of this program a need to clarify some of the underlying assumptions under this request might be required.

Due to the delicate nature of this information I would like to make sure that this correspondence request/communication does not have any impact on my current/future employment. I can only hope that this request is viewed as a public service request for the ratepayers of the Florida Power & Light and does not have any impact on my family's well being.

Please forward this information to the following address:

Robert H. Smith

11340 Heron Bay Blvd.

Coral Springs, Florida 33076

Or email this information to rpjrb@yahoo.com.

If you have any questions about this request please do not hesitate to ask.

Thank you for your consideration and cooperation.

Very truly yours,

Robert H. Smith

Confidentiality Statement

The documents accompanying this telecopy transmission contain information which is confidential and/or legally privileged. The information is intended only for the use of the individual or entity named on this transmission sheet. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution or the taking of any action in reliance on the contents of this telecopied information is strictly prohibited, and the documents should be returned. In this regard, if you received this telecopy in error, please contact the sender by reply E-mail and destroy all copies of the original.

From: RSmith [rpjrb@yahoo.com] [mailto:rpjrb@yahoo.com]
Sent: Monday, November 22, 2010 11:25 AM
To: 'John.Butler@fpl.com <John.Butler@fpl.com>'; 'ken.rubin@fpl.com'; 'Pat.Brian@fpl.com'

1/11/2011

Cc: 'Charles_Sieving@fpl.com'; 'Lew_Hay@fpl.com'

Subject: Withdrawal of the Confidential Classification of Provisional Electric Forecasted Earnings Surveillance Report / Questions regarding the forecast assumptions

Dear Mr. Butler, Mr. Rubin and Mr. Brian,

Thanks for your patience in this matter.

I left a voicemail on Friday and sent quick email regarding this report (Docket 080677-EI Document number 09517-10). I am sorry I could not speak to you on Friday. I was in the middle of a phone interview for a CFO position.

Thank you for a copy of the Provisional Electric Forecasted Earnings Surveillance report. I noticed that the information contains the exact same pages that are in the normal operating report (Rate of Return Surveillance report 24 pages including the cover letter (12/31/2008)). The provisional report contains 7 pages. I would expect to see that these similar reports will be provided with the final order in this case.

Here are some preliminary questions regarding the Provisional Electric Forecasted Earnings Surveillance Report. Did the company prepare any 2011 and 2012 forecasted earnings surveillance reports? This would be needed to see if there would be further cost of service reductions in the years that the base rates would be set if the Settlement and Stipulation agreement was approved based upon the 2010 forecasted earnings surveillance report. If there are other reduction(s) in cost in the years in which the base rates are frozen then the customer might not see a benefit for these reduction since there is no forecast to show what will happen in 2011 and 2012. Will there be an excess earning test to keep track of any future over earnings?

How come the long term debt assumption is 5.8%? Is this assumption for 2010? If so, are there any plans to refinance the debt for 2011 and 2012? If so, and the cash rates are set will the customer receive the benefit of the refinancing of this debt through a cash rate reduction in base rates or will this reduction be returned through an excess earnings mechanism?

Are there any plans to refinance the debt to lower interest rates with the current economic climate? If so, then how come we do not see any reduction in the overall cost of Long term debt cost rate below? Is this due to not being able to refinance this during 2010 since we are already in November?

If there are no plans to refinance the Long term debt below did they ask the financial community if there was an opportunity to refinance any of their debt? Have they completed any economic analysis regarding the impacts of retiring higher cost long term debt with refinancing this debt at lower interest rates? This would include early retirement costs that the company would have to potentially pay with the refinancing and early retirement of the existing debt? Are there plans to refinance in 2011 and 2012? If so, then the customer would not see a reduction for this in their cash base rates since the rates will be set based upon the 2010 test year and the assumption that have been provided in the Provisional Electric Forecasted Earnings Surveillance report.

If the commission decides to use an Excess Earnings mechanism to return any cost reductions/interest savings to its customers what will be the annual rate of return (carrying charges) that will be recorded to FERC Account 253 (deferred credits)? This amount should equal the same rate of return as the actual overall cost of money or the customer might not receive the full benefit for the refinancing of the debt. If this was trued up into base rates then the customer would receive the full benefit therefore any carrying charges calculated on excess earnings should be at the overall cost of money.

There is an adjustment of \$525,901 (\$610,457-\$84,556 (\$000's)) to reduce the total long term debt outstanding. Do we know what this adjustment represents? Is this a normal retirement of debt? By the nature of this adjustment the debt to equity ratio will change. The equity component will increase therefore increasing the equity component. This will translate to increased revenue requirements. Are there any plans to issue new debt? What would be the targeted debt to equity ratio that the company would expect to maintain? Do we know what the interest rate impact for a ratings change at the company if the company issues more debt?

Any change in the debt to equity ratio will impact revenue requirements. If you just reduce the debt below without a change in interest rates then the equity component of the debt to equity ratio will increase therefore increasing revenue requirements. If the cash rates are set in 2010 without taking into account any future change in debt/equity ratio based upon any issuance or refinancing of debt then how will any potential cost savings be given back to the customer? Will this be refunded through an excess earnings test? If so, at what rate of return will the carrying charges be calculated at to refund this money?

With the depreciation reserve surplus amortization below, what would be the difference between the amortization below of \$30,000 and the original amount as set by the Florida public Service Commission? According to note 3 it indicates that this "Assumes FPSC approval of the August 20, 2010 Stipulation and Settlement Agreement. Does this represent \$30 million since there is no (\$000's) on the top of the Forecast Assumption page. Is this an annual amount of amortization? If this is an annual amortization how come it is significantly lower than the original amount as set by the original order? The original order has indicated that there will be a base rate increase of \$75 million but a depreciation amortization that is \$500 million over 4 years or \$125 million per year for 4 years. In addition, there was \$394.6 million being amortized at \$17.9 million over 22 years. If the \$30,000 represents \$30 million then does this replace the original amortization?

I noticed that the 30 day commercial paper rate of .5% has been put onto the assumption page. What specific items are being considered with this interest rate assumption?

What annual interest rate assumptions (carrying charges) are being used to calculate the carrying charges for the any recovery clause that is being collected in base rates but is being returned through a separate recovery clause? (i.e fuel recovery clause, nuclear uprate recovery clause etc.) Are these rates lower than the overall cost of money?

If I have any additional questions I will let you know.

I have sent prior emails to both Mr. Hay and Mr. Sieving regarding the holding company structure at the company as well as the same type of questions that has been asked in the email above.

1/11/2011

Again thank you for sending me the information and I am looking forward to hearing from the company.

Hopefully there are no typo(s).

If you have any questions regarding this email please do not hesitate to email me at rpjrb@yahoo.com or give me a call at 954-340-4956.

Thanks,

Robert H. Smith

This schedule below has been sent to the Commission in my email dated May 13th, 2010.

Surplus Amort	1,208.8
Less: Recov. Sch	<u>(314.2)</u>
	894.6
Less Credits	(500.0) Amortize at \$125 m over 4 yrs
	<u>394.6</u> Amortize at \$17.9 m over 22 yrs
Sites to Recovery Sched:	Plant in Reserve Rem
	Service Balance Plant
Cape Canaveral Site	187.5 (152.2) 35.3
Riviera Site	103.7 (94.1) 9.6
	<u>291.2 (246.3) 44.9</u>

Recovery Schedule

As per Above 314.2

Cape & Riviera Site	44.9	Are these going to be added to the new repowered generating units? If so then, then how is the new cost going to take into account the old book costs for ledger 3 purposes? Since they have been fully recovered by the surplus reserve is the new ledger 3 amounts only going to reflect the new costs only? How is the vintage year issues being addressed for the old costs? If it will reflect only the new costs then all old ledger 3 amounts will be removed. This might not follow GAAP since from a strict asset perspective these assets might still exist with the new repowered generating units. How will the going forward depreciation reflect this vintage year issue?
Nuclear Uprates	168.2	Removed from Base Rates Recovered through Nuclear Cost Recovery Clause. Removed from RateBase? Calculated Carrying Charges? Will the cash recovery in Base rates equal the new recovery in cash rates based upon the new Nuclear Cost Recovery Clause? Is this a break even for cash recovery or has the amount of time to recover these costs changed?
Obsolete Meters	101.1	Retired. Is there any salvage money that can be recovered for the scrap sale or sale of these meters? Will there be any cost of removal or are these being left in place? If they are being left in place then and they will be considered fully recovered will ledger 10 be adjusted to match ledger 3 to keep track of these assets? Ledger 3 plant should match ledger 10 accumulated depreciation reserves. These should be kept on the books until they are removed/sold or scrapped. Any money should be credited to the ratepayers.
	<u>314.2</u>	

Based upon the above reduction of the Depreciation Surplus/OverRecovery it appears that the Recovery Schedule items are being reduced against surplus refund immediately. What is going to be done with these plants? Are they being retired or sold? If they are going to be sold then if there is any gain on the sale of the plants then this would have to be refunded to the ratepayer. If these plants are not sold, what would be the new recovery period for these plants since it appears that they are being moved out of the normal depreciation recovery? Are they going to remain in Ledger 3 for book purposes since the normal depreciation recovery will be stopped?

C. OTHER CORPORATE ASSUMPTIONS

INTEREST RATES -	
1) 30 DAY COMMERCIAL PAPER	0.5%
2) LONG TERM DEBT	5.8%
DEPRECIATION RESERVE SURPLUS AMORTIZATION (3)	\$30,000

FLORIDA PUBLIC SERVICE COMMISSION
ELECTRIC FORECASTED EARNINGS SURVEILLANCE REPORT
CAPITAL STRUCTURE (\$000'S)
FPSC ADJUSTED BASIS

SCHEDULE 3
PAGE 1 OF 1

Company: Florida Power & Light Company and Subsidiaries
Year 2010

AVERAGE	SYSTEM PER BOOKS	RETAIL PER BOOKS	ADJUSTMENTS		ADJUSTED RETAIL	RATIO	LOWPOINT		MIDPOINT		HIGHPOINT	
			PRORATA	SPECIFIC			COST RATE	WEIGHTED COST	COST RATE	WEIGHTED COST	COST RATE	WEIGHTED COST
LONG TERM DEBT	\$5,510,039	\$6,388,846	\$84,556	(\$610,457)	\$4,862,945	29.02%	5.32%	1.54%	5.32%	1.54%	5.32%	1.54%
SHORT TERM DEBT	498,874	486,628	8,611	0	495,240	2.95%	0.75%	0.02%	0.75%	0.02%	0.75%	0.02%
PREFERRED STOCK	0	0	0	0	0	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
CUSTOMER DEPOSITS	545,611	545,385	9,851	0	555,036	3.31%	5.98%	0.20%	5.98%	0.20%	5.98%	0.20%
COMMON EQUITY	7,932,700	7,737,980	136,928	0	7,874,908	47.00%	9.00%	4.23%	10.00%	4.70%	11.00%	5.17%
DEFERRED INCOME TAXES	3,310,199	3,238,990	51,481	(327,718)	2,980,753	17.67%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
TAX CREDITS WEIGHTED COST	78,796	77,985	111	(71,723)	8,373	0.04%	7.80%	0.00%	8.21%	0.00%	8.83%	0.00%
TOTAL	\$17,878,220	\$17,473,814	\$291,338	(\$1,009,898)	\$18,756,254	100.00%		6.00%		5.47%		6.94%

LINE NO	Company Florida Power & Light Company									
	Month of December 2008									
	CURRENT MONTH					YEAR TO DATE				
	ACTUAL	REV EST/ ACTUAL (b)	AMOUNT	%	DIFFERENCE	ACTUAL	ESTIMATED/ ACTUAL (b)	AMOUNT	%	DIFFERENCE
C True-up Calculation										
1	Jurisdictional Fuel Revenues (Net of Revenue Taxes)	\$ 481,992,385	\$ 527,156,101	\$ (45,163,716)	(8.6) %	\$ 6,048,426,723	\$ 6,163,762,784	\$ (115,336,061)	(1.9) %	
Fuel Adjustment Revenues Not Applicable to Period										
2	Prior Period True-up (Collected/Refunded) This Period	(6,610,188)	(6,610,188)	0	0.0 %	(79,322,258)	(79,322,258)	0	0.0 %	
b	GPFF, Net of Revenue Taxes (a)	(749,568)	(749,568)	0	0.0 %	(8,994,819)	(8,994,819)	0	0.0 %	
c	Prior Period True-up (Collected/Refunded) This Period	(24,207,221)	(24,207,221)	0	0.0 %	(121,036,106)	(121,036,106)	0	0.0 %	
3	Jurisdictional Fuel Revenues Applicable to Period	\$ 450,425,408	\$ 495,589,123	\$ (45,163,715)	(9.1) %	\$ 5,839,073,540	\$ 5,954,409,601	\$ (115,336,061)	(1.9) %	
a	Adjusted Total Fuel Costs & Net Power Transactions (Line A-7)	\$ 320,870,039	\$ 330,597,200	\$ (9,727,161)	(2.9) %	\$ 6,081,078,500	\$ 6,116,439,801	\$ (35,361,301)	(0.6) %	
b	Nuclear Fuel Expense - 100% Retail	0	0	0	N/A	0	0	0	N/A	
c	RTP incremental Fuel - 100% Retail	0	0	0	N/A	0	0	0	N/A	
d	D&D Fund Payments - 100% Retail	0	0	0	N/A	0	0	0	N/A	
e	Adj Total Fuel Costs & Net Power Transactions - Excluding 100% Retail Items (C4a-C4b-C4c-C4d)	320,870,039	330,597,200	(9,727,161)	(2.9) %	6,081,078,500	6,116,439,801	(35,361,301)	(0.6) %	
5	Jurisdictional Sales % of Total kWh Sales (Line B-6)	99.99306 %	99.99378 %	(0.00072) %	0.0 %	N/A	N/A	N/A	N/A	
6	Jurisdictional Total Fuel Costs & Net Power Transactions (Line C4e x CS x 1.00065(b)) + (Lines C4b,c,d)	\$321,056,321	\$330,791,513	\$ (9,735,192)	(2.9) %	\$ 6,084,621,246	\$ 6,120,012,059	\$ (35,390,813)	(0.6) %	
7	True-up Provision for the Month - Over(Under) Recovery (Line C3 - Line C6)	\$ 129,369,087	\$ 164,797,610	\$ (35,428,523)	(21.5) %	\$ (245,547,706)	\$ (165,602,458)	\$ (79,945,248)	48.3 %	
8	Interest Provision for the Month (Line D10)	(283,694)	(672,148)	388,454	(57.8) %	(10,057,683)	(10,681,919)	624,236	(5.8) %	
9	True-up & Interest Provision Beg of Period-Over(Under) Recovery	(294,472,086)	(250,191,144)	(44,280,942)	N/A	(79,322,258)	(79,322,258)	0	0.0 %	
a	Deferred True-up Beginning of Period - Over(Under) Recovery	(121,036,106)	(121,036,106)	0	0.0 %	(121,036,106)	(121,036,106)	0	0.0 %	
10	a Prior Period True-up Collected/Refunded) This Period	6,610,188	6,610,188	(0)	0.0 %	79,322,258	79,322,258	0	0.0 %	
b	Prior Period True-up Collected/Refunded) This Period	24,207,221	24,207,221	(0)	0.0 %	121,036,106	121,036,106	(1)	0.0 %	
11	End of Period Net True-up Amount Over(Under) Recovery (Lines C7 through C10)	\$ (255,605,390)	\$ (176,284,378)	\$ (79,321,012)	45.0 %	\$ (255,605,390)	\$ (176,284,378)	\$ (79,321,012)	45.0 %	
D Interest Provision										
1	Beginning True-up Amount (Lines C9 + C10)	\$ (415,508,192)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	
2	Ending True-up Amount Before Int. (C7+C9+C10)	\$ (255,321,696)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	
3	Total of Beginning & Ending True-up Amount	\$ (670,829,888)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	
4	Average True-up Amount (50% of Line D3)	\$ (335,414,944)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	
5	Interest Rate - First Day Reporting Business Month	1.49000 %	N/A	N/A	N/A	N/A	N/A	N/A	N/A	
6	Interest Rate - First Day Subsequent Business Month	0.54000 %	N/A	N/A	N/A	N/A	N/A	N/A	N/A	
7	Total (Line D5 + Line D6)	2.03000 %	N/A	N/A	N/A	N/A	N/A	N/A	N/A	
8	Average Interest Rate (50% of Line D7)	1.01500 %	N/A	N/A	N/A	N/A	N/A	N/A	N/A	
9	Monthly Average Interest Rate (Line D8 / 12)	0.08458 %	N/A	N/A	N/A	N/A	N/A	N/A	N/A	
10	Interest Provision (Line D4 x Line D9)	\$ (283,694)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	

NOTES (a) Generation Performance Incentive Factor is (39,061,200) x 99.9280% - See Order No. PSC-08-0630-109-EE
(b) Per Revised Estimates from Mid-course correction filed on 11/17/08 and approved on 12/2/08 Agenda Conference

Confidentiality Statement

The documents accompanying this telecopy transmission contain information which is confidential and/or legally privileged. The information is intended only for the use of the individual or entity named on this transmission sheet. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution or the taking of any action in reliance on the contents of this telecopied information is strictly prohibited, and the documents should be returned. In this regard, if you received this telecopy in error, please contact the sender by reply E-mail and destroy all copies of the original.

From: RSmith [rpjrb@yahoo.com] [mailto:rpjrb@yahoo.com]
Sent: Friday, November 19, 2010 12:51 PM
To: 'John.Butler@fpl.com <John.Butler@fpl.com>'; 'ken.rubin@fpl.com'; 'Pat.Brian@fpl.com'
Cc: 'Charles_Sieving@fpl.com'; 'Lew_Hay@fpl.com'
Subject: FW: Electronic Service / Docket 080677-EI / FPL's N/Withdrawing its Request for Confidential Classification re: Surveillance Report

Dear Mr. Butler, Mr. Rubin and Mr. Brian,

I have received your email regarding the release of the Forecasted Earnings Surveillance report.

I received both attachments and I noticed that these documents are going to be filed into Docket 080677-EI.

I am in the process of taking a look at the report and I know that I have a couple of questions regarding some of the assumptions in the report.

I have been working on a draft email to send with questions but I was on a phone call that I had scheduled this morning. I will be working on this information today and over the weekend to hopefully put together my final questions.

Thank you for sending me the report.

Mr. Rubin and Mr. Brian I am sorry I missed your call. I have left a voicemail at the office which was after 12:00PM. Please give me a call on Monday or I will follow up with a call and/or email on Monday.

Hopefully I have the proper email addresses.

I am going to take a look at the report and I am looking forward to speaking with you on Monday.

Regards,

Robert H. Smith

Confidentiality Statement

The documents accompanying this telecopy transmission contain information which is confidential and/or legally privileged. The information is intended only for the use of the individual or entity named on this transmission sheet. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution or the taking of any action in reliance on the contents of this telecopied information is strictly prohibited, and the documents should be returned. In this regard, if you received this telecopy in error, please contact the sender by reply E-mail and destroy all copies of the original.

From: Butler, John [mailto:John.Butler@fpl.com]
Sent: Thursday, November 18, 2010 4:41 PM
To: 'LBENNETT@PSC.STATE.FL.US'; 'ANWILLIA@PSC.STATE.FL.US'; 'mbrown@psc.state.fl.us'; 'Kelly.jr@leg.state.fl.us'; 'mcglathlin.joseph@leg.state.fl.us'; 'jess@sugarmansusskind.com'; 'sugarman@sugarmansusskind.com'; 'mbraswell@sugarmansusskind.com'; 'msundback@andrewskurth.com'; 'kwiseman@andrewskurth.com'; 'jspina@andrewskurth.com'; 'lisapurdy@andrewskurth.com'; 'linomendiola@andrewskurth.com'; 'meghangriffiths@andrewskurth.com'; 'swright@yvlaw.net'; 'jlviala@yvlaw.net'; 'jmoyle@kagmlaw.com'; 'vkaufman@kagmlaw.com'; 'jmcwhirter@mac-law.com'; 'barmstrong@ngnlaw.com'; 'cecilia.bradley@myfloridalegal.com'; 'sda@trippscott.com'; 'tperdue@aif.com'; 'karen.white@tyndall.af.mil'; 'margaret-ray.kemper@ruden.com'; 'richardb@gtlaw.com'; 'allan.jungels@tyndall.af.mil'; 'rpjrb@yahoo.com'
Subject: Electronic Service / Docket 080677-EI / FPL's N/Withdrawing its Request for Confidential Classification re: Surveillance Report

Everyone

Please see attached (1) Florida Power & Light Company's Notice of Withdrawing its Request for Confidential Classification of Provisional Electric Forecasted Earnings Surveillance Report, and (2) Florida Power & Light Company's Response to Robert H. Smith's Motion to Inspect and Examine Confidential Material, filed today with the FPSC.

John T. Butler, Esq.

1/11/2011

700 Universe Boulevard
Juno Beach, FL 33408
561-304-5639
John.Butler@fpl.com

Dorothy Menasco

110009-EI

From: rpjrb@yahoo.com [mailto:rpjrb@yahoo.com]

Sent: Tuesday, January 04, 2011 9:40 AM

To: Lisa Bennett; Office Of Commissioner Edgar; Office Of Commissioner Graham; Office of Commissioner Brisé; Office Of Commissioner Graham; Office of Commissioner Balbis; Records Clerk

Subject: New Docket 110009-EI / Old Docket 100009-EI

Dear Commissioner's Ms. Bennett and Records Clerk,

Please forward this email to Commissioner Julie Imanuel Brown.

Please add me to the new Docket 110009-EI.

Will all correspondence within Docket 100009 be moved over to the new Docket 110009-EI?

I would like to be added as an interested party in Docket 110009-EI Nuclear cost recovery clause.

My contact information is:

Robert H. Smith

11340 Heron Bay Blvd. #2523

Coral Springs, FL 33076

Email: rpjrb@yahoo.com

Thanks,

Robert H. Smith

DOCUMENT NUMBER-DATE

00056 JAN-4 =

FPSC-COMMISSION CLERK

1/4/2011