

100312-E1



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11 DEC 12 11:08:57  
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 11 DEC 12 PM 12:15

December 8, 2011

Dear Mr. Hay:

We must write to you again after our January, February and June 2010 letters. We thought things might be on the track to improve at the company based on removal and demotion of some leaders, but the truth is that we have a company that really is perpetrating fraud upon our shareholders, investors, regulators, governments, customers, media and employees. You and others in senior management have rebuffed dozens of internal red flags, reported concerns, dismissed findings of engagement surveys of last year and focus groups this year, not been forthright by holding back release of incriminating internal documents, made bold-faced lies or refused to answer questions demanded by stakeholders and media, and refused to take blame for the failures of officers for conniving, cunning, concealing behavior and activities that amount to fraud to deceive all our external stakeholders, shareholders and investors.

This is the fourth letter in a series we began a year ago January to seek change management and leadership behavior changes at our company. Our employee group met again over Thanksgiving and decided that enough is enough, that we had to speak up again. We consulted with two lawyers who assisted us with parts of this letter. We are entitled as employee-shareholders to communicate as shareholders with management and to express our dissatisfaction with our illegal and improper actions and the direction that officers like senior vice president of regulatory and state government affairs Eric Silagy, vice president of marketing and communication Tim Fitzpatrick, and other company officers are taking us. To ensure some level of follow up, we ask that this letter be made a part of the docket record for dockets 110312-EQ; 110309-EI; 110273-EI; 110270-EI. Because we have had illegal communications and conducted illegal and improper campaigns with our regulators, these matters fall squarely within the scope of the PSC and state investigators to consider. The PSC and the Office of Public Counsel, if they really cared about our customers, would demand action and investigation.

Since first writing to you in January 2010, only a few real changes have been made by you with some of our leaders. You demoted Wade Litchfield last year from heading regulatory affairs at FPL and returned him back to the post he held previously as general counsel at Florida Power & Light. You fired Ed Tancer after banishing him to Texas and NextEra Energy Resources for his stupidity in hosting a company party and inviting regulators to it. You started informal meetings by members of our senior management with employee groups to try to look like you're engaging us and seeking our opinions, which you really are not. You have not addressed the core of the problem leaders: Eric Silagy and Tim Fitzpatrick. Some of us were invited to and attended lunches this spring and summer 2011 with our COO and other senior management, and we thank you for doing that. That was a good thing. But the fact remains that because of your lack of real leadership in cleaning up what relatively new leaders have done to our company, we remain and are even more so now a culture of concealment, we are a culture of trying to con our customers, governmental, regulators, the media and most of all investors, and we are a culture of complicity in improper and illegal activities. For employees, it has only gotten worse for us, both here at FPL and NextEra Energy Resources employees. Corporate behavior and our culture of concealment, cover-up and complicity is now prevalent throughout FPL and NextEra Energy Resources.

To avoid this letter being too long, and to keep pressure on you and our company leaders, in the coming weeks and months we intend to communicate more directly with our stakeholders and do it electronically as well. We have the right under the First Amendment to speak, even though you try to set up roadblocks to keep us from speaking externally before we report things internally. In the weeks and months ahead, we will provide more specific examples of fraud, of concealment from customers and regulators and investors, to get you to change this company, to change some of its leaders, and to seek policy changes at a company and corporate level. Four of us have met with some members of the media during the past two weeks and intend to provide them additional information based on internal documents we have been authorized to view and copy. Because Information Management can and does monitor computer access of employees we have paper copies of some documents provided to certain members of the media. We will continue to show our stakeholders how we say one thing internally and do another publicly. One senior director was told last week by an employee in Marketing & Communication that "all we care about is the sell, not how it smells."

This communication has been drafted with assistance of and reviewed by our legal counsel. It is an open letter to NextEra Energy employees, Securities and Exchange Commission and Florida Public Service Commission regulatory agencies, government agencies, institutional investors, analysts, and other stakeholders with an interest in the company and its activities in Florida and elsewhere. We continue to seek protection as whistle blowers who prefer to communicate anonymously to report fraudulent, illegal and unethical activities of our leadership in order to insure we keep our jobs, rather than take the chance of ridicule and retribution. We believe our company should act in an honest and ethical way but our leadership does not. We are scared about losing our jobs and fear if we go public it will affect our ability to succeed at FPL or at NextEra Energy Resources. Despite the fact that we recently announced an ethics program that is aimed at all nonbargaining employees, the fact is that any on-line survey or questionnaire will be able to be monitored by our management, simple as that. We don't trust our management, and so we can not participate and disclose illegal behavior to our supervisors, to department heads or to senior management without risk of retaliation. Our lawyers tell us that much of what we see are activities that amount to fraud which harms or would harm investors, including but not exclusively shareholders who are employees of NextEra Energy and its subsidiaries. These activities that we believe as employees of either Florida Power & Light or NextEra Energy Resources definitively and specifically convey a reasonable belief that a violation of the laws and regulations listed in The Sarbanes-Oxley Act ("SOX") Section 1514A was or is taking place.

We believe this open letter is protected activity for whistleblowers, and we consider the company's conduct to be in violation of SEC rules. We are employees who have communicated our concerns in good faith to senior management and the NextEra Energy Board of Directors as our ultimate supervisors regarding conduct we reasonably believe violate one or more of the specific provisions set forth in SEC or SOX rules. In our prior communications and with this letter, as well as with all our complaints to supervisors, we have done more than merely allege that wrongdoing has occurred. We have conveyed and are conveying that our concerns about misconduct are linked to an objectively reasonable belief that our company and its management has intentionally misrepresented or omitted certain facts to current and potential shareholders and investors and, which are and were material and which risked or risk loss. Statements this company has made through official filings, published press releases, responses to media inquiries, social media, promotional and marketing materials, advertisements, speeches, presentations, interviews, and statements by authorized company representatives to the media that have been published in news articles and have been relied upon by not only outside current and potential shareholders and investors but by employees of this company who own shares directly or through 401k and other plans in NextEra Energy (trading as NEE) stock. The company has not only lied to the world, but it has lied to us as employee/shareholders. In deciding where to put our 401k investments, we have relied on what the company has said and, because we know many statements to be false or misleading, and that because many of these false or misleading statements create appearances to the public and certain stakeholder groups that are not true, and which falsely portray the company and its activities, these company actions amount to fraud. Investors who buy, sell or trade NEE

stock, or who may make their investment decisions based on NextEra Energy or Florida Power & Light activity or company representations, including the actions of our senior management, have the right to rely on the truth of those activities, representations and actions. In addition to the claims that others may have, as employees of Florida Power & Light and NextEra Energy Resources, we have our own potential claims against the company in addition to what other investors have. We have been advised Sarbanes Oxly SEC and other rules permit us to report wrongdoing, particularly because our supervisors may be or are complicit in the illegal activities, or have failed and continue to fail to act to stop the corporation and its representatives from misrepresenting facts or take part in improper and illegal activities that are accessible and available to the public, and which investors and shareholders have the right to know when making their investment decisions about our corporation. As employees within the Florida Power & Light and NextEra Energy Resources subsidiaries, we seek continued protection under applicable whistleblower laws. We are not seeking monetary damages at this point but reserve that right, with the advice of our counsel who believes our claims are meritorious. We have not used company resources or time other than our right to communicate at lunch and breaks, and before or after work and on weekend hours we still have left when we're not working until 2am on Power Point presentations for our bosses. It is FRAUD when you have internal systems and processes in place to purposefully hide and conceal information from the public and regulators that would have a bearing on regulatory dockets, affect investor decisions in purchasing or selling NEE stock, and these are directed by Tim Fitzpatrick, our vice president of Marketing & Communication and department directors in Marketing & Communication, and most of all by Eric Silagy, vice president of regulatory and state government affairs, and it now appears with the full support, if not the express direction of senior management across the board.

Below are just seven small examples of fraudulent activities, illegal and immoral behavior being conducted by NextEra Energy, by FPL and by Eric Silagy, Tim Fitzpatrick and others with the approval and authority of senior management. We intend to provide more in the months ahead, as we compile more documents and as you move us at FPL closer to a full blown rate case that cannot be justified if we were really a good company.

1. Deceptive and dishonest activities are rampant as we prepare for our rate case. We promoted Deb Caplan to the position of COO here at FPL. It's laughable. We have now promoted Eric Silagy and Deb Caplan. What message does that send to the rest of us trying to climb the ladder? It tells us if we hoard dollars and find ways, legal or illegal, to get the company more earnings, we get promoted. What does it say about our values and morals? Isn't this just mad? The activities now are pervasive and cascade throughout FPL. Public and media outrage has been so great that we are now spending millions in Marketing & Communication, External Affairs and Governmental/Legislative Affairs budget to enhance our image and counter opposition through increased community donations to build allies for our rate and line up speakers for cost-of-service hearings to take place next spring and summer, advertising and marketing ramping up, political (PAC, 527 and individual campaign) contributions, and we are visiting every opinion elite with a heartbeat and going in front of every organization we can find to try to lay the footing for a new rate case. Editorial upon editorial criticized us for our greed, for our methods, for our attitude of arrogance and entitlement the last time round. Look what Eric Silagy put us through the last time. Look at the embarrassment within the company. Just look at all the news stories, the testimony at the rate case hearings, and we've placed Eric back at the rate case helm again this time. At least we demoted Wade Litchfield and fired Ed Tancer for their poor performance and lack of moral leadership. We did a lousy job doing lousy things with lousy people, and we're readying to do it again it seems. The plain fact is that because our NextEra Energy Resources subsidiary isn't making a lot of money, there's more pressure on us at FPL to get a favorable rate case outcome to make more profit for the company. Look at what our executives testified to at the rate case, at the dire warnings that the sky would fall if we didn't get a favorable rate case ruling last year. None of that came to pass. FPL did better this year than anyone expected. We shouldn't be greedy and demand more...not right now. Yet we're going to try the same tactics to convince the powers that are that failed at in 2010 with the rate case. The Governor has said he doesn't want taxes or rates to increase. So why are we going to spend all our time in Regulatory Affairs and other units

supporting the case, all our weekends working toward a rate case that is futile and doomed to failed because we'll be exposed for what we are: greedy and unable to just live within our means. That is simply nuts.

Since we first wrote to you our scandals have worsened. We've been exposed by regulators to have gamed service hearings with planted shells of community speakers, we've hired dozens of former regulators and staff, had cozy and illegal relations with many officials, made illegal campaign contributions, directed what the media called a campaign to discredit PSC commissioners directly and indirectly, illegally lobbied legislators and regulators, created organizations to funnel cash and gain support for our company positions, we've created and paid others to manage blogs that are fronts for company propaganda, and we have learned that we are using third-party consultants this year and next year to try to remove company fingerprints. We can't legitimately call ourselves one of the Country's Most Admired Companies when we know we shouldn't be admired. Just take a look and search on the dozens of news reports this year and last year on illegal and improper activities by the company, by Eric Silagy personally, and by others at his command. Why we allow our good name to be soiled is beyond the comprehension of us who have been here longer than the so-called new leaders have been.

2. Eric Silagy....Look at the stain his name has created for us. He has directed and taken part in illegal lobbying, illegal communications, illegal campaign contributions, abuse of position, his campaign of fraud against certain PSC commissioners in 2010, his campaign to oust Public Service Commission commissioners and staff, his co-directing a campaign now to mislead customers, regulators and government officials by telling half-truths and partial answers, with chosen and incomplete data, all intended to try to convince decision makers and opinion elite that our upcoming rate case is justified and that up-front recovery for new solar projects is justified.

3. Tim Fitzpatrick....He is at the top of the heap of executives making us give partial responses to the media, not be honest about our intentions, not tell the the truth about the timing of projects and our activities. Worse than that, our customers are paying for the salaries and benefits of those of us in Marketing & Communication, Development and External Affairs who are working 12-hour days and weekends many of us to develop and execute the communications and outreach plans intended to connive and convince our customers why our proposed rate increase is justified. We cannot make our customers pay for the salaries, expenses and materials of those of us working to raise customer rates. That is just wrong, plain and simple.

4. The SEC, state investigators, the PSC, the Office of Public Counsel and law enforcement should demand copies of the complete and full presentations made by Armando Olivera before the NextEra Energy board of directors at its July 28-29 and October 13-14 meetings. Ask for the final and complete Financial/Business and Regulatory presentations made by him. Ask for the drafts of the materials we submitted for the preparation of his and others Power Points decks to the board. Then compare what's in there to what we have said publicly and what data we have provided to our regulators. We have committed fraud, pure and simple.

5. The SEC, state investigators, the PSC, the Office of Public Counsel and law enforcement should demand copies of the complete and full Monthly Operating Performance Reviews (MOPRs) for all the senior management Operating Committee meetings including the April 26, 2011 Operating Committee meeting and those through last month. Ask for the final and complete financial data and operating company and business unit summaries. Then compare what's in there to what we have said and presented publicly and what data we have provided to our regulators. We have committed fraud, pure and simple.

6. We play games with numbers and what they really mean. The recent fuel cost adjustment approved this week by our commissioners was timed to allow us to try to convince decision makers next year when we file for our rate case that the net effect on customer rates is negligible when compared to earlier this year. We are being disingenuous with our customers and the public. We shouldn't be rewarded for fuel costs going down, just as we shouldn't be punished for fuel costs going up. We don't make money

on fuel and we just pass that cost through to our customers. How can we have our media relations specialists sit with a straight face and try to convince the media and public that we deserve a rate increase based on an offset for fuel costs.. The reason we have the lowest rates among electric utilities in Florida is not because we're good. It's because we're lucky. We're lucky that natural gas prices have fallen as much as they have, or else our rates could well be the highest of the investor-owned utilities and higher than other companies. Separately, we say we are making "investments" in our infrastructure that justify higher rates. We aren't making investments. We bet on sure things. An investment requires a risk on your return. If all we are doing is getting up front payment (not recovery as we like to call it) on new plants and we have little or no risk of return or payment, that is not an investment. That is a guarantee. It is because of the arrogance of people like Eric Silagy that we now claim entitlement to higher rates claiming investments that are not even a risk to us of payment or return on investment. If we did things as Paul Evanson did years ago, we would have dealt frankly with our regulators and don't tried to pull the wool over the eyes of the public. Now all we've done is try to lay the groundwork for our regulators to justify a rate increase next case based on fuel cost reductions this year. Better than that, we now have a very friendly, supportive PSC staff that will do whatever we want to do. We're committing fraud against our employee-shareholders, investors and the public.

7. The PSC and the Public Counsel have abdicated their responsibility. Why has no regulator asked our executives if they are aware of processes, expressed verbally, to destroy drafts, hide and conceal documents by placing them and calling them attorney privileged documents, so that even their very existence cannot be known by our regulators. We are lying to the public, to investors and to regulators by hiding and concealing the truth. If Eric Silagy, or Wade Litchfield, or Rene Silva, or Brian Anderson, or Tim Fitzpatrick, or Steve Scroggs, or Sam Forrest were to testify truthfully, they would all have to admit they are aware of documents being destroyed or concealed from the view of regulators and the public. Why do we destroy or hide these documents, or fail to admit to their existence? Are we able to claim some right to destroy them? Does even the existence of claim that a document is privileged and confidential mean it is so when the intent is perpetrate a fraud on the public, on current shareholders, on potential investors who might view our stock, and on government regulators? Why does no one at the PSC require FPL to disclose all document destruction, delete and require justification for documents we are constantly told to imprint as attorney privileged?

The facts behind these issues are undeniable. We have engaged in a repeated pattern of lies and deception aimed at one thing, to maximize profits at customer expense while perpetrating fraud on our employee-shareholders, investors and all the communities we serve. You are defiant or blind or complicit. It's that simple. No good leader would allow executives like Silagy and Fitzpatrick to do and have others do what they direct and not hold them accountable for the failures and the fraud. You at least fired Ed Tancer and you demoted Wade Litchfield back to the position he held before, but you and others (Jim Robo and Armando Olivera??) are afraid to do what's needed to clean up the company. Those of us who witnessed your firing Mitch Davidson in October know the truth. You fired him because he didn't hit the earnings numbers you wanted even though those of us in NextEra Energy Resources know Mitch didn't even go to the bathroom on the job without asking permission of Jim Robo. You replace him with a man who had no operational experience before. Now look what we're going through here at NextEra Energy Resources with nothing more than an accountant number-cruncher at the helm!! Yet you fire Mitch Davidson and keep and promote Eric Silagy and don't replace Tim Fitzpatrick? For us below them, we have to conclude they must know too much about-the inner bowels of our company to get fired.

You told the public our prior claims were without merit, baseless, "unsupported and unsubstantiated," yet we are honestly and forthrightly raising legitimate concerns. You say we had two exhaustive investigations, and that neither found any evidence of illegalities. You said no evidence was found. That is not true. Investigators and HR found a culture lacking in honesty, a culture of disfunction within Marketing & Communication, a culture of distrust and deceit by our leaders such as Eric Silagy and others.

We encourage other employees to take whatever communication steps are necessary to further expose NextEra Energy and subsidiary fraud and these and other bad company leaders doing bad things.

Please take these issues seriously. This month is the tenth anniversary of the fall of Enron. We'd like to believe the company and you care about what Jim Robo told us at a meeting in June: Doing well by doing good. Let's proof that by actions rather than hollow words. We will communicate more in the coming weeks and months.

Respectfully submitted,

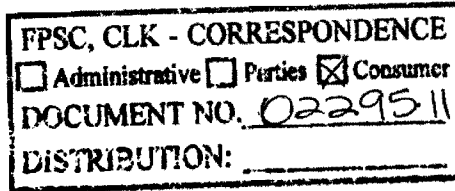
A passionate group of FPL and NextEra Energy Resources employees who seek honesty and change management from our CEO and Board

(Copies to all NextEra Energy board members, major customers, regulators, government officials, institutional investors, analysts, the SEC and other law enforcement, and the press)

**Diamond Williams**

100312-E1

**From:** Diamond Williams  
**Sent:** Thursday, July 14, 2011 1:23 PM  
**To:** Ann Cole  
**Cc:** Dorothy Menasco; Hong Wang  
**Subject:** RE: RE: 7/7/11



Thank you for this information. This attachment has been printed and placed in **Docket Correspondence-Consumers and their Representatives**, in Docket 100312-E1.

Thank you,

Diamond Williams  
Comm. Deputy Clerk I  
Office of Commission Clerk  
Florida Public Service Commission  
Email: [diwillia@psc.state.fl.us](mailto: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.

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**From:** Carol Purvis **On Behalf Of** Ann Cole  
**Sent:** Thursday, July 14, 2011 10:38 AM  
**To:** Diamond Williams  
**Cc:** Dorothy Menasco; Hong Wang; Ann Cole  
**Subject:** FW: RE: 7/7/11

Please handle

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**From:** Office of Commissioner Balbis  
**Sent:** Thursday, July 14, 2011 9:20 AM  
**To:** Ann Cole  
**Cc:** Larry Harris; Adam Teitzman  
**Subject:** FW: RE: 7/7/11

Ann,

Please place the email below in Docket Correspondence -Consumers and their Representatives, in Docket No. 100312-E1

Thanks,  
Cristina

---

**From:** [REDACTED]  
**Sent:** Thursday, July 14, 2011 12:01 AM

7/14/2011

**To:** Heidi.Ellenberger@fpl.com; Rory.Gene.Ricketts@fpl.com  
**Cc:** Office Of Commissioner Graham; Office Of Commissioner Edgar; Office of Commissioner Brisé; Office of Commissioner Balbis; Office of Commissioner Brown  
**Subject:** RE: RE: 7/7/11

Mrs. Ellenberger and Mr. Ricketts,

Whether FPL is unaware of this law or disagrees that "que tacet consentire - silence gives consent" tacit agreements with Declaration and no company appeal before this case closed seals resolution in our favor.

-- On **Wed, 7/13/11**, **Ellenberger, Heidi** <Heidi.Ellenberger@fpl.com> wrote:

From: Ellenberger, Heidi <Heidi.Ellenberger@fpl.com>  
Subject: RE: RE: 7/7/11  
To: [REDACTED]  
Cc: "Ricketts, Rory.Gene" <Rory.Gene.Ricketts@fpl.com>  
Date: Wednesday, July 13, 2011, 1:39 PM

Dear [REDACTED] as we've explained before, we respectfully disagree with your statement, as our counsel has advised differently. Please contact the FPSC to confirm your understanding. Thank you.

Best regards,

Heidi Ellenberger  
Regulatory Customer Relations Manager  
305.552.2950 (office)

---

From: [REDACTED]  
Sent: Wednesday, July 13, 2011 12:02 AM  
To: Ellenberger, Heidi  
Subject: Fw: RE: 7/7/11

--- On **Wed, 7/13/11**, [REDACTED] wrote:

From: [REDACTED]  
Subject: RE: 7/7/11  
To: "Rory.GeneRicketts" <Rory.Gene.Ricketts@fpl.com>  
Cc: chairman.graham@psc.state.fl.us, commissioner.edgar@psc.state.fl.us,  
commissioner.brise@psc.state.fl.us, commissioner.balbis@psc.state.fl.us,  
commissioner.brown@psc.state.fl.us  
Date: Wednesday, July 13, 2011, 4:00 AM

Mr. Ricketts and Mrs. Ellenberger,

The reply is appreciated, except "... clarification on their ruling ..." as the law on Counsel's and Commission's docketed silence about the Declaration is clear. Rather, from Commission we seek protection of Account and fulfillment of Declaration.

--- On **Tue, 7/12/11**, **Ricketts, Rory.Gene** <Rory.Gene.Ricketts@fpl.com> wrote:

From: Ricketts, Rory.Gene <Rory.Gene.Ricketts@fpl.com>  
Subject: RE: 7/7/11  
To: [REDACTED]  
Cc: "Ellenberger, Heidi" <Heidi.Ellenberger@fpl.com>  
Date: Tuesday, July 12, 2011, 8:38 PM

7/14/2011



Dear [REDACTED] and [REDACTED]

This is in response to your email below and our telephone conversation on July 11, 2011. It continues to be FPL's position that the balance is due and payment is required in full. Based on our conversation, you have reached out to the Florida Public Service Commission for clarification on their ruling. I have attached a copy of the letter which was delivered to you on July 8, which stated your final noticed amount of \$2,642.26 was extended until 07/11/11. As a courtesy, the account is protected until July 18, 2011. In addition, the two options offered are still available upon your agreement, however must be completed prior to July 18th to avoid any collection action on your account.

If you have any questions, please contact me at 1-800-397-6544 ext 16.

Best regards,  
Rory Ricketts  
FPL Corporate Resolution Specialist

---

**From:** [REDACTED]  
**Sent:** Monday, July 11, 2011 4:01 PM  
**To:** Ricketts, Rory.Gene; Ellenberger, Heidi  
**Subject:** 7/7/11

Mr. Ricketts (and Mrs. Ellenberger),

With respect to your July 7, 2011 Overnight Mail

Yes, Customer Service was contacted as the most recent statement was lost, that 7/8/11 overpayment was made of service this month. Note [REDACTED] and I have paid consistently for service without deductions and where there was no dispute. Recall on 6/17/11 though you expressed dissatisfaction that our June payment did not include FPL's taxes you made no further comments.

On 7/8/11 your letter was delivered with no orders enclosed. My statement about all bills being discharged is a docketed fact, and as 4/8/11 Order acquiesces this case closed in our favor. Your demand for today, 7/11/11, is unreasonable and must not subject our service to disconnection. Instead of brutal threats of electric interruption, collection action while unwarranted could be pursued civilly with removal of the unaffordable amount to a separate account or agency. However, to maintain essential electric service FPL forces us to accept an unfair FPL unilateral agreement or your ultimatum. If FPL is committed to fair treatment of all customers then this matter can end without such bias and mistruths, and with this jobless and elderly couple over paying to your demand in a reasonable amount of time (where referrals for program assistance would be helpful they would be appreciated) or signing the agreement.

7/14/2011

**Diamond Williams**

100312-EI

**From:** Diamond Williams  
**Sent:** Thursday, July 14, 2011 1:20 PM  
**To:** Ann Cole  
**Cc:** Dorothy Menasco; Hong Wang  
**Subject:** RE: RE: 7/7/11

Thank you for this information. This attachment has been printed and placed in **Docket Correspondence-Consumers and their Representatives**, in Docket 100312-EI.

Thank you,

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

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DISTRIBUTION: _____		

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**From:** Carol Purvis **On Behalf Of** Ann Cole  
**Sent:** Thursday, July 14, 2011 8:57 AM  
**To:** Diamond Williams  
**Cc:** Dorothy Menasco; Hong Wang; Ann Cole  
**Subject:** FW: RE: 7/7/11

Please handle

---

**From:** Betty Leland **On Behalf Of** Office Of Commissioner Graham  
**Sent:** Thursday, July 14, 2011 8:43 AM  
**To:** Ann Cole  
**Subject:** FW: RE: 7/7/11

Please add to Docket 100312.

Thanks.

---

**From:** [REDACTED]  
**Sent:** Thursday, July 14, 2011 12:01 AM  
**To:** Heidi.Ellenberger@fpl.com; Rory.Gene.Ricketts@fpl.com  
**Cc:** Office Of Commissioner Graham; Office Of Commissioner Edgar; Office of Commissioner Brisé; Office of Commissioner Balbis; Office of Commissioner Brown  
**Subject:** RE: RE: 7/7/11

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To: [REDACTED]  
Cc: "Ricketts, Rory.Gene" <Rory.Gene.Ricketts@fpl.com>  
Date: Wednesday, July 13, 2011, 1:39 PM

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Regulatory Customer Relations Manager  
305.552.2950 (office)

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**Subject:** Fw: RE: 7/7/11

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From: [REDACTED]  
Subject: RE: 7/7/11  
To: "Rory.GeneRicketts" <Rory.Gene.Ricketts@fpl.com>  
Cc: chairman.graham@psc.state.fl.us, commissioner.edgar@psc.state.fl.us,  
commissioner.brise@psc.state.fl.us, commissioner.balbis@psc.state.fl.us,  
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Cc: "Ellenberger, Heidi" <Heidi.Ellenberger@fpl.com>  
Date: Tuesday, July 12, 2011, 8:38 PM

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7/14/2011

This is in response to your email below and our telephone conversation on July 11, 2011. It continues to be FPL's position that the balance is due and payment is required in full. Based on our conversation, you have reached out to the Florida Public Service Commission for clarification on their ruling. I have attached a copy of the letter which was delivered to you on July 8, which stated your final noticed amount of \$2,642.26 was extended until 07/11/11. As a courtesy, the account is protected until July 18, 2011. In addition, the two options offered are still available upon your agreement, however must be completed prior to July 18th to avoid any collection action on your account.

If you have any questions, please contact me at 1-800-397-6544 ext 16.

Best regards,  
Rory Ricketts  
FPL Corporate Resolution Specialist

---

**From:** [REDACTED]  
**Sent:** Monday, July 11, 2011 4:01 PM  
**To:** Ricketts, Rory.Gene; Ellenberger, Heidi  
**Subject:** 7/7/11

Mr. Ricketts (and Mrs. Ellenberger),

With respect to your July 7, 2011 Overnight Mail

Yes, Customer Service was contacted as the most recent statement was lost, that 7/8/11 overpayment was made of service this month. Note [REDACTED] and I have paid consistently for service without deductions and where there was no dispute. Recall on 6/17/11 though you expressed dissatisfaction that our June payment did not include FPL's taxes you made no further comments.

On 7/8/11 your letter was delivered with no orders enclosed. My statement about all bills being discharged is a docketed fact, and as 4/8/11 Order acquiesces this case closed in our favor. Your demand for today, 7/11/11, is unreasonable and must not subject our service to disconnection. Instead of brutal threats of electric interruption, collection action while unwarranted could be pursued civilly with removal of the unaffordable amount to a separate account or agency. However, to maintain essential electric service FPL forces us to accept an unfair FPL unilateral agreement or your ultimatum. If FPL is committed to fair treatment of all customers then this matter can end without such bias and mistruths, and with this jobless and elderly couple over paying to your demand in a reasonable amount of time (where referrals for program assistance would be helpful they would be appreciated) or signing the agreement.

7/14/2011

**Diamond Williams**

100312-EI

**From:** Ann Cole  
**Sent:** Tuesday, July 12, 2011 4:17 PM  
**To:** Katherine Fleming  
**Cc:** Commissioners Advisors; Administrative Assistants - Commission Suite; Diamond Williams  
**Subject:** FW: 7/11/11 agreement

Thank you for this information, which will be placed in *Docket Correspondence - Consumers and their Representatives*, in Docket No. 100312-EI.

**From:** Katherine Fleming  
**Sent:** Tuesday, July 12, 2011 2:18 PM  
**To:** Ann Cole  
**Cc:** Kathleen Stewart  
**Subject:** FW: 7/11/11 agreement

FPSC, CLK - CORRESPONDENCE		
<input type="checkbox"/> Administrative	<input type="checkbox"/> Parties	<input checked="" type="checkbox"/> Consumer
DOCUMENT NO. 02295-11		
DISTRIBUTION: _____		

Ann,

Please place the following in Docket No. 100312-EI.

Thank you,

Katherine E. Fleming  
 Chief Advisor to Commissioner Brown  
 Florida Public Service Commission  
 2540 Shumard Oak Boulevard  
 Tallahassee, FL 32399  
 (850) 413-6028 (Office)  
 (850) 413-6029 (Facsimile)

*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.*

**From:** [REDACTED]  
**Sent:** Tuesday, July 12, 2011 8:01 AM  
**To:** Office Of Commissioner Graham; Office Of Commissioner Edgar; Office of Commissioner Brisé; Office of Commissioner Balbis; Office of Commissioner Brown  
**Cc:** Rory.Gene.Ricketts@fpl.com; Heidi.Ellenberger@fpl.com  
**Subject:** 7/11/11 agreement

Commissioners,

The result of my 7/11/11 telephone conversation with FPL's Corporate Specialist was the agreement that you receive this letter today. This Customer and the Company welcomes your response via email to [REDACTED], Rory.Gene.Ricketts@fpl.com and Heidi.Ellenberger@fpl.com respectively, by Friday July 15, 2011, about this issue:

You are aware 4/8/11 Order of Docket No. 100312-EI neither denies nor rebuts 4/5/11 filed Declaration, and there is agreement among Commissioners (and Staff), Company Counsel and Customer that none (can) deny the relief granted Petitioners. As the Commission acquiesced, plus the Company also agreed

7/12/2011

by silence, and Case closed, most people certainly would conclude the outcome in Customer's favor. As a matter of law this ordinary understanding supersedes every other interpretation. Unfortunately the Company ignored essential facts and with rash misjudgment has demanded excessive overpayment, issued and refused to substantively modify an unfair, unilateral confidentiality settlement agreement and conveyed an unwarranted threat to disconnect electric service though the account is current, as where there is no dispute Customer has paid consistently for monthly service since account inception. Given Commission's role to balance protection of Customer with interests of Company, and Commissioners' social relations with Florida Power and Light Company executives, would you guide them to immediately and permanently protect this Customer account and honor Declaration.

Respectfully,

7/12/2011

**Diamond Williams**

100312-E1

**From:** Ann Cole  
**Sent:** Wednesday, July 13, 2011 10:39 AM  
**To:** Katherine Fleming  
**Cc:** Commissioners Advisors; Administrative Assistants - Commission Suite; Diamond Williams  
**Subject:** FW: 7/7/11

Thank you for this information, which will be placed in *Docket Correspondence - Consumers and their Representatives*, in Docket No. 100312-EI.

**From:** Katherine Fleming  
**Sent:** Wednesday, July 13, 2011 9:37 AM  
**To:** Ann Cole  
**Cc:** Kathleen Stewart  
**Subject:** FW: 7/7/11

FPSC, CLK - CORRESPONDENCE		
<input type="checkbox"/> Administrative	<input type="checkbox"/> Parties	<input checked="" type="checkbox"/> Consumer
DOCUMENT NO. 02295-11		
DISTRIBUTION: _____		

Ann,

Please place the following in Docket No. 100312-EI.

Thank you,

Katherine E. Fleming  
Chief Advisor to Commissioner Brown  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399  
(850) 413-6028 (Office)  
(850) 413-6029 (Facsimile)

*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.*

**From:** [REDACTED]  
**Sent:** Wednesday, July 13, 2011 12:01 AM  
**To:** Rory.GeneRicketts  
**Cc:** Office Of Commissioner Graham; Office Of Commissioner Edgar; Office of Commissioner Brisé; Office of Commissioner Balbis; Office of Commissioner Brown  
**Subject:** RE: 7/7/11

Mr. Ricketts and Mrs. Ellenberger,

The reply is appreciated, except "... clarification on their ruling ..." as the law on Counsel's and Commission's docketed silence about the Declaration is clear. Rather, from Commission we seek protection of Account and fulfillment of Declaration.

--- On Tue, 7/12/11, Ricketts, Rory.Gene <Rory.Gene.Ricketts@fpl.com> wrote:

|

7/13/2011

From: Ricketts, Rory.Gene <Rory.Gene.Ricketts@fpl.com>  
 Subject: RE: 7/7/11  
 To: [REDACTED]  
 Cc: "Ellenberger, Heidi" <Heidi.Ellenberger@fpl.com>  
 Date: Tuesday, July 12, 2011, 8:38 PM

Dear [REDACTED] and [REDACTED]

This is in response to your email below and our telephone conversation on July 11, 2011. It continues to be FPL's position that the balance is due and payment is required in full. Based on our conversation, you have reached out to the Florida Public Service Commission for clarification on their ruling. I have attached a copy of the letter which was delivered to you on July 8, which stated your final noticed amount of \$2,642.26 was extended until 07/11/11. As a courtesy, the account is protected until July 18, 2011. In addition, the two options offered are still available upon your agreement, however must be completed prior to July 18th to avoid any collection action on your account.

If you have any questions, please contact me at 1-800-397-6544 ext 16.

Best regards,  
 Rory Ricketts  
 FPL Corporate Resolution Specialist

---

**From:** [REDACTED]  
**Sent:** Monday, July 11, 2011 4:01 PM  
**To:** Ricketts, Rory.Gene; Ellenberger, Heidi  
**Subject:** 7/7/11

Mr. Ricketts (and Mrs. Ellenberger),

With respect to your July 7, 2011 Overnight Mail

Yes, Customer Service was contacted as the most recent statement was lost, that 7/8/11 overpayment was made of service this month. Note [REDACTED] and I have paid consistently for service without deductions and where there was no dispute. Recall on 6/17/11 though you expressed dissatisfaction that our June payment did not include FPL's taxes you made no further comments.

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7/13/2011



**Diamond Williams**

100312-EI

**From:** Ann Cole  
**Sent:** Tuesday, July 12, 2011 9:53 AM  
**To:** Office Of Commissioner Graham  
**Cc:** Commissioners Advisors; Administrative Assistants - Commission Suite; Mary Anne Helton; Diamond Williams  
**Subject:** FW: 7/11/11 agreement

Thank you for this information, which will be placed in *Docket Correspondence - Consumers and their Representatives*, in Docket No. 100312-EI.

**From:** Betty Leland **On Behalf Of** Office Of Commissioner Graham  
**Sent:** Tuesday, July 12, 2011 9:27 AM  
**To:** Ann Cole; Mary Anne Helton  
**Subject:** FW: 7/11/11 agreement

FPSC, CLK - CORRESPONDENCE		
<input type="checkbox"/> Administrative	<input type="checkbox"/> Parties	<input checked="" type="checkbox"/> Consumer
DOCUMENT NO. 00245-11		
DISTRIBUTION: _____		

Please add to docket file 100312.

Thanks.

**From:** [REDACTED]  
**Sent:** Tuesday, July 12, 2011 8:01 AM  
**To:** Office Of Commissioner Graham; Office Of Commissioner Edgar; Office of Commissioner Brisé; Office of Commissioner Balbis; Office of Commissioner Brown  
**Cc:** Rory.Gene.Ricketts@fpl.com; Heidi.Ellenberger@fpl.com  
**Subject:** 7/11/11 agreement

Commissioners,

The result of my 7/11/11 telephone conversation with FPL's Corporate Specialist was the agreement that you receive this letter today. This Customer and the Company welcomes your response via email to [REDACTED], Rory.Gene.Ricketts@fpl.com and Heidi.Ellenberger@fpl.com respectively, by Friday July 15, 2011, about this issue:

You are aware 4/8/11 Order of Docket No. 100312-EI neither denies nor rebuts 4/5/11 filed Declaration, and there is agreement among Commissioners (and Staff), Company Counsel and Customer that none (can) deny the relief granted Petitioners. As the Commission acquiesced, plus the Company also agreed by silence, and Case closed, most people certainly would conclude the outcome in Customer's favor. As a matter of law this ordinary understanding supersedes every other interpretation. Unfortunately the Company ignored essential facts and with rash misjudgment has demanded excessive overpayment, issued and refused to substantively modify an unfair, unilateral confidentiality settlement agreement and conveyed an unwarranted threat to disconnect electric service though the account is current, as where there is no dispute Customer has paid consistently for monthly service since account inception. Given Commission's role to balance protection of Customer with interests of Company, and Commissioners' social relations with Florida Power and Light Company executives, would you guide them to immediately and permanently protect this Customer account and honor Declaration.

Respectfully,

7/12/2011

Diamond Williams

**CONSUMER**

100312-E1

**From:** Ann Cole  
**Sent:** Wednesday, April 06, 2011 11:16 AM  
**To:** Office of Commissioner Brisé  
**Cc:** Commissioners Advisors; Administrative Assistants - Commission Suite; Diamond Williams  
**Subject:** FW: briefing  
**Attachments:** 040611.docx

Thank you for this information. The printed attachment and this e-mail will be placed in *Docket Correspondence -Consumers and their Representatives*, in Docket Nos. 100175-TL and 100312-E1.

---

**From:** Office of Commissioner Balbis  
**Sent:** Wednesday, April 06, 2011 11:11 AM  
**To:** Ann Cole  
**Cc:** Lisa Bennett  
**Subject:** FW: briefing  
Ann,

Please place the attached in Docket Correspondence - Consumers and their Representatives in Docket Nos. 100175-TL and 100312-E1.

Thanks,  
Cristina

---

**From:** [REDACTED]  
**Sent:** Wednesday, April 06, 2011 9:09 AM  
**To:** Office Of Commissioner Graham; Office Of Commissioner Edgar; Office of Commissioner Brisé; Office of Commissioner Balbis; Office of Commissioner Brown  
**Subject:** briefing

Good day, no doubt you are aware of mingling among Staffers, Commissioners and FPL representatives. Calls, drinks and lobby meetings have raised concern because Public was excluded. I request a briefing in response to the attached.

DOCUMENT NUMBER-DATE

02295 APR-6 =

FPSC-COMMISSION CLERK

4/6/2011

April 6, 2011

Commissioners  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399-0850

Commissioners,

I was a Petitioner in docket 100175-TL, 100312-EI and appreciate it is resolved and that justice was administered. Moving forward the same issue should not recur with my access to a livable wage.

Your recommendation is valued to help secure my shadow lobbyist position with a K St. firm, e.g. JC Watts Group.

Time has proven my work to be multifaceted and well commended. Employment would add to tax revenues. Who will match my talents to a favorable situation?

May you reply today.

Respectfully,

A black rectangular redaction box covering the signature of the sender.

**Diamond Williams**

100312-E1

---

**From:** Ann Cole  
**Sent:** Wednesday, April 06, 2011 11:16 AM  
**To:** Office of Commissioner Brisé  
**Cc:** Commissioners Advisors; Administrative Assistants - Commission Suite; Diamond Williams  
**Subject:** FW: briefing  
**Attachments:** 040611.docx

Thank you for this information. The printed attachment and this e-mail will be placed in *Docket Correspondence -Consumers and their Representatives*, in Docket Nos. 100175-TL and 100312-EI.

---

**From:** Office of Commissioner Balbis  
**Sent:** Wednesday, April 06, 2011 11:11 AM  
**To:** Ann Cole  
**Cc:** Lisa Bennett  
**Subject:** FW: briefing  
Ann,

Please place the attached in Docket Correspondence - Consumers and their Representatives in Docket Nos. 100175-TL and 100312-EI.

Thanks,  
Cristina

---

**From:** [REDACTED]  
**Sent:** Wednesday, April 06, 2011 9:09 AM  
**To:** Office Of Commissioner Graham; Office Of Commissioner Edgar; Office of Commissioner Brisé; Office of Commissioner Balbis; Office of Commissioner Brown  
**Subject:** briefing

Good day, no doubt you are aware of mingling among Staffers, Commissioners and FPL representatives. Calls, drinks and lobby meetings have raised concern because Public was excluded. I request a briefing in response to the attached.

4/6/2011

April 6, 2011

Commissioners  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399-0850

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May you reply today.

Respectfully,

A black rectangular redaction box covering the signature of the sender.

**Diamond Williams**100312-E1

**From:** Ann Cole  
**Sent:** Wednesday, April 06, 2011 10:59 AM  
**To:** Office Of Commissioner Edgar  
**Cc:** Commissioners Advisors; Administrative Assistants - Commission Suite; Diamond Williams  
**Subject:** FW: briefing  
**Attachments:** 040611.docx

Thank you for this information. The printed attachment and this e-mail will be placed in *Docket Correspondence -Consumers and their Representatives*, in Docket Nos. 100175-TL and 100312-E1.

---

**From:** Office Of Commissioner Edgar  
**Sent:** Wednesday, April 06, 2011 9:16 AM  
**To:** Ann Cole  
**Subject:** FW: briefing

Please place the attached in Docket No. 100175-TL and 100312-E1. Thank you.

*Roberta*

Roberta S. Bass  
 Chief Advisor to Commissioner Edgar  
 Florida Public Service Commission  
 2540 Shumard Oak Boulevard  
 Tallahassee, FL 32399  
 (850) 413-6016 (Office)  
 (850) 413-6017 (Facsimile)  
 (850) 559-7291 (Mobile)  
[roberta.bass@psc.state.fl.us](mailto:roberta.bass@psc.state.fl.us)

---

**From:** [REDACTED]  
**Sent:** Wednesday, April 06, 2011 9:09 AM  
**To:** Office Of Commissioner Graham; Office Of Commissioner Edgar; Office of Commissioner Brisé; Office of Commissioner Balbis; Office of Commissioner Brown  
**Subject:** briefing

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April 6, 2011

Commissioner's  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399-0850

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Time has proven my work to be multifaceted and well commended. Employment would add to tax revenues. Who will match my talents to a favorable situation?

May you reply today.

Respectfully,

SF

S. Ferrell