

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

**DOCKET NO. 110009-EI
FLORIDA POWER & LIGHT COMPANY**

**IN RE: NUCLEAR POWER PLANT COST RECOVERY AMOUNT
TO BE RECOVERED DURING THE PERIOD
JANUARY - DECEMBER 2012**

REBUTTAL TESTIMONY OF:

WINNIE POWERS

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5 **JULY 25, 2011**

6

7 **Q. Please state your name and business address.**

8 A. My name is Winnie Powers. My business address is 700 Universe Blvd., Juno
9 Beach, FL 33408.

10 **Q. Have you previously provided testimony in this docket?**

11 A. Yes.

12 **Q. What is the purpose of your rebuttal testimony?**

13 A. My rebuttal testimony addresses Staff Witness Kathy L. Welch's testimony
14 which includes the Staff Audit for the year ended December 31, 2010 for
15 FPL's Turkey Point 6 & 7 nuclear project.

16 **Q. To which portion of Witness Kathy L. Welch's testimony are you
17 responding?**

18 A. I direct my comments to the audit finding related to "lobbying expense" and
19 Witness Welch's recommendation with respect to the related costs. FPL does
20 not believe the registration fees described in the audit finding are lobbying
21 costs. As stated by the Company and included in Ms. Welch's Exhibit K LW-
22 2, page 4 "[t]he fee is a requirement to attend Miami-Dade County Agency
23 meetings. As part of the permitting and licensing effort FPL New Nuclear
24 team employees are required to attend Agency meetings.

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The Turkey Point 6 & 7 project requires a recommendation of Miami-Dade County. The County Ethics Ordinance defines lobbying very broadly to include “all persons...who seeks to encourage the passage...of...any action, decision, recommendation of the County Manager or any County board or committee...or recommendation of County personnel during the time period of the entire decision-making process ...”. There are a number of project team members that must routinely meet with personnel of Miami-Dade County regarding the project. As such, it would be impossible for these project team members to interact with County staff on the project without potentially implicating this broad definition of “lobbying”.

FPL therefore determined that it would be prudent to register these individuals to ensure compliance with the local ordinance and to protect against a claim of “lobbying” without registration. This registration requires a fee of \$490 per person (total charge of \$3,430).

Q. How has FPL addressed Ms. Welch’s audit finding.

A. While FPL does not believe these registration fees are lobbying costs, FPL removed the costs from the Turkey Point 6 & 7 project in May 2011. The accounting entry to reflect this adjustment was provided to the Audit Staff.

Q. How does the Company propose to reflect Ms. Welch’s finding?

A. The Company recommends that the adjustment should be reflected in FPL’s 2011 Preconstruction True-up Nuclear Filing Requirement (NFR) schedule

1 which will be filed March 1, 2012. This avoids potential confusion from re-
2 submitting FPL's NFR schedules in the current proceeding, while ensuring
3 that the adjustment is reflected in next year's requested nuclear cost recovery
4 amount.

5 **Q. Does this conclude your testimony?**

6 **A. Yes.**