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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/>.

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

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

DOCUMENT NUMBER - DATE

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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.

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- 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

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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.

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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