

REQUEST TO ESTABLISH DOCKET

(Please type or print. File original *plus* 1 copy with CLK.)

Date:	2/11/2010	Docket No.:	100077-EI
1. From Staff / Division:	Marshall Willis / Ecr		
2. OPR:	ECR		
3. OCR:	GLC, APA		
4. Suggested Docket Title:	Investigation of the appropriateness of the affiliate product offerings to FP&L customers		
5. Program/Module/Submodule Assignment:	A18		
6. Suggested Docket Mail List.			
a. Provide NAMES/ACRONYMS, if registered company.		<input type="checkbox"/> Provided as an Attachment	
Company Code, if applicable:	Parties (include address, if different from MCD):	Representatives (name and address):	
EI802	Florida Power and Light		
	Office of Public Counsel		
b. Provide COMPLETE NAME AND ADDRESS for all others. (match representatives to companies)			
Company Code, if applicable:	Interested persons, if any, (include address, if different from MCD):	Representatives (name and address):	
7. Check one:	<input checked="" type="checkbox"/> Supporting Documentation Attached		<input type="checkbox"/> To be provided with Recommendation
Comments:			

DOCUMENT NUMBER-DATE
00943 FEB 11 2010
FPSC-COMMISSION CLERK

Marshall Willis

From: Lisa Bennett
Sent: Thursday, February 11, 2010 11:09 AM
To: Marshall Willis; Tim Devlin; Cheryl Bulecza-Banks
Subject: FW: January 13, 2010 Special Conference Agenda Minutes

Lisa C. Bennett
Office of the General Counsel
2540 Shumard Oak Boulevard
Tallahassee, FL
850-413-6230

From: Ann Cole
Sent: Thursday, February 11, 2010 10:38 AM
To: Chuck Hill; Curt Kiser; Mary Anne Helton; Jennifer Brubaker; Samantha Cibula; Adam Teitzman; Lisa Bennett
Subject: January 13, 2010 Special Conference Agenda Minutes

After review of the record, proposed changes have been made to the decision on Issue 109 of the 01/13/10 Special Agenda Conference to more closely reflect the vote as recorded on the transcript. If you have any questions or concerns regarding this changes, please let me know by close of business day on Monday, February 15, 2010; otherwise, this revision will be incorporated into the minutes placed on the next Commission agenda conference.

Thank you.

Issue 109:

Should adjustments be made for the net operating income effects of transactions with affiliated companies for FPL?

Recommendation:

Staff recommends that 1) the Company's proposed adjustment for the forecast data be accepted, 2) that no adjustment be made for stale allocation drivers as recommended by OPC, 3) that no adjustment be made for the Massachusetts Formula as recommended by OPC, 4) that no adjustment be made for FPL Energy Services as recommended by OPC, 5) that OPC's recommended adjustment to the charges from FiberNet to FPL be accepted, and 6) that no adjustment be made for the power monitoring revenue as recommended by OPC. The dollar amounts associated with staff's recommendation are shown below.

A. For the 2010 projected test year?

Staff recommends 1) that O&M expense and Taxes Other Than Income Taxes be decreased by \$3,373,000 and \$510,000, respectively, for the 2010 test year, 2) no adjustment, 3) no adjustment, 4) no adjustment, 5) that O&M expenses be reduced by \$1,182,224 for the 2010 test year, and 6) no adjustment. The total recommended reduction for O&M expense and Taxes Other Than Income Taxes is \$4,555,224 and \$510,000, respectively, for the 2010 test year.

B. For the 2011 subsequent projected test year?

If applicable, staff recommends 1) that O&M expense and Taxes Other Than Income Taxes be decreased by \$3,592,000 and \$543,000, respectively, for the 2010 test year, 2) no adjustment, 3) no adjustment, 4) no adjustment, 5) that O&M expenses be reduced by \$1,182,224 for the 2010 test year, and 6) no

00943 FEB 11 9

2/11/2010

FPSC-COMMISSION CLERK

adjustment. The total recommended reduction for O&M expense and Taxes Other Than Income Taxes is \$4,774,224 and \$543,000, respectively, for the 2011 test year.

CHANGED FROM-

DECISION: The recommendation for part A was approved; on the Commission's own motion, a docket is to be opened to investigate the appropriate relationship, or offerings through FPLs affiliates, noting that the Commission has denied test year 2011, making Issue 109B moot.

TO-

DECISION: The recommendation for part A was approved; on the Commission's own motion, a docket is to be opened to investigate the relationship on the appropriateness of the affiliate product offering to FP&L customers, noting that the Commission has denied test year 2011, making Issue 109B moot.

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Based on review of the Transcript, DN 00360-10

Page 261, Lines 14-17-

(COMMISSIONER SKOP SPEAKING) I'm unhappy with these product offerings because I feel they're predatory and illusory to FP&L's customers, and I think that we have -- from a regulatory perspective, we certainly regulate FP&L.

and the vote starting of page 263-

COMMISSIONER SKOP: I'd move to approve staff recommendation with the amendment that we create a -- on Commission's own motion to initiate another -- a docket to investigate the relationship on the appropriateness of the affiliate offering these products to FP&L customers.

CHAIRMAN ARGENZIANO: There's a motion.

COMMISSIONER STEVENS: I'll second that motion.

CHAIRMAN ARGENZIANO: Any discussion, questions? All those in favor of the motion, indicate by aye.

(Chorus of ayes.)

CHAIRMAN ARGENZIANO: All those opposed, same sign.

(No response.)