

State of Florida



Public Service Commission

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

-M-E-M-O-R-A-N-D-U-M-

DATE: September 8, 2010
TO: Ann Cole, Commission Clerk, Office of Commission Clerk
FROM: Timothy J. Devlin, Executive Director *TJD*
RE: Docket No. 080677-EI - Petition for Increase in Rates by Florida Power & Light Company

RECEIVED FPSC
10 SEP -9 AM 8:46
COMMISSION CLERK

Please place the attached document titled "Florida Department of Law Enforcement Investigate Report" in the docket file for Docket No. 080677-EI.

Thank you.

DOCUMENT NUMBER: 07543

SEP-9 8

FPSC-COMMISSION CLERK

**FLORIDA DEPARTMENT OF LAW ENFORCEMENT
INVESTIGATIVE REPORT**

On Thursday, February 11, 2010, Special Agent Supervisor (SAS) Robert LeFiles received a telephone call from an unknown male caller who identified himself as a current FLORIDA POWER AND LIGHT CO INC (FPL) employee. The caller stated that he was speaking on behalf of a group of FPL employees who purported to have information against various members of FPL's executive leadership who allegedly committed fraud during FPL's recent unsuccessful rate increase request of the Florida Public Service Commission (PSC). The caller also alleged that "his group" had authored two recent anonymous letters referencing their concerns to Lew Hay, Chairman and Chief Executive Officer of FPL Group, Inc.

The caller explained that the group was in fear of retaliation should FPL learn the identities of those attempting to provide information to law enforcement. As a result, the caller declined to identify himself and additionally, in some cases, declined to provide specific complaint information because only a few FPL employees would have been aware of the specific complaint information.

The caller provided, in summary, the following information/allegations:

- He represents a group of approximately 22 current FPL employees, most serve in positions of middle management.
- FPL abuses the protection provided by the "Attorney-Client Privilege" and forces FPL employees to sign "Confidentiality Agreements" to prevent them from reporting improper or illegal conduct witnessed within FPL.
- A law enforcement investigation of FPL's conduct would need to start with a comparison of various FPL organizational charts. The comparison should include the November 2008 chart, the March 21, 2009 chart, and the current chart. The caller also cautioned that when requesting the charts from FPL to request the organizational chart to include officers "three levels below".
- FPL is believed to keep 2 or 3 different sets of financial records.
- FPL operates from different budgets than it submits to the PSC.
- All FPL communications with the PSC are through FPL attorneys to maintain the ability to assert Attorney-Client privilege.
- Bob Barrett was the FPL witness on the referenced rate case before the PSC. Barrett was moved out of the FPL chain of command so that he would have "plausible deniability" and would not know if what he was testifying to before the PSC was accurate.
- Wade Litchfield and Eric Silagy knew that Barrett's testimony before the PSC was inaccurate.

Case Number:EI-73-8508	Serial #:1
Author:LeFiles, Robert J.	Office:Executive Investigations
Activity Start Date:02/11/2010	Activity End Date:07/19/2010

Approved By:Perez, Mark Matthew

Description:Anonymous calls regarding FPL

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- He cautioned that FDLE should issue preservation letters to FPL, because FPL routinely "wipes their servers" and critical emails would be lost.

On Thursday, February 18, 2010, SAS LeFiles received another telephone call from the same unknown male caller. The caller indicated that FPL had recently sent an email to FPL employees entitled "2010 Annual Reminder to Review Records" regarding FPL's retention schedules for employee communications. The caller suggested that FDLE should hurry with the issuance of the above referenced data preservation letters.

On Wednesday, April 28, 2010, SAS LeFiles received another telephone call from the same unknown male caller. The caller provided, in summary, the following information/allegations:

- Florida State Senator Chris Smith was elected in 2008 from Ft. Lauderdale and was paid to lobby on behalf of FPL in 2009. He worked for the Johnson and Anselmo law firm. FPL employee Rod Macon, Broward area supervisor, and Vice President Pamela Rauch are aware of the lobbying. There was a recent Miami Herald article regarding Smith's lobbying since becoming a State Senator.
- In 2009, Armando Olivera ordered various groups within FPL to inflate reported costs and to not accurately document the true costs of their operations. Additionally, Olivera is reported to have directed the creation of inflated budgets, while directing that FPL spend less. The caller identified the following FPL Vice Presidents who would have knowledge of this as; Marlene Santos, Adalberto Alfonso, James Keener, Rob Erriccts, Antonio Rodriguez, Mano Nazar, and Eric Silagy. Wade Litchfield is reportedly aware of Bob Barrett being excluded from these meetings. David Reinstein and Guy Casaceli took the place of Barrett in the production of inflated budget/falsified budgets. The caller indicated that FPL hid behind attorney-client privilege to prevent disclosure to regulators and interveners in the PSC rate case.
- The caller stated that FPL would stamp "Attorney-Client Privilege" on most documents in an attempt to misrepresent the protected status of many documents. Lobbyist Brian Ballard would be familiar with this practice.
- Media relations were manipulated by invalid data being released. He indicated that the FPL attorneys were provided with complete access to the true data. He reported that various press releases from September 2009 through January 2010 were changed to be inaccurate. He believes that this practice violates Securities and Exchange Commission (SEC) laws regarding providing purposefully inaccurate information to investors. He identified that James Ratchford was the media/marketing/communication Director for external affairs and would have information about constantly changing drafts of media releases.

On Tuesday, June 8, 2010, SAS LeFiles received another telephone call from the same unknown male caller. The caller was seeking to find out when FDLE was going to begin the criminal investigation requested by the caller. SAS LeFiles advised the caller that a review was being conducted by FDLE to determine if there was a criminal predicate to support the initiation of a criminal investigation. The caller stated that he would contact SAS LeFiles in a few weeks and was hopeful that FDLE would soon begin a criminal investigation.

On Tuesday, June 22, 2010, SAS LeFiles received another call from the same unknown caller. The caller stated that the recently released "third" letter from the group was issued in response

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to the group's frustration that no one was apparently actively investigating the allegations provided by the group. The caller also indicated that the letter contained an error by stating that FPL maintained two separate sets of "books" (accounting records). The caller explained that various members of the group drafted various portions of the third letter and that the statement regarding two separate sets of books was included in error.

SAS LeFiles reviewed the three letters referenced by the unknown male caller and found that they contained few specific references to alleged criminal activity. The third letter references two examples of "fraud" that the group reportedly shared with FDLE. The two examples include members of the group being directed by FPL management to "inflate budgeted expenses and increase revenue requirements" in support of the rate increase request before the PSC and FPL management removing Bob Barrett from FPL internal budget discussions so that he could later testify before the PSC and would not be able to offer any information regarding "actual versus budgeted business unit manipulations and fraud".

SAS LeFiles also reviewed correspondence dated June 22, 2010, from PSC Chairman Nancy Argenziano to PSC Executive Director Tim Devlin expressing concern about the referenced anonymous FPL letters and asking some specific questions regarding the allegations included in the letters. Executive Director Devlin responded to Chairman Argenziano's letter on June 25, 2010 and as part of his response, included a memo documenting a PSC Analyst review of the allegations. The PSC response supported current PSC verification processes and did not find any areas of concern after reviewing the FPL letters. The PSC response did note the lack of specific allegations contained in the FPL letters and also noted the ongoing review being conducted by FDLE.

SAS LeFiles will submit electronic copies of the three referenced FPL letters, as INV-1, INV-2, and INV-3 and the referenced PSC correspondence, as INV-4, to the related items section of the case file.

**FLORIDA DEPARTMENT OF LAW ENFORCEMENT
INVESTIGATIVE REPORT**

On Monday, June 21, 2010, Special Agent Supervisor Robert LeFiles requested Inspector Ed Fortune to meet with Florida Public Service Commission Inspector General (IG) Steven J. Stolting to determine exactly what investigative process is followed by the Inspector General's Office regarding the complaints generated by a group of anonymous employees of Florida Power and Light Company (FPL). The complaints suggest that this group of anonymous employees believe they have information indicating that various members of FPL's executive leadership team committed fraud during FPL's recent request for a rate increase to the Public Service Commission (PSC).

On Tuesday, June 22, 2010, Inspector Ed Fortune met with IG Stolting in his office at 2540 Shumard Oak Boulevard, Tallahassee, Florida. IG Stolting advised that pursuant to Florida Statute 20.055 relating to "Agency Inspectors General" his office is responsible to conduct investigations into internal matters involving members of the Public Service Commission. When complaints such as those mentioned above come to the PSC, it is not uncommon for the complaint to be brought to his attention for referral to the appropriate investigative agency. IG Stolting advised that it was his understanding that the FPL rate case was reviewed thoroughly by the PSC which includes engineers, accountants, and attorneys who are all well versed in reviewing such rate increases. During the course of their review, PSC members are privileged to review documents and information that would not be subject to public records laws and considered to be proprietary.

IG Stolting said that it was his understanding the review of the rate request by the PSC failed to reveal any evidence of criminal misconduct or fraudulent activity. When the complaint letters alleging criminal wrongdoing arrived, it was determined that they should be turned over to FDLE for review. IG Stolting said no further review or investigative efforts are being conducted by the PSC. If it is determined that there is insufficient evidence to support the allegations of criminal misconduct, IG Stolting said that it was likely that an administrative type investigation might be undertaken but he was not certain. It was suggested that Marshall Willis, the Director of the Division of Economic Regulation might be able to provide additional information and or clarification regarding the intentions of the PSC.

IG Stolting and Inspector Fortune then met with Marshall Willis and Florida Public Service Commission Executive Director Timothy J. Devlin. Both Mr. Devlin and Mr. Willis advised that during the course of the rate review no information was discovered that lead any of the PSC staffers, reviewing the documents provided by FPL, to suspect any criminal wrong doing. The reason the allegations were forwarded to FDLE was because the anonymous letters mentioned criminal fraud and other criminal wrong doing. There was some discussion that because FDLE

Case Number:EI-73-8508	Serial #:2
Author:Fortune, Edward A.	Office:Executive Investigations
Activity Start Date:06/21/2010	Activity End Date:06/22/2010

Approved By:LeFiles, Robert J.

Description:Meeting with PSC Inspector General Steven J. Stolting.

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might be able to offer immunity to the anonymous complainants it would be best for FDLE to conduct an investigation. Mr. Willis advised that there would be no additional investigation or review done by the PSC due to the fact the rate case had already been closed. However, the PSC would pay close attention to the allegations that have been brought forth if and when there is another rate case before the PSC. The only way the previous rate case would be re-opened by the PSC, would be if it could be determined that a rate increase was granted based upon fraudulent information.

Mr. Willis and Mr. Devlin both acknowledged that they were aware that the law office of Carlton Fields had completed an internal investigation at the request of FPL but they had not asked to be provided with a copy of the report that was issued.

**FLORIDA DEPARTMENT OF LAW ENFORCEMENT
INVESTIGATIVE REPORT**

On Friday, July 9, 2010, Inspector Ed Fortune and Special Agent Supervisor (SAS) Robert LeFiles participated in a conference call with the same unknown male caller who previously identified himself as a current employee of FLORIDA POWER AND LIGHT CO INC (FPL). The caller claims to be a spokesman for a group of concerned FPL employees who purported to have information against various members of FPL's executive leadership who allegedly committed fraud during FPL's recent unsuccessful attempt to be awarded a rate increase from the Florida Public Service Commission (PSC).

The purpose of the call was for the caller to provide FDLE with any specific knowledge of criminal misconduct by anyone at FPL or to identify anyone whom the caller believed had knowledge of similar conduct. The caller identified that he and his group had identified knowledge of nine separate criminal violations committed by members of FPL.

Inspector Fortune and SAS LeFiles listened to the caller as he explained each of the nine allegations. The majority of the allegations did not include alleged criminal misconduct and were administrative in nature. In each case, Inspector Fortune or SAS LeFiles would explain to the caller why the specific allegation was not criminal in nature. The majority of the allegations related to FPL leaders directing FPL managers to manipulate their cost projections for the next fiscal year. The caller described that the requested changes were designed to support FPL's rate increase request. Inspector Fortune and SAS LeFiles explained that the budget presented to the PSC by FPL was an estimated or proposed budget, which by definition is somewhat speculative.

The caller identified other allegations related to FPL abusing the attorney-client privilege to protect information or documents which might not otherwise have been exempt from review by the PSC.

Inspector Fortune and SAS LeFiles agreed with the caller that three of the nine referenced allegations would support further review by FDLE. The three allegations include the following:

- Current Florida State Senator Chris Smith continued to serve as a lobbyist for FPL even after his election to the Florida Senate. The caller stated that Smith was elected to the Senate in 2008, but continued to be paid by FPL through 2009.
- Former PSC Commissioner Rudy Bradley, who served from 2002 through 2006, was negotiating, while still a PSC Commissioner, with FPL for a job that would start after his PSC term expired.
- FPL leaders "conspired" with an FPL lobbyist and a local Tallahassee attorney to file an

Case Number:EI-73-8508	Serial #:3
Author:LeFiles, Robert J.	Office:Executive Investigations
Activity Start Date:07/09/2010	Activity End Date:07/09/2010

Approved By:Perez, Mark Matthew

Description:Conference Call

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ethics complaint against current PSC Chairman Nancy Argenziano in an effort to generate negative publicity to prevent her from being reappointed to the PSC board.

SAS LeFiles was aware of the referenced ethics complaint against Chairman Argenziano following recent discussions with the Florida Ethics Commission (FEC) regarding concerns about the origin of the complaint. The person who signed the complaint affidavit that was submitted to the FEC was later interviewed by the FEC and denied having any knowledge of the complaint. The person provided a sworn statement to the FEC investigator that they had been directed to sign a blank complaint form by a local Tallahassee attorney.

Although the true origin of the FEC complaint remains unclear, multiple media sources have described the incident as an awkward attempt by those sympathetic to the state's regulated utilities to embarrass Chairman Argenziano and potentially prevent her from being reappointed to the PSC.

The local Tallahassee attorney subsequently refiled the FEC complaint against Chairman Argenziano and the validity of the allegations contained in the complaint has not yet been determined.

Inspector Fortune and SAS LeFiles indicated that FDLE would review the three allegations and requested that the caller re-contact FDLE in two weeks to discuss further.

**FLORIDA DEPARTMENT OF LAW ENFORCEMENT
INVESTIGATIVE REPORT**

On Friday, July 9, 2010, Inspector Ed Fortune and Special Agent Supervisor (SAS) Robert LeFiles participated in a conference call with the same unknown male caller who previously identified himself as a current employee of FLORIDA POWER AND LIGHT CO INC (FPL).

During the telephone call with the anonymous FPL employee, it was determined that three of the allegations being brought forth supported further review to determine if the allegations contained a sufficient criminal predicate, which would warrant a criminal investigation by the Florida Department of Law Enforcement.

The three allegations were as follows:

1. Current Florida State Senator Chris Smith continued to serve as a lobbyist for FPL even after his election to the Florida Senate. The caller stated that Smith was elected to the Senate in 2008, but continued to be paid by FPL through 2009.
2. Former PSC Commissioner Rudy Bradley, who served from 2002 through 2006, was negotiating, while still a PSC Commissioner, with FPL for a job that would start after his PSC term expired.
3. FPL leaders "conspired" with an FPL lobbyist and a local Tallahassee attorney to file an ethics complaint against current PSC Chairman Nancy Argenziano in an effort to generate negative publicity to prevent her from being reappointed to the PSC board.

SAS LeFiles addressed item number 3 in his report which is IR# 3. The complaint against PSC Chairman Nancy Argenziano has been refiled with the Florida Ethics Commission (FEC) and the validity of the allegations have not yet been determined.

On Wednesday, July 21, 2010, Inspector Ed Fortune contacted Verlinda Doss who is the Executive Director of the Florida commission on Ethics in an attempt to determine whether the alleged conduct on the part of Florida State Senator Chris Smith or former PSC Chairman Rudy Bradley may have violated any criminal statutes. Ms. Doss directed Inspector Fortune's attention to following Florida State Statutes (F.S.S.):

F.S.S. 350(2)(b) which reads as follows:

A commissioner may not accept any form of employment with or engage in any business activity with any business entity which, either directly or indirectly, owns or controls any public utility regulated by the commission, any public utility regulated by the

Case Number:EI-73-8508	Serial #:4
Author:Fortune, Edward A.	Office:Executive Investigations
Activity Start Date:07/21/2010	Activity End Date:07/21/2010

Approved By:LeFiles, Robert J.

Description:Follow-up with Florida Commission on Ethics

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commission, or any business entity which, either directly or indirectly, is an affiliate or subsidiary of any public utility regulated by the commission.

F.S.S. 350(2)(e) which reads as follows:

A commissioner may not serve as the representative of any political party or on any executive committee or other governing body of a political party; serve as an executive officer or employee of any political party, committee, organization, or association; receive remuneration for activities on behalf of any candidate for public office; engage on behalf of any candidate for public office in the solicitation of votes or other activities on behalf of such candidacy; or become a candidate for election to any public office without first resigning from office.

F.S.S. 350.0605(1) which reads as follows:

Any former commissioner of the Public Service Commission is prohibited from appearing before the commission representing any client or any industry regulated by the Public Service Commission for a period of 2 years following termination of service on the commission.

F.S.S. 350.0605(3) which reads as follows:

For a period of 2 years following termination of service on the commission, a former member may not accept employment by or compensation from a business entity which, directly or indirectly, owns or controls a public utility regulated by the commission, from a public utility regulated by the commission, from a business entity which, directly or indirectly, is an affiliate or subsidiary of a public utility regulated by the commission or is an actual business competitor of a local exchange company or public utility regulated by the commission and is otherwise exempt from regulation by the commission under ss. 364.02(14) and 366.02(1), or from a business entity or trade association that has been a party to a commission proceeding within the 2 years preceding the member's termination of service on the commission. This subsection applies only to members of the Florida Public Service Commission who are appointed or reappointed after May 10, 1993.

And, F.S.S. 112.313(9) which reads as follows:

(9) POSTEMPLOYMENT RESTRICTIONS; STANDARDS OF CONDUCT FOR LEGISLATORS AND LEGISLATIVE EMPLOYEES.—

(a)1. It is the intent of the Legislature to implement by statute the provisions of s. 8(e), Art. II of the State Constitution relating to legislators, statewide elected officers, appointed state officers, and designated public employees.

2. As used in this paragraph:

a. "Employee" means:

(l) Any person employed in the executive or legislative branch of government holding a position in the Senior Management Service as defined in s. 110.402 or any person holding a position in the Selected Exempt Service as defined in s. 110.602 or any person having authority over policy or procurement employed by the Department of the Lottery.

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(II) The Auditor General, the director of the Office of Program Policy Analysis and Government Accountability, the Sergeant at Arms and Secretary of the Senate, and the Sergeant at Arms and Clerk of the House of Representatives.

(III) The executive director of the Legislative Committee on Intergovernmental Relations and the executive director and deputy executive director of the Commission on Ethics.

(IV) An executive director, staff director, or deputy staff director of each joint committee, standing committee, or select committee of the Legislature; an executive director, staff director, executive assistant, analyst, or attorney of the Office of the President of the Senate, the Office of the Speaker of the House of Representatives, the Senate Majority Party Office, Senate Minority Party Office, House Majority Party Office, or House Minority Party Office; or any person, hired on a contractual basis, having the power normally conferred upon such persons, by whatever title.

(V) The Chancellor and Vice Chancellors of the State University System; the general counsel to the Board of Governors of the State University System; and the president, provost, vice presidents, and deans of each state university.

(VI) Any person, including an other-personal-services employee, having the power normally conferred upon the positions referenced in this sub-subparagraph.

b. "Appointed state officer" means any member of an appointive board, commission, committee, council, or authority of the executive or legislative branch of state government whose powers, jurisdiction, and authority are not solely advisory and include the final determination or adjudication of any personal or property rights, duties, or obligations, other than those relative to its internal operations.

c. "State agency" means an entity of the legislative, executive, or judicial branch of state government over which the Legislature exercises plenary budgetary and statutory control.

3. No member of the Legislature, appointed state officer, or statewide elected officer shall personally represent another person or entity for compensation before the government body or agency of which the individual was an officer or member for a period of 2 years following vacation of office. No member of the Legislature shall personally represent another person or entity for compensation during his or her term of office before any state agency other than judicial tribunals or in settlement negotiations after the filing of a lawsuit.

4. An agency employee, including an agency employee who was employed on July 1, 2001, in a Career Service System position that was transferred to the Selected Exempt Service System under chapter 2001-43, Laws of Florida, may not personally represent another person or entity for compensation before the agency with which he or she was employed for a period of 2 years following vacation of position, unless employed by another agency of state government.

5. Any person violating this paragraph shall be subject to the penalties provided in s. 112.317 and a civil penalty of an amount equal to the compensation which the person receives for the prohibited conduct.

6. This paragraph is not applicable to:

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- a. *A person employed by the Legislature or other agency prior to July 1, 1989;*
- b. *A person who was employed by the Legislature or other agency on July 1, 1989, whether or not the person was a defined employee on July 1, 1989;*
- c. *A person who was a defined employee of the State University System or the Public Service Commission who held such employment on December 31, 1994;*
- d. *A person who has reached normal retirement age as defined in s. 121.021(29), and who has retired under the provisions of chapter 121 by July 1, 1991; or*
- e. *Any appointed state officer whose term of office began before January 1, 1995, unless reappointed to that office on or after January 1, 1995.*

(b) In addition to the provisions of this part which are applicable to legislators and legislative employees by virtue of their being public officers or employees, the conduct of members of the Legislature and legislative employees shall be governed by the ethical standards provided in the respective rules of the Senate or House of Representatives which are not in conflict herewith.

A review of the Florida State Statutes suggest that even if the allegations being made by the anonymous group of alleged FPL employees were true they would be ethics violations that would fall under the purview of the Florida Commission on Ethics. There does not appear to be a sufficient criminal predicate, which would warrant a criminal investigation by the Florida Department of Law Enforcement at this time.

**FLORIDA DEPARTMENT OF LAW ENFORCEMENT
INVESTIGATIVE REPORT**

On Wednesday, June 30, 2010, Chief Inspector Mark Perez, Special Agent Supervisor Robert LeFiles, and Inspector Ed Fortune met with Statewide Prosecutor William Sheppard in his West Palm Beach Office which is located in the Flagler Waterview Building at 1515 N. Flagler Drive, Suite 900, West Palm Beach, FL 33401. The purpose of the meeting was to allow members of Carlton Fields Law Firm to explain their internal investigation into the anonymous complaints of a group of alleged Florida Power and Light Company (FPL) employees.

The following members and consultants represented the Carlton Fields Law Firm:

1. Paul Calli, (Miami Office)
2. Joseph Ianno, Jr. (West Palm Office)
3. Sam Salaro, (Tampa Office)
4. Adam Swartz, (Tampa Office)
5. Jose I. Marrero, (MRW Consulting Group)
6. Ronald E. Wise, (MRW Consulting Group)

Attorney Paul Calli explained that the Carlton Fields Law Firm was retained by the FPL Group which is a parent company of the Florida Power and Light Company. Their purpose was to conduct an independent investigation into the allegations leveled at the FPL by a group of anonymous individuals who claim to be top level managers for FPL. According to Attorney Calli, Carlton Fields personnel and members of MRW Consulting Group, who are forensic accountants, interviewed numerous high level managers from various departments in an effort to determine whether any of the allegations had merit. The interviews also included departments not specifically named in the allegations. Their interviews and review of various documents relating to revenues failed to uncover any evidence of criminal misconduct on the part of FPL employees.

Although unable to substantiate any of the allegations, Attorney Calli stated that Carlton Fields would have had an obligation to present their findings along with their recommendation to forward those findings to an appropriate investigative agency if any criminal misconduct had been identified.

Case Number:EI-73-8508	Serial #:5
Author:Fortune, Edward A.	Office:Executive Investigations
Activity Start Date:06/30/2010	Activity End Date:06/30/2010

Approved By:LeFiles, Robert J.

Description:Meeting with Carlton Fields Associates RE: Their internal investigation.

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**FLORIDA DEPARTMENT OF LAW ENFORCEMENT
INVESTIGATIVE REPORT**

On Thursday, July 29, 2010, Special Agent Supervisor (SAS) Robert LeFiles received a telephone call from the same unknown male caller who previously identified himself as a current employee of Florida Power and Light (FPL). The caller claims to be a spokesman for a group of concerned FPL employees who purport to have information against various members of FPL's executive leadership who allegedly committed fraud during FPL's recent unsuccessful attempt to be awarded a rate increase from the Florida Public Service Commission (PSC).

SAS LeFiles and Inspector Ed Fortune previously spoke to the unknown caller on July 9, 2010, as documented in Investigative Report number 3 in this case file. At the end of that call, SAS LeFiles and Inspector Fortune agreed to review three separate issues identified by the caller. Subsequent FDLE review, documented in this case file, determined that none of the three issues represented a criminal predicate.

SAS LeFiles advised the caller of the FDLE review conducted after the July 9th call and reported that there was no criminal predicate identified and that absent a criminal predicate, FDLE would not be able to conduct any criminal investigation. The caller explained that he had provided a summary of the discussion of the July 9th call to other members of his group and that they agreed that there did not appear to be any criminal violations.

Although the caller disagreed with the review conducted by SAS LeFiles and Inspector Fortune, he explained that one of the members of his group is an attorney and that the attorney was able to provide an explanation to the group of the distinctions between what constitutes a civil violation, an ethics violation, and a criminal violation. As a result of the attorney's explanation, the caller indicated that no one in his group had information that would rise to the level of a criminal violation.

SAS LeFiles informed the caller that since the caller's group did not have any information that would represent a criminal predicate, FDLE would consider the complaint against FPL to be closed.

Case Number:EI-73-8508	Serial #:6
Author:LeFiles, Robert J.	Office:Executive Investigations
Activity Start Date:07/29/2010	Activity End Date:08/25/2010

Approved By:Perez, Mark Matthew

Description:Final call from unknown caller

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