

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Review of Storm Protection Plan,
pursuant to Rule 25-6.030, F.A.C., Florida
Power & Light Company.

DOCKET NO. 20220051-EI

FILED: May 11, 2022

**CITIZENS' MOTION TO COMPEL DISCOVERY AND MOTION TO ENLARGE
DISCOVERY DEADLINES, TESTIMONY DUE DATES, AND HEARING DATE**

The Citizens of the State of Florida, through the Office of Public Counsel (OPC or Citizens), file this motion to compel production of documents and interrogatory answers, and motion for delay in testimony due dates, discovery deadlines and hearing dates related to consideration of the Florida Power & Light (FPL) Storm Protection Plan ("SPP"). In the alternative, the Citizens request that the portion of the FPL testimony and exhibits relating to the subject which the petitioner seeks to block discovery be stricken. In support, the Citizens state as follows:

BACKGROUND

On April 15, 2022 the Citizens propounded the following Interrogatory No. 13 to FPL:

Please identify the individual(s) primarily responsible for developing the company's "entire suite of winter weather emergency preparedness measures across its generation, transmission, distribution systems, fuel procurement systems, supply, and procurement strategies" and the "holistic approach to winterization" (to the extent it is different from the aforementioned "suite" and which the SPP Winterization Hardening Program is referenced as being "part of") (as identified on pages 10-12 of 63 in your 2023-2025 Storm Protection Plan). Please also identify the individual(s) primarily responsible for presenting said suite or holistic approach for management and executive review and for receiving authorization to proceed (including expenditure authorization) with such "entire suite" and "approach."

Citizens' Second Set of Interrogatories.

On April 15, 2022 the Citizens served the following requests for Production of Documents ("POD"), Request No. 6 on FPL:

Please provide each document, and all supporting workpapers of each such document, that fully describes the company’s “entire suite of winter weather emergency preparedness measures across its generation, transmission, distribution systems, fuel procurement systems, supply, and procurement strategies” and the “holistic approach to winterization” (to the extent it is different from the aforementioned “suite” and which the SPP Winterization Hardening Program is referenced as being “part of”) (as identified on pages 10-12 of 63 in your 2023-2025 Storm Protection Plan). This includes but is not limited to all of the documents prepared for management and executive review and for receiving authorization to proceed (including expenditure authorization) with such “entire suite” and “holistic approach”.

Citizens’ Second Request for Production of Documents.

On April 11, 2022 FPL served its Petition for Approval of the Florida Power & Light Company 2023-2032 Storm Protection Plan: Direct Testimony of Michael Jarro; Exhibit MJ-1 - Florida Power & Light Company Storm Protection Plan 2023-2032, which includes Appendices A through E (collectively “Petition”). Exhibit MJ-1 of FPL’s Petition contains the Storm Protection Plan (“SPP”). On pages 10-12 of the SPP, FPL seeks to introduce a new element of Storm Protection Plan Cost Recovery Clause (“SPPCRC”) cost recovery by stating as follows:

B. New SPP Winterization Hardening Programs

In addition to continuing the previously approved SPP programs, FPL is proposing to implement new winterization T&D hardening programs that will, along with other non-SPP winterization measures, help mitigate restoration costs and outage times associated with extreme cold weather events similar to the power outages that occurred in Texas during February 2021 as a result of Winter Storm Uri. An extreme cold weather event can significantly affect areas typically unaccustomed to such conditions and, when they do, they can have significant consequences as demonstrated by the Texas February 2021 winter event, which left millions without electricity for days.

The Texas February 2021 winter event was not the first-time electric utilities failed under extreme cold conditions. According to a joint report by the Federal Energy Regulatory Commission and the North

American Electric Reliability Corporation, the Texas February 2021 winter event was the fourth time in the last decade that cold weather jeopardized bulk-power systems due to unplanned extreme cold weather conditions. The Texas February 2021 winter event was a region-wide reminder for all utilities in the Southeast more familiar with summer peaking events, such as FPL, that extreme weather is now a year-round concern.

Florida, while known for its comparatively mild winters, periodically receives extreme cold weather fronts that have historically impacted electric service. There have been three extreme cold weather events in the FPL service area over the past 45 years: 1977, 1989, and 2010. The 2010 event was characterized by very cold temperatures throughout the state (Miami was 35 degrees) for multiple days and overcast skies, which affected all entities in Florida and in the Southeast and limited the availability of Florida purchases or imports of electricity to meet the increased demand. The 1989 event was during the Christmas holiday and resulted in very cold temperatures throughout the state (Miami was 30 degrees) for multiple days, overcast skies, and very high loads throughout the Southeast, which limited Florida imports of electricity to meet the increased demand. The 1977 event was the “day it snowed in Miami” and was similar to the 1989 event in terms of temperatures.

Based on the actual 1989 winter event, FPL analyzed the *impacts to its ability to serve customer load* should a similar event occur. Using a 1989 actual temperature forecast for Winter peak load, and assuming no changes to the resources in FPL’s 2021-2030 Ten Year Site Plan, FPL determined that 3.5 million rotation eligible customers on FPL’s system could be subject to rolling blackouts over a three-day period should FPL’s service area experience cold temperatures similar to the 1989 winter event. *Details regarding FPL’s analysis of the impact of a 1989 winter-type event are provided in FPL’s 2022-2031 Ten Year Site Plan filed with the Commission on April 1, 2022.*

To ensure that FPL is able to serve customer load during an extreme winter event, *FPL is evaluating and, where appropriate, implementing a suite of winter weather emergency preparedness measures across its generation, transmission, distribution systems, fuel supply, and procurement strategies.* These winterization measures will be designed to collectively reduce power outages and restoration costs associated with extreme cold temperatures.

As part of this holistic approach to winterization, FPL is proposing to harden certain targeted T&D assets. During periods of prolonged low temperatures, such as the 1977, 1989, and 2010 winter events, the consumption of electricity increases sharply due to the use of electricity to heat homes. This increases the peak load and can cause the T&D infrastructure to become overloaded beyond its emergency rating, which may result in equipment failure. FPL's modeling of a 1989 winter type event occurring in the future projects that, similar to what occurred during the 2010 winter event, certain T&D assets would become overloaded and could lead to customer outages. As further described in Sections IV(I) and IV(J) below, FPL is proposing to implement a new Transmission Winterization Program and new Distribution Winterization Program to upgrade the capacity of certain existing critical T&D facilities to better meet the forecasted increase in demand associated with an extreme cold weather event, which will help mitigate restoration costs and outage times associated with extreme cold temperatures.

FPL's SPP, emphasis added. [Footnotes omitted.]

Previously, on March 22, 2022, the Citizens propounded the following Request for Production of Documents to FPL:

1. Produce all analyses and source documents prepared in support of the Company's application, testimony, and expert reports in this proceeding before or contemporaneous with its filing, including all Excel workbooks in live format with all formulas intact in searchable and unlocked format.

Citizens' First Request for Production of Documents

On April 14, 2022 FPL served its response to Citizen's First Set of Requests for Production of Documents, Request No. 1 as follows:

RESPONSE:

Please see the attached responsive documents, including one confidential document:

- "2010 FPL Outages"
- "2010 Gulf Outages"

- "FPL SPP Factor Calculation 2022 Plan Filing - FINAL 2023-2025"
- "FPL v2_ Gulf_ Consolidated 1989 Winter Scenario"
- "FPL Winter Extreme Evaluation 2021"
- "SPP - Annual Rev Req Calculation 2023-2032"
- "Transmission Study Winterization Impacts 8_ 2021 (CONFIDENTIAL)"
- "Winterization 2010 evaluation 070121"
- "Winterization_PD_MOPR (REDACTED)"

Please note that non-responsive information has been redacted from one of the documents produced in response to this request for production of documents.

Due to the accelerated and compressed case schedule, the OPC requested these documents prior to the filing of the SPP itself and thus did not know about the proposed “winterization.”¹ Attachment A contains a document entitled “Power Delivery Winterization Update” provided as a part of the response to POD No. 1, with significant redactions that FPL appears to have made somewhat contemporaneous with the filing of the SPP. These redactions appear to be the result of a claim that they are “non-responsive.”²

On May 5, 2022 FPL served its Objections and Responses to Office of Public Counsel’s Second Set of Interrogatories (Nos. 9-13) and Second Set of Requests for Production of Documents (No. 6), included as Attachment B. In its response FPL objected to, and did not provide, documents or portions of documents on a similar basis as it did for the Power Delivery Winterization Update. Specifically, FPL claims, with regard to Interrogatory 13 and POD No. 6, that these discovery requests are “beyond the scope of this proceeding, irrelevant, immaterial and not reasonably calculated to lead to the discovery of admissible or relevant evidence.”

¹ There is a reference to the winterization program in the FPL Ten Year Site Plan (“TYSP”) that was not served on parties or publicly available through the Commission on April 11, 2022 when the SPP was filed, even though the TYSP was referenced as support for the program. OPC called staff and received a copy on April 12, 2022 via email as the Commission had not yet posted the TYSP filings.

² FPL does not identify this document included as Attachment A as containing information redacted as “non-responsive” but the only information not included in the non-confidential, public filing is a three page document at Bates No. 166-167 relating to transmission facilities. Thus, by deduction, the OPC is relying on the FPL response to conclude that the information that is blacked out in the “Power Delivery Winterization Update” is information that FPL does not want the Commission or OPC to see under a claim of it being non-responsive.

ARGUMENT

FPL's non-responsiveness claim and objection are flatly contradicted by its own Petition, which indicates that the decision making behind -- and the rationale for -- the inclusion of the T&D elements in the holistic winterization program are related at some level. Even the redactions in Attachment A are indicative of complementary nature of the commonality of decision making. FPL's position appears to be that it can pick and choose which parts of a holistic suite of projects that are part of a comprehensive program it will seek to receive cost recovery for, while rebuffing the Commission and intervenors on discovery about the genesis and rationale of the program. At a minimum, FPL has made the entire program directly relevant in the proposed SPP by describing the T&D portion as being part of a "holistic approach." FPL's own term "holistic" is defined as:

Characterized by comprehension of the parts of something as intimately interconnected and explicable only by reference to the whole.³

The Commission and intervenors are entitled to understand the nature of the specific winterization program "by reference to the whole if FPL is to receive cost recovery for the proposed expenditures." FPL demonstrates that winterization program and the documents describing it meet the definition of discoverable evidence in the Florida Rules of Civil Procedure. Rule 1.280, F.R.C.P. states that "It is not ground for objection that the information sought will be inadmissible at the trial if the information sought appears reasonably calculated to lead to the discovery of admissible evidence." FPL's own words characterizing the winterization program as "holistic" impeach its objection that the entire proposal is not discoverable.

For example, in its response to Interrogatory 13, FPL stated in relevant part:

QUESTION:

Please identify the individual(s) primarily responsible for developing the company's "entire suite of winter weather emergency preparedness measures across its generation, transmission, distribution systems, fuel procurement systems, supply, and procurement strategies" and the "holistic approach to

³ Oxford Languages, online (Google) edition.

winterization" (to the extent it is different from the aforementioned "suite" and which the SPP Winterization Hardening Program is referenced as being "part of") (as identified on pages 10-12 of 63 in your 2023-2025 Storm Protection Plan). Please also identify the individual(s) primarily responsible for presenting said suite or holistic approach for management and executive review and for receiving authorization to proceed (including expenditure authorization) with such "entire suite" and "approach."

RESPONSE:

Please see FPL's objections filed on May 5, 2022. Subject to and without waiver of said objections, please see the response provided below:

The Distribution and Transmission Winterization Programs included in FPL's 2023-2032 Storm Protection Plan were developed by the Power Delivery business unit *in consultation and coordination with FPL's Resource Planning team.*

Emphasis added. The phrase "in consultation and coordination with" plainly ties the entire program together and renders inquiry into it discoverable and the responsive documents discoverable in their entirety.

Nevertheless, for its response to POD NO. 6, FPL provided this:

Please provide each document, and all supporting workpapers of each such document, that fully describes the company's "entire suite of winter weather emergency preparedness measures across its generation, transmission, distribution systems, fuel procurement systems, supply, and procurement strategies" and the "holistic approach to winterization" (to the extent it is different from the aforementioned "suite" and which the SPP Winterization Hardening Program is referenced as being "part of") (as identified on pages 10-12 of 63 in your 2023-2025 Storm Protection Plan). This includes but is not limited to all of the documents prepared for management and executive review and for receiving authorization to proceed (including expenditure authorization) with such "entire suite" and "holistic approach".

RESPONSE:

Please see FPL's objections filed on May 5, 2022. Subject to and without waiver of said objections, please refer to the documents provided in FPL's response to OPC's First Request for Production of Documents, No. 1.

This “answer” is non-responsive and does not meet the test established in Rule 1.280, F.R.C.P. FPL’s very own documents and its SPP filing submarine its objections. The response to interrogatory No. 13 admits that even the T&D project was developed in consultation and coordination with the FPL’s Resource Planning Team. The proposed response by mere reference to POD No. 1 is inadequate since that request only sought the workpapers supporting the SPP, while POD No. 6 specifically requested “all of the documents prepared for management and executive review and for receiving authorization to proceed (including expenditure authorization) with such "entire suite" and "holistic approach.” There is no indication that Attachment A (“Power Delivery Winterization Update”) is a complete response or even responsive to that aspect of the specific request nor is it apparent that it constitutes documents responsive to a search for the specific questions submitted since it was provided the day before the POD No. 6 request was even served.

Parties and the Commission are entitled to conduct discovery in the reasonable pursuit of relevant information. The SPP passages cited *supra* further declare that the details regarding the analysis supporting the rationale for the winterization program, of which the SPP portion is a part, are found in the 2022 Ten Year Site Plan (“TYSP”). These statements further tie the entire winterization program together to a version of FPL’s proposed load forecast. While the TYSP may itself contain relevant information helpful to the Commission and Citizen’s inquiry, the extent and scope of discovery does not end there. The OPC seeks to understand the rationale and underpinnings of the “winterization” proposal and how FPL internally developed the proposal to meet its operational and other goals as they impact eligibility (or lack thereof) for SPPCRC recovery. The objected to discovery is on its face, based on FPL’s own words, reasonably calculated to lead to relevant evidence in this realm.

Not surprisingly, the chief financial officer of NextEra, FPL’s parent company, made the following statements to investors 10 days after the SPP filing:

We also plan to make other smart capital investments for winterization efforts designed to support potential increased customer load during extreme winter temperature conditions

while also providing additional day-to-day reliability benefits for customers. A hallmark of our culture is taking every opportunity to learn from events that happen in our industry, not just those that directly affect FPL, to ensure we continue to deliver the best possible value to our customers

Our planned targeted investments for winterization were identified as a result of our detailed assessment of our fleet following Winter Storm Uri last year that affected Texas and much of the South. We will provide additional detail on these programs and other capital initiatives at our June investor conference.⁴

These statements indicate that the winterization program was important enough to be a topic of conversation to investors and analysts. They also are strong evidence that the T&D aspect of the program was considered as part of a single effort and made for reasons related to FPL's load forecasts and (generation) fleet assessment – as they are portrayed to the world. This is confirmed by the answer to Interrogatory 13. Unfortunately, it seems that FPL believes that it is fine for investors to hear the details of these “planned targeted investments” at an exclusive future event, but the Commission and the customers would be denied understanding how the T&D portion relates to this holistic program effort if FPL's objection is sustained. The Commission and parties are entitled under the principles of discovery to understand the nature and scope of how all the parts of the holistic suite of investments are designed to meet FPL's investment goals for which customers will be asked to pay.

It should be noted that these representations to investors are made under severe penalty if false, so they carry great weight. They cannot be ignored as merely NextEra statements in this docket in relation to this motion to compel when they clearly deal with regulated FPL costs. They raise at least one question that is relevant to this proceeding, namely, assuming that the winterization program is even prudent in a separate proceeding that looks at the whole winterization/load forecast process, are these proposed T&D investments costs ones that are base rate attributable and recoverable costs that are driven by FPL's operation of the system on a day-to-day basis? Questions regarding the nature of the costs and whether they should be approved as

⁴ Remarks of Kirk Crews – Executive Vice President and Chief Financial officer, NextEra Energy, April 21, 2022.

part of the SPP and subject to recovery in the SPPCRC (and outside of the base rates that are effectively frozen for four years) are fair game for discovery in this SPP docket. The Commission and intervenors are entitled to understand the basis for the investments, the relationship of the SPP-proposed investments to the whole and whether the T&D investments are, for example, being proposed for “business as usual” or for other reasons unrelated to the availability of the SPP or SPPCRC mechanisms, such as supporting “increased customers load.”

Attachment A contains at least one page that discusses the split between clause and base rates (Bates No. 157), but with portions redacted. It is reasonable to inquire as to the items that FPL contends are base rate recoverable so that a proper determination of clause (SPPCRC) eligibility can be evaluated. The Commission and Intervenors should not be restricted in their inquiry into solely what FPL wishes to show it or what FPL deems relevant or hopes to prove in the future hearings. Even to the extent that FPL claims the T&D elements are not operationally interrelated, that claim does not foreclose discovery inquiry into the basis and propriety of FPL’s inclusion of them in the proposed SPP.

FPL should be ordered to produce the improperly redacted information and all other responsive information pursuant to the lawful discovery requests in Interrogatories 13 and POD Nos. 1 and 6. The Commission has previously ruled that responsive documents should not be redacted solely due to a utility’s opinion regarding relevance. In ruling that documents were relevant and responsive, thus should not be redacted, Commissioner Susan Clark, as prehearing officer, stated as follows:

As stated above, this information is relevant to this proceeding. Accordingly, any documents responsive to discovery requests which contain redactions shall be produced in an unredacted version to OPC. Additionally, any documents which were either redacted in their entirety, or not produced at all because they would have been redacted in their entirety, shall be produced to the extent that they exist.

Order No. PSC-1993-0071 at 3. The same principle applies here, where plainly relevant and responsive documents have been heavily and improperly redacted in a manner that thwarts the

Commission's and Intervenors' ability to understand the full picture of the "holistic" and comprehensive program placed at issue by FPL.

The Order Establishing Procedure, Order No. PSC-2022-0119-PCO-EI, establishes a very tight discovery and testimony timeframe on the Citizens. The Commission has set a hearing beginning August 2, 2022. This date is influenced by the statutory deadline of 180 days for the agency to make a determination on the SPP. For this reason, intervenor's testimony deadline was established for May 31, 2022. FPL's objection to the discovery related to this aspect of their SPP imperils the Citizen's ability to evaluate, conduct discovery and provide expert testimony on the "winterization" program that FPL has placed in issue (and which is of the type that no other utility has proposed).

The Citizens intend to notice a deposition of the FPL/NextEra architects⁵ of the "winterization" program in the coming days and the failure of FPL to provide the documents requested further impairs our ability to undertake lawful discovery that is essential to our due process rights guaranteed under law.

CONCLUSION

Without production of the requested documents and answers in a timely fashion, the Citizens will be precluded from the opportunity to provide completed expert testimony by the deadline. As of May 11th, there are only 12 business days between the filing of the motion and the due date of the testimony.⁶ At this point in the process, the time that will be required to wait for a response to this motion and the scheduling of a hearing will largely render the Citizen's ability to effectively and timely conduct discovery an impossibility. To this end we ask the Commission to schedule an expedited hearing to consider this motion and any response, which should also be

⁵ Interrogatory No. 13 asked FPL to *identify the individuals* responsible for the development of the overall winterization program. The plain language of the question asked for names. FPL chose to interpret it as a request to identify job titles, which was not the request. FPL should be ordered to provide names for the full scope of the program and not just the artificially constrained, self-serving limitation embedded in the overall "non-responsive" objection.

⁶ May 30th is Memorial Day.

expedited. Nevertheless, it may well be that the only effective remedy is to either delay the deadline or strike the request for recovery of the proposed T&D costs.

To the extent that FPL does not immediately produce the requested documents, the Citizens hereby request that the intervenor testimony deadline be delayed one day for each day beyond May 5, 2022 when FPL began to improperly delay producing the documents and also that the hearing be delayed commensurately. Alternatively, Citizens move to strike all elements of the Petition relating to the winterization program if discovery on the program is further delayed or prohibited.

RELIEF REQUESTED

WHEREFORE, the Office of Public Counsel, on behalf of the customers of FPL, respectfully requests the granting of this Motion to Compel Discovery Responses to Interrogatory 13 and POD Nos. 1 and 6, or in the alternative, that the motion to Enlarge the time to file intervenor testimony be granted or alternatively to strike the winterization portions of the Petition, as set out herein, be granted.

Respectfully Submitted,

Richard Gentry
Public Counsel

/s/ Charles J. Rehwinkel
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Associate Public Counsel
Florida Bar No. 0068713

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Attorney for the Citizens
of the State of Florida

CERTIFICATE OF SERVICE
DOCKET NO. 20220051-EI

I **HEREBY CERTIFY** that a true and correct copy of the foregoing has been furnished by electronic mail on this 11th day of May 2022, to the following:

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Docket No. 20220051
Attachment A



Power Delivery Winterization Update

Power Delivery has completed detailed analysis of system capacity and philosophy for extreme winter scenarios

Executive Summary

- **Transmission and Distribution detailed system analysis yielded overall reduction in extreme winter mitigation costs from original estimate**
 - Five year execution plan - [REDACTED]
- [REDACTED]
- **Distribution system review highlighted opportunities for alignment and upgrades** [REDACTED]
 - [REDACTED]
 - Field transformer loading philosophy alignment and upgrades
- **Transmission system review highlighted opportunities for alignment and upgrades - \$114MM**
 - Power Transformer emergency ratings alignment
 - Regulator/Reactor upgrades
 - Transmission Line Upgrades

Power Delivery has completed detailed analysis of system capacity and philosophy for extreme winter scenarios

Executive Summary

- [Redacted text block]

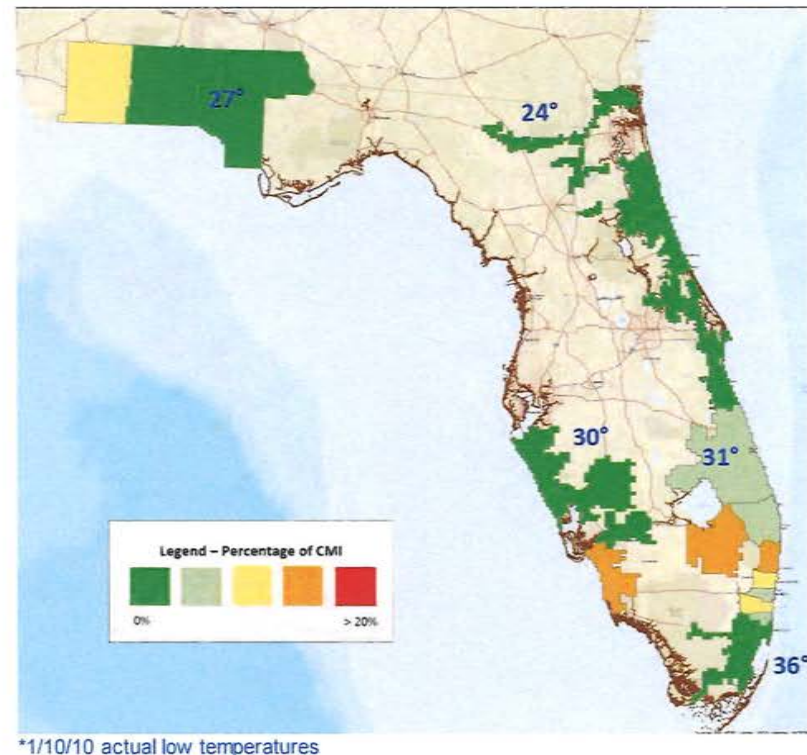


Power Delivery analyzed impact from January 2010¹ with current design and cold weather operating philosophy

January 2010 Reliability Impact

- **Major reliability impact due to temperatures below average for a prolonged period**
 - Record – 5 days of high temperatures below 60 deg
 - Avg 12-day temp – 49.9°F
- **Largest reliability impacts regionalized for both FPL and Gulf Power**
 - South of Lake Okeechobee (FPL)
 - West (Pensacola – Gulf)
- **System performance, operating, and design philosophies reviewed from the meter to the substation**

CMI by Region

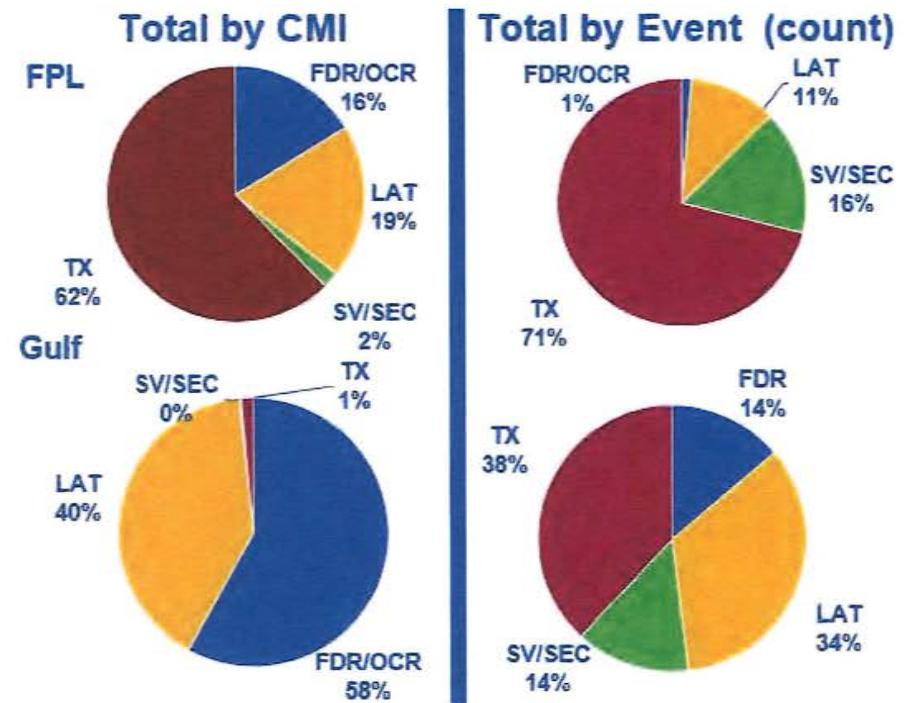


1) 1989 detailed reliability information unavailable, 2010 impacts utilized as baseline for extreme cold-weather impact

Gulf and FPL's systems both had significant reliability impact, but responded differently to the event

2010 Review

- Significant CMI events for both operating companies
- Primary reliability drivers differed by company
 - FPL – Field Transformers (underground)
 - Gulf – OH Feeders
- Low temperature conditions emphasis for evaluation
 - Cold load pickup
 - Overload



Both FPL and Gulf saw major outlier events in January 2010

The 2010 winter reliability event impacted both FPL and Gulf's distribution system requiring review of philosophies

Distribution

- **Meter to transformer (secondary) – no change to philosophy**
- **Field Transformers – address reliability impacts at FPL**
 - Align initial loading and replacement criteria
 - 6,000 field transformers at FPL - \$33MM

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

█ [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]



The 2010 winter reliability event proved little impact due to transmission/substation facilities

Transmission/Substation

- **Due to cold weather load forecast – portions of the transmission system must be addressed**
- **Transmission**
 - 36 miles of transmission upgraded at a cost of \$75MM – FPL only
- **Substation Power Transformers**
 - Align FPL and Gulf emergency rating philosophy
 - Increase Gulf capacity from 130% to 150% in winter
 - FPL total substation transformer capacity is ~ 56,000MVA, 4 transformers to be upgraded - \$8MM
 - Gulf total substation transformer capacity is ~3,100 MVA, 12 transformers to be upgraded - \$28MM
- **Substation Regulators and Reactors**
 - Cold weather load exceeds current capability on 90 regulators and 9 reactors - \$3M

Power Delivery Winterization detailed evaluation resulted in a cost reduction from [REDACTED]

Revised Forecast		FPL		Gulf		Total Cost
Substation Transformers	Replace/Install 16 transformers – align philosophy	4	\$8MM	12	\$28MM	\$36MM
Substation Equipment	Replace 90 Regulators and 9 Reactors	66 Regulators 9 Reactors	\$2.25MM	24 Regulators	\$0.75MM	\$3MM
Field Transformers	Replace 6,000 transformers – FPL only	6,000	\$33MM	0	0	\$33MM
Transmission	Upgrade 36 miles of transmission line	36	\$75MM	0	0	\$75MM
Total			\$154.25MM		\$312.75MM	\$467MM

- **Prior Estimated Costs**

[REDACTED]

[REDACTED]

[REDACTED]

Alignment of philosophies and detailed system review reduced estimated costs to \$467MM, a significant reduction from original estimate

1) New Substations required in support of new feeder construction



A portion of plan may be recoverable by SPP as currently defined

Clause/Base Split

Revised Forecast		SPP* Units	SPP Cost	Base Units	Base Cost	Total Cost
Substation Transformers	Replace/Install 16 transformers – align philosophy	16	\$36MM			\$36MM
Substation Equipment	Replace 90 Regulators and 9 Reactors	60	\$1.9MM	30/9	\$1.1MM	\$3MM
Field Transformers	Replace 6,000 transformers – FPL only	4500	\$24.7MM	1500	\$8.3MM	\$33MM
Transmission	Upgrade 36 miles of transmission line	36	\$75MM			\$75MM
Total			\$137.6MM		\$329.4MM	\$467MM

*Requires 2023 SPP filing

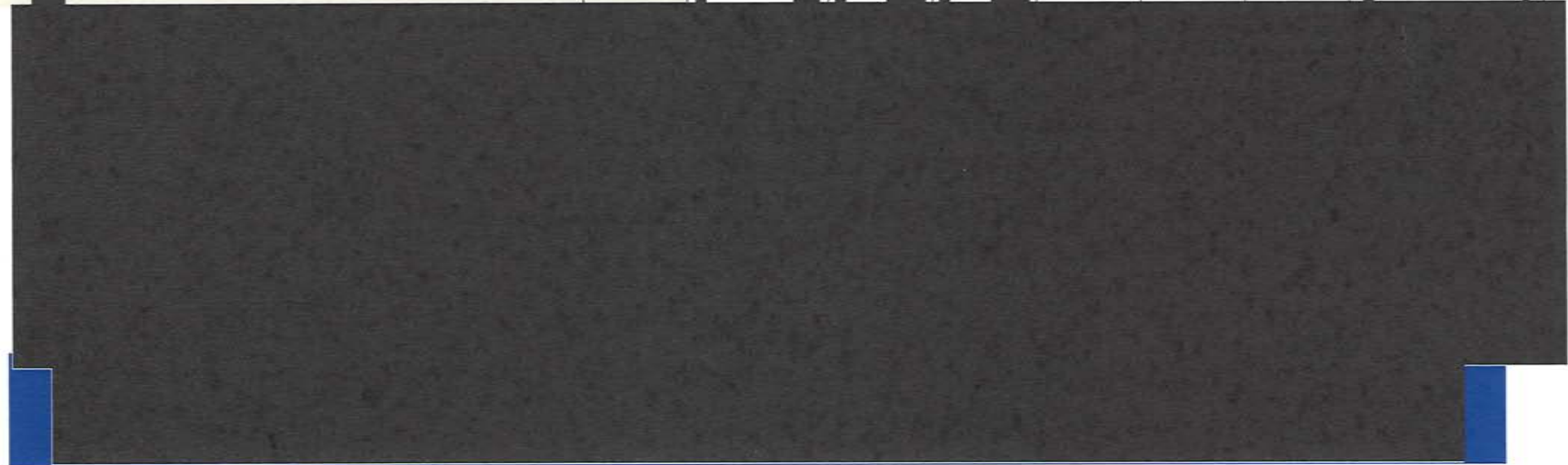
Note: 2022 SPP Filing is complete, no new items included into 2022 SPP budget

- **Already included in SPP filing**
 - Feeder Hardening – 6 feeders at Gulf YE 2022
 - Power Transformers – 1 Increased Capacity – Philips Inlet (Gulf)

After internal capital adjustments, no incremental increase is required for winterization, year over year shift only

Winterization/SR 80/SR 70 Preliminary Capital - Yearly

Items	# of Items	2022 (\$MM)	2023 (\$MM)	2024 (\$MM)	2025 (\$MM)	2026 (\$MM)	2027 (\$MM)	Capital Total
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Sub Power Transformers - Replacements	4		\$ 4.0	\$ 4.0				\$ 8.0
Voltage Regulators - 3 per item	22	\$ 0.7	\$ 0.8	\$ 0.7				\$ 2.1
FPL Reactors - 3 per item	3	\$ 0.2						\$ 0.2
Distribution Padmount Transformers	4000	\$ 5.5	\$ 5.5	\$ 11.0				\$ 22.0
Distribution Aerial Transformers	2000	\$ 2.8	\$ 4.1	\$ 4.1				\$ 11.0
Transmission Improvements			\$ 21.0	\$ 35.0	\$ 19.0			\$ 75.0
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Gulf Sub Power Transformers - Increase Capacities	9		\$ 7.3	\$ 7.3	\$ 7.4			\$ 22.0
Sub Power Transformers - Replacements	3		\$ 2.0	\$ 2.0	\$ 2.0			\$ 6.0
Voltage Regulators - 3 per item	8	\$ 0.3	\$ 0.3	\$ 0.2				\$ 0.8



[Redacted]

[Redacted]

- [Redacted]

- █ [Redacted]

 - [Redacted]

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- █ [Redacted]

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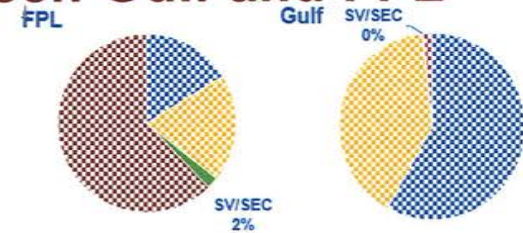


Appendix

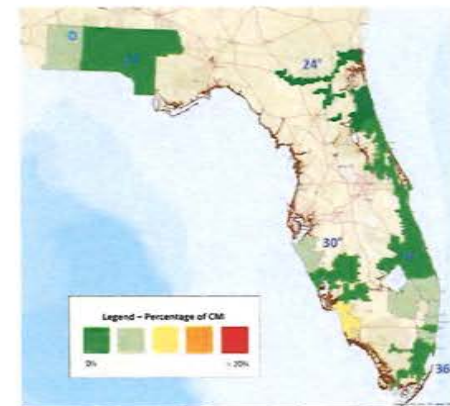
OH/UG Service Standards are aligned between Gulf and FPL

Meter to Transformer

- Gulf and FPL services are sized to meet the capability of home electrical panels
- Review of January 2010 proved limited overall impact - ~1% of total
 - Primary impacts driven by legacy conductors smaller than current design guidelines
 - Splices/connectors primary failure points
- Legacy conductor continues to be inherent risk and will be addressed by SSUP program
 - Small wire services
 - Open wire secondary



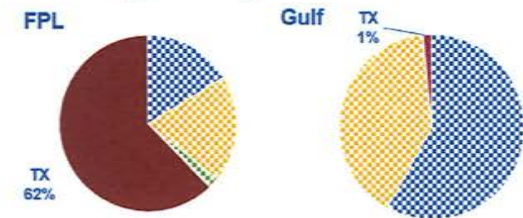
Service CMI



No recommended changes to service philosophy or mitigations required

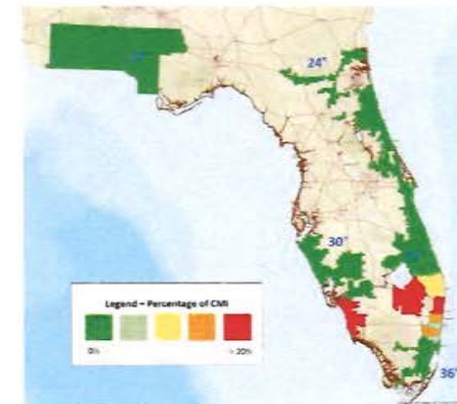
Field transformer outages drove overall reliability impact during January 2010's winter event for FPL

Field Transformers



- **Largest CMI contributor for FPL in 2010 – Underground units**
 - Failures primarily due to loading impacts
- **Regionalized impacts observed south of Lake Okeechobee**
 - Increased population (load) during winter in south – “Snowbirds”
 - More diversity in non-electric heating sources north of Lake (gas, fireplaces, etc.) – reduced loads
- **Recommendations:**
 - Align FPL and Gulf philosophies
 - Proactive replacement of 6,000 units - \$33.0MM

Transformer CMI



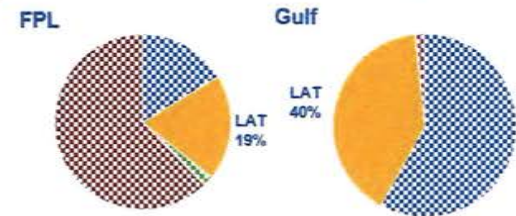
	FPL Existing		Gulf Existing		Proposed	
	Summer	Winter	Summer	Winter	Summer	Winter
Initial Loading	120%	200%	125%	140%	100%	120%
Changeout Loading	200%	200%	160%	180%	160%	180%



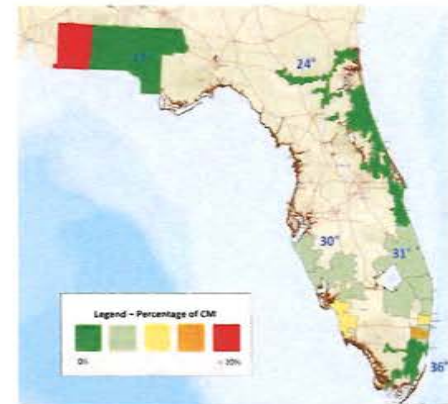
While lateral outages were an impact during the 2010 event, programs exist to mitigate exposure

Laterals

- During the January 2010 event, lateral outages were a challenge for both Gulf and FPL
 - 40% total CMI – Gulf, 20% total CMI – FPL
 - Overload – Gulf, Equipment Failure – FPL
 - Both main causes primarily on legacy “small wire” (conductor < 1/0)
 - Undersized fuse sizing drove outages at Gulf



Lateral CMI



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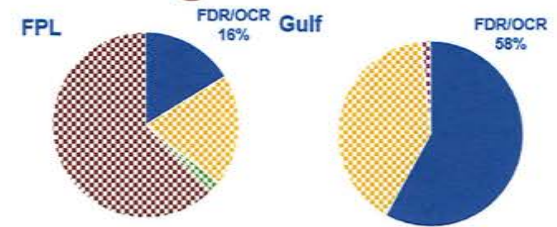
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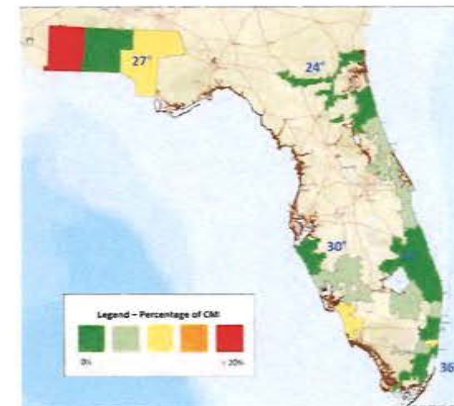
Review of 2010's winter event proved Feeder outages were a large impact at Gulf due to overload

Feeders

- Feeder performance differed between FPL and Gulf during the January 2010 event
 - Gulf – ~60% CMI, FPL – ~20% CMI
 - Gulf – overload, FPL – equipment failure
- Alignment of philosophies for winter loading of feeders will mitigate previous overload scenarios at Gulf Power
 - 720A (840A emergency), part of yearly planning and system expansion process
 - Mitigate cold load pickup/overload scenarios



Feeder CMI



Team Recommendations differ from original estimates due to deeper analysis of philosophies and system capabilities and updated forecast information

Summary of Recommendations

FPL		Gulf
Field Transformers	Change initial and change-out (capacity upgrade) criteria to align with Gulf. Initial: 100%/120%, Changeout 160%/180% (Summer/Winter) Replace 6,000 units with forecasted overload	Reduce initial loading criteria to align FPL and Gulf philosophies – 100%/120% (Summer/Winter)
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
Substation Transformers	Replace 4 Power Transformers	Adopt FPL emergency rating philosophy (130% Summer, 150% Winter), Add 9 Transformers, Replace 3
[REDACTED]	[REDACTED]	[REDACTED]
Transmission	Upgrade ampacity on 6 Transmission Lines/Sections (~36 miles)	No recommended actions – Gulf transmission capable for forecasted loads
Reductions in estimated new substations and substation transformers reduces previously estimated overall costs		



The documents responsive to OPC's First Request for Production of Documents No. 1, Bates No. 000166-000168, are confidential in their entirety.

Docket No. 20220051
Attachment B

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Review of Storm Protection Plan,
pursuant to Rule 25-6.030, F.A.C., Florida
Power & Light Company

Docket No. 20220051-EI

Served: May 5, 2022

**FLORIDA POWER & LIGHT COMPANY'S OBJECTIONS AND RESPONSES TO
OFFICE OF PUBLIC COUNSEL'S SECOND SET INTERROGATORIES (9-13) AND
SECOND SET OF REQUESTS FOR PRODUCTION OF DOCUMENTS (6)**

Florida Power & Light Company ("FPL") hereby serves the following Objections and Responses to Office of Public Counsel's Second Set of Interrogatories (Nos. 9-13) and Second Set of Requests for Production of Documents (No. 6) pursuant to Rule 1.340 and Rule 1.350, Florida Rules of Civil Procedure, Rule 28-106.206, Florida Administrative Code, and Order No. PSC-2022-0119-PCO-EI.

I. General Objections

1. FPL objects to each and every discovery request that calls for information protected by the attorney-client privilege, the work product doctrine, the accountant-client privilege, the trade secret privilege, or any other applicable privilege or protection afforded by law, whether such privilege or protection appears at the time the response is first made or is later determined to be applicable for any reason. FPL in no way intends to waive any such privilege or protection. The nature of the documents, if any, will be described in a privilege log prepared and provided by FPL.

2. FPL is a large corporation with employees located in many different locations. In the course of its business, FPL creates numerous documents that are not subject to Florida Public Service Commission or other governmental record retention requirements. These documents are kept in numerous locations and frequently are moved from site to site as employees change jobs or as business is reorganized. Therefore, it is possible that not every relevant document may have been consulted in developing FPL's responses to the discovery requests. Rather, these responses

provide all of the information that FPL obtained after a reasonable and diligent search conducted in connection with these discovery requests. To the extent that the discovery requests propose to require more, FPL objects on the grounds that compliance would impose an undue burden or expense on FPL.

3. FPL objects to each discovery request to the extent that it seeks information that is duplicative, not relevant to the subject matter of this docket, and is not reasonably calculated to lead to the discovery of admissible evidence.

4. FPL objects to each and every discovery request to the extent it is vague, ambiguous, overly broad, imprecise, or utilizes terms that are subject to multiple interpretations but are not properly defined or explained for purposes of such discovery requests. Any responses provided by FPL will be provided subject to, and without waiver of, the foregoing objection.

5. FPL objects to each and every discovery request to the extent it calls for FPL to prepare information in a particular format or perform calculations or analyses not previously prepared or performed as unduly burdensome and purporting to expand FPL's obligations under applicable law.

6. FPL objects to each and every discovery request to the extent it calls for FPL to conduct legal research or provide a legal conclusion or analysis.

7. FPL objects to providing information to the extent that such information is already in the public record before a public agency and available through normal procedures or is readily accessible through legal search engines.

8. FPL objects to each and every discovery request that calls for the production of documents and/or disclosure of information from NextEra Energy, Inc. and any subsidiaries and/or affiliates of NextEra Energy, Inc. that do not deal with transactions or cost allocations between FPL and either NextEra Energy, Inc. or any subsidiaries and/or affiliates. Such documents and/or

information do not affect FPL's rates or cost of service to FPL's customers. Therefore, those documents and/or information are irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Furthermore, FPL is the party appearing before the Florida Public Service Commission in this docket. To require any non-regulated entities to participate in irrelevant discovery is by its very nature unduly burdensome and overbroad. Subject to, and without waiving, any other objections, FPL will respond to the extent the request pertains to FPL and FPL's rates or cost of service charged to FPL's customers. To the extent any responsive documents contain irrelevant affiliate information as well as information related to FPL and FPL's rates or cost of service charged to its customers, FPL may redact the irrelevant affiliate information from the responsive documents.

9. Where any discovery request calls for production of documents, FPL objects to any production location other than the location established by FPL, at FPL's Tallahassee Office located at 134 W. Jefferson Street, Tallahassee, Florida, unless otherwise agreed by the parties.

10. FPL objects to each and every discovery request and any instructions that purport to expand FPL's obligations under applicable law.

11. In addition, FPL reserves its right to count discovery requests and their sub-parts, as permitted under the applicable rules of procedure, in determining whether it is obligated to respond to additional requests served by any party.

12. FPL expressly reserves and does not waive any and all objections it may have to the admissibility, authenticity, or relevance of the information provided in its responses.

II. Specific Objections

13. To the extent it calls for a legal conclusion, FPL objects to OPC's Second Set of Interrogatories No. 12.

14. To the extent it seeks information beyond FPL's proposed Distribution

Winterization Program and Transmission Winterization Program, FPL objects to OPC's Second Set of Interrogatories No. 13 on the basis that it is beyond the scope of this proceeding, irrelevant, immaterial, and not reasonably calculated to lead to the discovery of admissible or relevant evidence. OPC's Second Set of Interrogatories No. 13 seeks information regarding FPL's "entire suite of winter weather emergency preparedness measures across its generation, transmission, distribution systems, fuel procurement systems, supply, and procurement strategies." FPL's 2023-2032 Storm Protection Plan, which is the subject of this proceeding, does not present or seek approval of the entire suite of winter weather emergency preparedness measures FPL is considering across its generation, transmission, distribution systems, fuel procurement systems, supply, and procurement strategies. Rather, FPL's 2023-2032 Storm Protection Plan only seeks approval of two limited winterization hardening programs, the Distribution Winterization Program and the Transmission Winterization Program, as clearly laid out in Sections IV(I) and IV(J) of the FPL's 2023-2032 Storm Protection Plan.

15. To the extent it seeks information beyond FPL's proposed Distribution Winterization Program and Transmission Winterization Program, FPL objects to OPC's Second Requests for Production of Documents No. 6 on the basis that it is beyond the scope of this proceeding, irrelevant, immaterial, and not reasonably calculated to lead to the discovery of admissible or relevant evidence. OPC's Second Requests for Production of Documents No. 6 seeks information regarding FPL's "entire suite of winter weather emergency preparedness measures across its generation, transmission, distribution systems, fuel procurement systems, supply, and procurement strategies." FPL's 2023-2032 Storm Protection Plan, which is the subject of this proceeding, does not present or seek approval of the entire suite of winter weather emergency preparedness measures FPL is considering across its generation, transmission, distribution systems, fuel procurement systems, supply, and procurement strategies. Rather, FPL's

2023-2032 Storm Protection Plan only seeks approval of two limited winterization hardening programs, the Distribution Winterization Program and the Transmission Winterization Program, as clearly laid out in Sections IV(I) and IV(J) of the FPL's 2023-2032 Storm Protection Plan.

III. Responses


16. Attached hereto are FPL's non-confidential responses to OPC's Second Set of Interrogatories (Nos. 9-13), consistent with its objections.

17. Attached hereto are FPL's non-confidential responses to Second Request for Production of Documents (No. 6), consistent with its objections.

18. Confidential documents, if any, will be made available for review subject to the procedures set forth in FPL's Confidentiality Agreement and as agreed by the parties.

Respectfully submitted this 5th day of May 2022,

Christopher T. Wright
Senior Attorney
Florida Power & Light Company
700 Universe Boulevard
Juno Beach, FL 33408-0420
Phone: 561-691-7144
Fax: 561-691-7135
Email: christopher.wright@fpl.com



Christopher T. Wright
Authorized House Counsel No. 1007055

Attorney for Florida Power & Light Company

QUESTION:

Referring to the 2023-2025 SPP at page 26, please describe how the meter base adapter will "minimize" impact on customer as a part of the underground conversion process.

RESPONSE:

The meter base adapter allows FPL to convert the service from overhead to underground without affecting the interior connection in the meter can. In many municipalities, altering the connections in the meter can will require a permit, inspections, and could also lead to additional work requirements based on local codes, such as electric panel replacements that can be costly to the property owner. The meter base adapter helps avoid this consideration entirely.

QUESTION:

Are there circumstances where a customer would be expected to incur an out-of-pocket cost (apart from the tariffed charges applied to the FPL bill) as a result of the underground conversion process described in the next to last paragraph on page 26 of the 2023-2025 SPP? If the answer is yes, please describe these circumstances and indicate the range of costs a customer would likely incur?

RESPONSE:

No. Out-of-pocket costs are not expected as a result of the underground conversion process described on page 26 of FPL's 2023-2032 Storm Protection Plan. See also FPL's response to OPC Second Set of Interrogatories No. 9.

QUESTION:

How will the meter base adapter costs be treated in the SPPCRC process – if at all? If these costs will not be recovered in the SPPCRC, please indicate under what rate making mechanism and under what tariff they will be recovered?

RESPONSE:

Consistent with the 2020-2029 Storm Protection Plan approved by Commission Order No. PSC-2020-0293-AS-EI, the meter base adaptors costs are included as part of the Lateral Hardening Program under FPL's 2023-2032 Storm Protection Plan. As a result, the costs associated with the meter base adaptors are being and will be recovered through the Storm Protection Plan Cost Recovery Clause.

QUESTION:

Please state whether Commission Orders No. 18893 and PSC-1995-0131-FOF-EI (requiring customers to bear the cost of meter enclosures, including meter sockets and meter bases) have any bearing on the cost attribution (to or away from the customer) of the meter base adapter. Please explain your reasons why or why not these orders would apply.

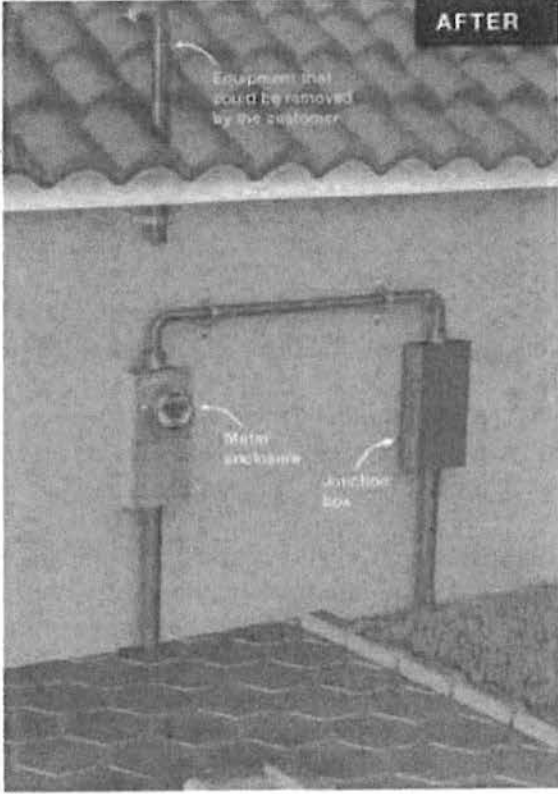
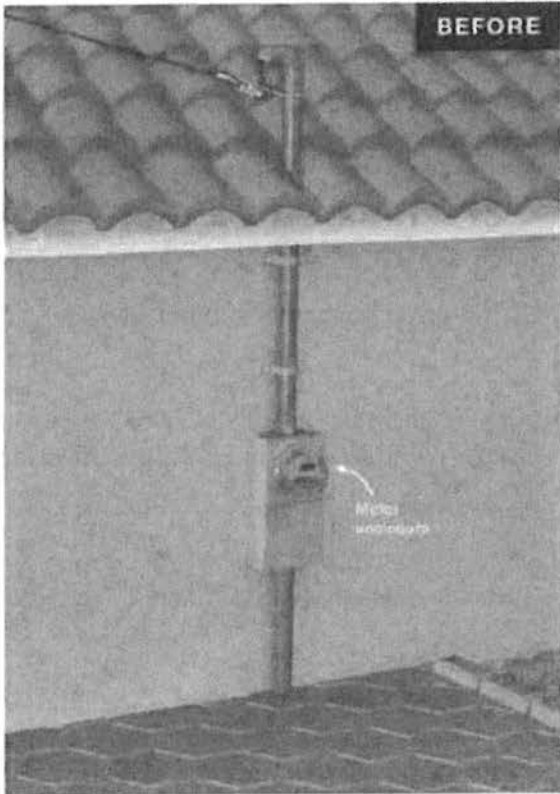
RESPONSE:

See FPL's objections filed May 5, 2022. Subject to and without waiver of said objections, the meter base adaptors installed as part of FPL's 2023-2032 Storm Protection Plan Distribution Lateral Hardening Program are not part of the meter enclosure, meter socket, or meter base and, instead, are located on FPL's side of the system downstream from the meter. See the diagram provided in Attachment I to this response.

FPL also notes that the inclusion of the meter base adapter as part of the Distribution Lateral Hardening Program is unchanged from the FPL's 2020-2029 Storm Protection Plan approved by Commission Order No. PSC-2020-0293-AS-EI.

Junction Box Adapter

In order to connect your electric service to the new underground equipment, Florida Power & Light Company may need to retrofit your meter enclosure with a junction box.



QUESTION:

Please identify the individual(s) primarily responsible for developing the company's "entire suite of winter weather emergency preparedness measures across its generation, transmission, distribution systems, fuel procurement systems, supply, and procurement strategies" and the "holistic approach to winterization" (to the extent it is different from the aforementioned "suite" and which the SPP Winterization Hardening Program is referenced as being "part of") (as identified on pages 10-12 of 63 in your 2023-2025 Storm Protection Plan). Please also identify the individual(s) primarily responsible for presenting said suite or holistic approach for management and executive review and for receiving authorization to proceed (including expenditure authorization) with such "entire suite" and "approach."

RESPONSE:

Please see FPL's objections filed on May 5, 2022. Subject to and without waiver of said objections, please see the response provided below:

The Distribution and Transmission Winterization Programs included in FPL's 2023-2032 Storm Protection Plan were developed by the Power Delivery business unit in consultation and coordination with FPL's Resource Planning team.

The Power Delivery team primarily responsible for the development of these Distribution and Transmission Winterization Programs were FPL's General Manager – Performance Diagnostic Center, and Sr. Manager - Distribution Planning.

The individuals primarily responsible for presenting these Distribution and Transmission Winterization Programs for management and executive review/authorization were FPL's General Manager – Performance Diagnostic Center, and Vice President of Transmission and Substation.

DECLARATION

I, Thomas Allain, sponsored the answers to Interrogatory Nos. 9-13 from OPC's Second Set of Interrogatories to Florida Power & Light Company in Docket No. 20220051-EI, and the responses are true and correct based on my personal knowledge.

Under penalties of perjury, I declare that I have read the foregoing declaration and the interrogatory answers identified above, and that the facts stated therein are true.

Thomas Allain

Thomas Allain

Date: May 3, 2022

QUESTION:

Please provide each document, and all supporting workpapers of each such document, that fully describes the company's "entire suite of winter weather emergency preparedness measures across its generation, transmission, distribution systems, fuel procurement systems, supply, and procurement strategies" and the "holistic approach to winterization" (to the extent it is different from the aforementioned "suite" and which the SPP Winterization Hardening Program is referenced as being "part of") (as identified on pages 10-12 of 63 in your 2023-2025 Storm Protection Plan). This includes but is not limited to all of the documents prepared for management and executive review and for receiving authorization to proceed (including expenditure authorization) with such "entire suite" and "holistic approach".

RESPONSE:

Please see FPL's objections filed on May 5, 2022. Subject to and without waiver of said objections, please refer to the documents provided in FPL's response to OPC's First Request for Production of Documents, No. 1.