

# **Customer Service Hearing Exhibit #1**

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## PSC Hearings on FPL's \$690 Million Rate Increase Start This Week

**Florida Power & Light (FPL) has asked the Public Service Commission (PSC) for a \$690 million rate increase. As Florida's largest utility, this rate increase will affect 8 million Floridians.** — RPP

*interest rate increase*  
FPL has a monopoly on its services – they have no competition and have a guaranteed return on investment currently of 10 percent. FPL wants the PSC to approve an 11.25% rate of return, which according to their CFO is necessary “to continue to deliver value to its customers” and a “fair return” to investors.

However, shareholders of FPL's parent company NextEra received a 22% return in 2011, and their profits increased 72% in the first quarter of 2012. **This certainly begs us to ask - why is a rate increase needed?**

FPL's President says that the company has a history of tightening its belt, but they continue to increase costs and salaries, including CEO compensation of \$14.8 million in 2011! This doesn't seem like belt-tightening to us. *ERIC*  
*A CUT SOLAR REBATE*

*\** **Florida Public Counsel J.R. Kelly, whose job is to represent the citizens at PSC rate request hearings, has said that FPL's request is “absolutely ridiculous.”**

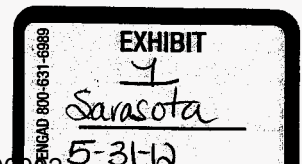
At a time where the average consumer is lucky to receive one percent return on their savings, if they have any savings at all, it is outrageous that FPL can ask for such an unfounded and egregious rate increase. It's time for FPL to be good stewards and watch out for their customers, not just their shareholders.

**The PSC is holding a series of public meetings starting this week.** Attend one of the meetings in your area to voice your concerns over FPL's rate increase and ask the Public Service Commissioners to closely examine this request and protect the interest of the ratepayers.

**Send an email to the Public Service Commissioners HERE.**

**The first two PSC hearings are this Thursday in Sarasota and Ft. Myers:**

**SARASOTA - May 31, 2012 at 9:30 a.m.** ☐  
Sarasota City Commission Chambers  
Sarasota City Hall ☐  
1565 1st Street ☐



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# **Customer Service Hearing Exhibit #2**



May 30, 2012 11:35AM ET U.S. Markets Open. S&amp;P 500 -1.33% NASDAQ -1.16%

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## Return on Equity Rankings for Electric Utilities Industry

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Rankings for 48 companies as of May 29, 2012

Rank	Symbol	Company	Return on Equity	Pr Ratin
1	GRH	GreenHunter Energy	47.95%	Go Pi
2	PPL	PPL Corporation	15.29%	Go Pi
3	ITC	ITC	14.40%	Go Pi
4	NEE	NextEra Energy	14.19%	Go Pi
5	CNL	Cleco Corporation	14.09%	Go Pi
6	AEP	American Electric Power Company	13.75%	Go Pi
7	NST	NSTAR	13.33%	Go Pi
8	WEC	Wisconsin Energy Corporation	13.31%	Go Pi
9	OGE	OGE Energy	13.31%	Go Pi
10	EE	El Paso Electric	12.66%	Go Pi

2

11	SO	Southern Company	12.44%	Go Pro
12	D	Dominion Resources	12.12%	Go Pro
13	TE	TECO Energy	12.11%	Go Pro
14	UNS	UNS Energy Corporation	11.68%	Go Pro
15	CMS	CMS Energy Corporation	11.43%	Go Pro
16	ETR	Entergy Corporation	10.76%	Go Pro
17	IDA	Idacorp	9.97%	Go Pro
18	DTE	DTE Energy Company	9.91%	Go Pro
19	ELP	Companhia Paranaense de Energia	9.90%	Go Pro
20	SCG	SCANA Corporation	9.84%	Go Pro
21	XEL	Xcel Energy	9.74%	Go Pro
22	HE	Hawaiian Electric Industries	9.70%	Go Pro
23	PNW	Pinnacle West Capital Corporation	9.00%	Go Pro
24	ED	Consolidated Edison	8.93%	Go Pro
25	LNT	Alliant Energy Corporation	8.91%	Go Pro
26	FE	FirstEnergy	8.60%	Go Pro
27	UIL	UIL Holdings Corporation	8.57%	Go Pro
28	EDE	Empire District Electric	7.79%	Go Pro
29	POR	Portland General Electric Company	7.64%	Go Pro
30	PCG	PG &E Corporation	7.19%	Go Pro
31	DUK	Duke Energy Corporation	6.52%	Go Pro
32	POM	Pepco	6.03%	Go Pro
33	GXP	Great Plains Energy	5.52%	Go Pro
34	PGN	Progress Energy	5.38%	Go Pro
35	BKH	Black Hills Corporation	4.58%	Go Pro

36	BIP	Brookfield Infrastructure Partners	3.64%	Go Pro
37	NRG	NRG Energy	3.08%	Go Pro
38	CPN	Calpine Corporation	2.22%	Go Pro
39	CV	Central Vermont Public Service Corporation	2.13%	Go Pro
40	AES	The AES Corporation	1.68%	Go Pro
41	EIX	Edison International	-1.37%	Go Pro
42	GEN	Genon Energy	-2.09%	Go Pro
43	ORA	Ormat Technologies	-2.81%	Go Pro
44	AT	Atlantic Power Corporation	-14.53%	Go Pro
45	ADGE	American DG Energy	-24.52%	Go Pro
46	PAM	Pampa Energia	-24.86%	Go Pro
47	OPTT	Ocean Power Technologies	-38.34%	Go Pro
48	DYN	Dynegy	-82.22%	Go Pro

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## MARKET SNAPSHOT

U.S.	EUROPE	ASIA							
<b>DJIA</b>	12,418.50	-162.15	-1.29%						
<b>S&amp;P 500</b>	1,314.78	-17.64	-1.32%						
<b>NASDAQ</b>	2,830.25	-40.74	-1.42%						
<b>DJIA</b>	12,418.50	-1.29%		<b>S&amp;P 500</b>	1,314.78	-1.32%	<b>FTSE 100</b>	5,297.28	-1.74%
							<b>STOXX 50</b>	2,116.18	-2.04%

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# Moody's Fading Relevance Exposed In Nordic Downgrades

By Adam Ewing - May 29, 2012 7:43 AM ET

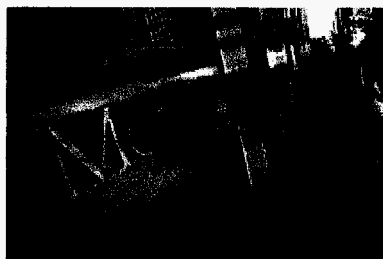
0 COMMENTS

Q QUEUE

The response to the Moody's Investors Service downgrade of the biggest Nordic banks was rising bond and share prices.

The reaction is the latest sign that investors are paying less attention to the views of rating companies and relying more on their own analysis to determine whether to buy or sell.

Enlarge image



Pedestrians walk past the Moody's Investors Service Inc. headquarters in New York. Moody's last week lowered Sweden's Nordea Bank AB and Svenska Handelsbanken AB to Aa3, and Norway's DNB Bank ASA to A1, all single-level downgrades. Photographer: Scott Eells/Bloomberg

Enlarge image

"We can see for ourselves just how strong the Swedish banks are so we don't place much weight on what rating agencies tell us," Nicklas Granath, a partner at Stockholm-based asset manager Norron AB, who helps manage about \$200 million, said in an interview. "More and more the market is likely to take the same approach."

As European policy makers try to reduce the dominance of rating companies in financial markets, investors are showing greater willingness to ignore Moody's, Standard & Poor's and Fitch Ratings. Denmark, which holds the European Union presidency, said this month it won backing in the 27-member bloc to curtail the influence of the raters. Danish banks have started firing Moody's, while Swedbank AB (SWEDA), one of Sweden's four biggest lenders, has said the views published

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# **NEXTERA ENERGY INC (NEE)**

**DEFA14A**

Filed on 05/11/2012

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**UNITED STATES  
SECURITIES AND EXCHANGE COMMISSION**  
Washington, D.C. 20549

**SCHEDULE 14A**  
(Rule 14a-101)

**Proxy Statement Pursuant to Section 14(a) of the  
Securities Exchange Act of 1934  
(Amendment No. )**

Filed by the Registrant ☒

Filed by a Party other than the Registrant ☐

Check the appropriate box:

☐ Preliminary Proxy Statement

☐ Confidential, for Use of the Commission Only (as permitted by Rule 14a-6(e)(2))

☐ Definitive Proxy Statement

☒ Definitive Additional Materials

☐ Soliciting Material Pursuant to §240.14a-12

**NextEra Energy, Inc.**

\_\_\_\_\_  
(Name of Registrant as Specified in Its Charter)

\_\_\_\_\_  
(Name of Person(s) Filing Proxy Statement, if Other Than the Registrant)

Payment of Filing Fee (Check the appropriate box):

☒ No fee required.

☐ Fee computed on table below per Exchange Act Rules 14a-6(i)(1) and 0-11.

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*Commencing May 11, 2012, NextEra Energy, Inc. ("NextEra Energy" or the "Company") sent the following communication to certain shareholders:*

**Supplemental Information regarding Proposal 3: Approval, by non-binding advisory vote, of NextEra Energy's compensation of its named executive officers as disclosed in the proxy statement ("say-on-pay")**

Since you are one of NextEra Energy's key investors, the Company is writing to provide important supplemental information in connection with its say-on-pay proposal at its upcoming Annual Meeting of Shareholders. The Company is pleased to note that recommendations to vote for the proposal have been issued by proxy advisory firms Glass, Lewis & Co. ("Glass Lewis") and Egan Jones Proxy Services, each of which concluded that the Company aligned named executive officer compensation with performance for 2011. However, proxy advisory firm ISS Proxy Advisory Services ("ISS") has recently issued a report recommending that its clients vote against this proposal, contrary to the recommendation of the Board of Directors.

ISS recommends a vote against the Company's say-on-pay proposal because of what ISS characterizes as a "pay-for-performance disconnect." ISS has issued this recommendation despite what it acknowledges is a "generally positive shareholder return backdrop." ISS noted in its report that it had recommended a vote for the Company's named executive officer compensation at the NextEra Energy 2011 Annual Meeting of Shareholders "owing largely to positive TSR performance over the five-year term, and to a lesser degree, in the absence of poor pay practices." ISS also has acknowledged that, including 2011 results, "the company's five-year returns remain above industry peers," and that "TSR performance is positive and outperformed index and industry peers" in 2011.

The Company strongly disagrees with the ISS recommendation, which the Company believes is based on an inappropriate methodology that fails to take account of NextEra Energy's individual facts and circumstances, as discussed in the Compensation Discussion & Analysis ("CD&A") beginning on page 34 of the proxy statement. **Please keep in mind that at the 2011 Annual Meeting of Shareholders, the Company's say-on-pay proposal was supported by 94.7% of the votes cast. The overall structure of the Company's underlying executive compensation program has not changed since that vote, and continues to have a strong pay-for-performance orientation that the Compensation Committee believes has supported the creation of shareholder value in the past and will support increases in long-term shareholder value in the future. The ISS analysis omits or gives insufficient attention to the following facts shareholders should be aware of in order to make an informed decision on this year's say-on-pay proposal.**

**ISS's peer group selection results in an analysis that distorts the Company's relative pay for performance.**

The peer group selected by ISS to benchmark NextEra Energy's chief executive officer compensation is incomplete, as it includes a subset of the Company's energy services industry peers and fails to include any of its "general industry" peers. By comparison, as noted in the proxy statement, the peer group selected by the Compensation Committee includes a larger number of companies outside of the energy services industry, which encompass firms that operate in a wide range of industries, including oil and gas production, defense contracting, health insurance, consumer products, and others. As discussed in the proxy statement, the Compensation Committee believes that the use of companies from both the energy services industry and from general industry is appropriate, because the Company's executive officers come from both within and outside of the Company's industry, and their opportunities for alternative employment are not limited to other energy or utility companies. The Company's chief executive officer, chief operating officer and chief financial officer, as well as the presidents of its two principal subsidiaries, were recruited from outside the Company's industry. If ISS had performed its analysis using the full NextEra Energy peer group, using its preferred metric of total shareholder return ("TSR"), it would have found that NextEra Energy's chief executive officer's compensation was well aligned with that of his peers, as illustrated below in a table that replicates the ISS "relative degree of alignment" pay-for-performance test with NextEra Energy's full peer group:



	<u>TSR Performance</u>	<u>CEO Pay</u>
One-Year Ranking	79.1%	75.5%
Three-Year Ranking	44.1%	83.0%

NextEra Energy outperformed its peers over the 1-, 5- and 10-year periods ended December 31, 2011, which is not appropriately reflected in the ISS pay-for-performance model.

ISS focuses on the single performance metric of total shareholder return in evaluating pay for performance, and compares that return to a peer group of its own choosing over 1-, 3- and 5-year periods. The ISS recommendation is therefore heavily influenced by its focus on a 3-year period which includes unusual results with respect to the Company.

The chart below compares the Company's TSR for the 1-, 3-, 5- and 10-year periods ended December 30, 2011 to the TSRs of the S&P 500 Electric Utilities Index, the S&P Utilities Index, the Philadelphia Exchange Utility Sector Index ("UTY"), the NextEra Energy peer group as defined in the proxy statement and the S&P 500. NextEra Energy outperformed all of these indices and the peer group over both the short and long term (with certain exceptions in the 3-year period, as discussed below).

NextEra Energy Total Shareholder Return Through 12-30-11 vs. Various Indices

	<u>1-year TSR</u>	<u>3-year TSR</u>	<u>5-year TSR</u>	<u>10-year TSR</u>
NextEra Energy	21.9%	35.7%	32.9 %	208.7%
S&P 500 Electric Utilities Index, total return	21.1%	29.5%	18.2 %	128.6%
S&P 500 Utilities Index, total return	20.0%	41.6%	20.1 %	86.4%
UTY, total return <sup>1</sup>	18.8%	36.2%	19.1 %	78.0%
NextEra Energy peer group (median performance)	1.4%	43.0%	15.9 %	123.7%
S&P 500, total return	2.1%	48.6%	-1.2 %	33.3%

ISS's focus on the 3-year TSR is misplaced because it fails to take into account the effect of the failure of NextEra Energy's stock price to drop as precipitously in the tumultuous market conditions of late 2008 as the stock prices of others in its industry and peer group. When stock prices recovered, companies whose stock prices sustained the largest declines experienced greater percentage gains than those companies, such as NextEra Energy, whose stock had held more of their value during the economic crisis. Given the unprecedented nature of the 2008 economic turmoil and its disparate effect on stock prices, ISS's emphasis on the 3-year TSR inappropriately distorts the true picture of NextEra Energy's comparative performance.

In addition to the Company's strong historical performance shown in the chart above, NextEra Energy's TSR for the period January 1, 2012 through May 10, 2012, significantly outperformed all utility indices and the NextEra Energy peer group as defined in the proxy statement:

NextEra Energy Total Shareholder Return Through 5-10-12 vs. Various Indices

	<u>TSR</u>
NextEra Energy	8.0 %
S&P 500 Electric Utilities Index, total return	-1.2 %
S&P 500 Utilities Index, total return	0.9 %
UTY, total return <sup>1</sup>	0.3 %
NextEra Energy peer group (median performance)	2.0 %
S&P 500, total return	8.5 %

<sup>1</sup> Calculated assuming a 4.0% annual dividend yield reinvested quarterly.

Proxy Filing - Return on Equity 11%, increased net income by 13% in 2011/2010

**The substantial majority of named executive officer compensation is performance-based, including a significant portion of cash compensation and all long-term compensation.**

The ISS analysis draws a general conclusion that there is a “pay-for-performance disconnect,” but omits the percentage of named executive officer pay tied to Company performance. For 2011, as discussed in the CD&A, 86% of the CEO’s total compensation opportunity was performance-based and at risk, while an average of 78% of the total compensation opportunity of the remaining NEOs was performance-based and at risk.

In addition, as set forth in the CD&A, in October 2010, in advance of the Compensation Committee’s initial determinations about 2011 executive compensation, the Compensation Committee’s compensation consultant provided a detailed pay-for-performance analysis of the alignment between the chief executive officer’s pay and Company performance, and concluded that the pay of the Company’s chief executive officer was very well aligned to Company performance over both the short and long term. Over the 5-year period analyzed, the Company performed in the top quartile relative to its energy services industry peers, while realizable pay was commensurate with NextEra Energy’s relative performance and size.

**The Company continues to emphasize improved pay practices.**

In its report, ISS acknowledges that its own Governance Risk indicators (or GRId) framework “has not identified specific concerns within Compensation.” In fact, ISS noted that since issuance of its recommendation in support of last year’s say-on-pay vote, “a number of improvements were made to pay practices.” These improvements include the following:

- As more fully described in the CD&A, the current chairman and chief executive officer, who will transition to the role of executive chairman on July 1, 2012, has waived his rights under his retention agreement to receive any payments or other benefits as a result of, or in connection with, a change in control or a potential change in control of the Company, including, without limitation, payment of cash severance, accelerated vesting and payout of equity awards, and excise tax gross-up payments.
- The successor chief executive officer will not have an employment agreement.
- The Company’s Stock Retention Policy was amended to provide that all of the named executive officers (among other officers) must retain all shares of restricted stock which vest after March 2012 for a minimum of 24 months (net of shares used to pay taxes).
- The Board adopted an incentive compensation recoupment, or “clawback,” policy which provides for recoupment of incentive compensation granted after policy adoption from current and former executive officers in the event of the occurrence of the triggering events described in the CD&A.
- The Company’s equity compensation plan was amended to prohibit all share recycling and to provide that awards of stock options and stock appreciation rights will, subject to a de minimis exception, have a minimum full vesting period of three years.

## **Conclusion**

The strong performance orientation of NextEra Energy’s executive compensation program has helped to drive the Company’s superior results over the past decade. During this period, the Company has significantly increased almost every key measure of performance and has consistently been a leader in the creation of shareholder value. Even though the Company’s pay-for-performance philosophy and practices have earned strong shareholder support over the years, the Company has not relaxed its focus on continually enhancing features of its compensation program that support the generation of superior returns. Glass Lewis and Egan Jones Proxy Services have both concluded that the Company’s named executive officer compensation was aligned with performance for 2011. The failure of ISS to do so is the result of its use of a “one-size-fits-all” methodology that does not present an accurate picture of this alignment in the context of NextEra Energy’s own circumstances.

**For the foregoing reasons, NextEra Energy believes that ISS’s recommendation is unwarranted and requests that you vote FOR the say-on-pay proposal (Proposal 3) included in the proxy statement.**

*This information is being provided to certain shareholders in addition to NextEra Energy’s proxy statement dated April 9, 2012, which you have already received. Please read the complete proxy statement and accompanying materials carefully before you make a voting decision. Even if voting instructions for your proxy have already been given, you may change your vote at any time before the annual meeting to be held on May 25, 2012 by giving new voting instructions as described in more detail in the proxy statement.*

# **Customer Service Hearing Exhibit #3**

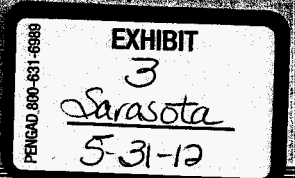


# FLORIDA OFFICE OF PUBLIC COUNSEL

Florida Power and Light (FPL) is requesting an increase in base rates in the amount of \$690 million per year, a 16% increase over current base rates. \$516.5M of the increase would start on January 1, 2013, and an additional \$173.9M increase would be added in June 2013 when FPL's new Cape Canaveral plant goes online. For residential customers, this proposal results in an increase of approximately \$6.97 per 1,000 Kwh per month.

The Office of Public Counsel (OPC) represents the interests of ratepayers – both individuals and businesses – and will be contesting some of FPL's proposals, including the following issues:

- **Return on equity** – FPL is requesting a rate of return on equity capital of 11.5%. OPC believes this is excessive and unreasonable. The Florida Public Service Commission awarded FPL 10% in 2010, and OPC believes the cost of capital has decreased since that time. OPC recently recommended a ROE of 9.25% for another major Florida electric utility. Each 1% ROE translates into approximately \$130-140 million more from ratepayers annually.
- **Accounting issues** – Expert consultants hired by OPC are currently pouring through voluminous documents to determine the sufficiency of FPL's rate increase proposal. Although it is too early to identify specific issues, here are some issues we are reviewing:
  - The amount of salaries and benefits FPL is requesting;
  - Reasonableness of affiliate charges and transactions;
  - FPL projections of customers, revenues and expenses;
  - Prudence of the company's expenses related to plant modifications and upgrades;
  - The capital structure being proposed by FPL as compared to other similar utilities and in relation to its parent company, NextEra;
  - FPL's proposal for future storm cost recovery.





I agree w/ Mr Ryan who represents the retailers association in that we want FPL to have sufficient funding to operate efficiently.

I want FPL to provide electricity to homes & businesses so that people can 'operate' efficiently. - I am not convinced that FPL's judgments are necessarily efficient. But they may need to feather their nest with increases because there may be some financial challenges to come as a result of these decisions. Unfortunately they have chosen to "upgrade" the technology by installing replacing perfectly functioning analogue meters with digital meters that emit a EMR pulse every 6 seconds 24 hrs a day.

Unfortunately I have personally witnessed the negative health effects these EMR have on humans and animals that render their ability to "operate" efficiently.

These meters make people sick. Only 3% - 7% of humans can ~~see~~, feel these EMR's and most do not recognize the cause of the symptoms that result from exposure to these meters.

My recent encounters with the meters by my friend & myself cause us to do a Google search 'What if - - - ' & we found posts from people around the world over the last 5 years extolling the neg. health impacts when these meters are installed in their homes. Bottom line, our neurological systems are affected and many people are simply too sensitive to endure

Atty Gen

Thank you for doing the work  
you do on behalf of us all

This was at up to first record on the health  
effects these devices have on human, animal  
and plant life.

Please check out the facebook page: Save the Canaries.  
Have and it makes me sick.

Please google: "what if I have a smart meter on my  
house and it makes me sick"  
The meter emits EMF's (electromagnetic radiation)  
at a level that is noted to be a class 2B carcinogen.  
Estimate 3-7% of the human population are like the  
"Canaries in the coal mine" because their nervous system is  
sensitive enough to quickly recognize the negative  
the least notifications from exposure to these meters.  
decision to replace perfectly functioning analog meters with  
digital meters that have smart technology.  
Should EPA get a vote increase? maybe it is necessary  
if they create a HSA (Healthcare Savings Act) so that the

# **Customer Service Hearing Exhibit #4**

Comments on the Draft Report  
by the California Council on Science and Technology  
“Health Impacts of Radio Frequency from Smart Meters”

by Daniel Hirsch<sup>1</sup>  
31 January 2011

Abstract

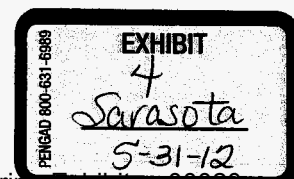
The draft report by the California Council on Science and Technology (CCST) does not appear to answer the questions asked of it by the requesting elected officials. Furthermore, rather than being an independent, science-based study, the CCST largely cuts and pastes estimates from a brochure by the Electric Power Research Institute, an industry group, issued some weeks earlier. The EPRI estimates appear incorrect in a number of regards. When two of the most central errors are corrected – the failure to take into account duty cycles of cell phones and microwave ovens and the failure to utilize the same units (they should compare everything in terms of average whole body exposure) **the cumulative whole body exposure from a Smart Meter at 3 feet appears to be approximately two orders of magnitude higher than that of a cell phone, rather than two orders of magnitude lower.**

It is strongly recommended that CCST revise its Draft Report and conduct actual measurements of cell phone, microwave oven, and SmartMeter RF cumulative whole body power densities. If measurements aren't made, then rigorous calculations correcting for cell phone and microwave oven duty cycles and whole body exposures should be made.

A summary figure below shows how rough estimates of the effect of those corrections suggest SmartMeters may produce cumulative whole body exposures far higher than that of cell phones or microwave ovens.

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<sup>1</sup> The assistance of two UCSC student research assistants, Bailey Hall and Catherine Wahlgren, in the preparation of this review is gratefully acknowledged.





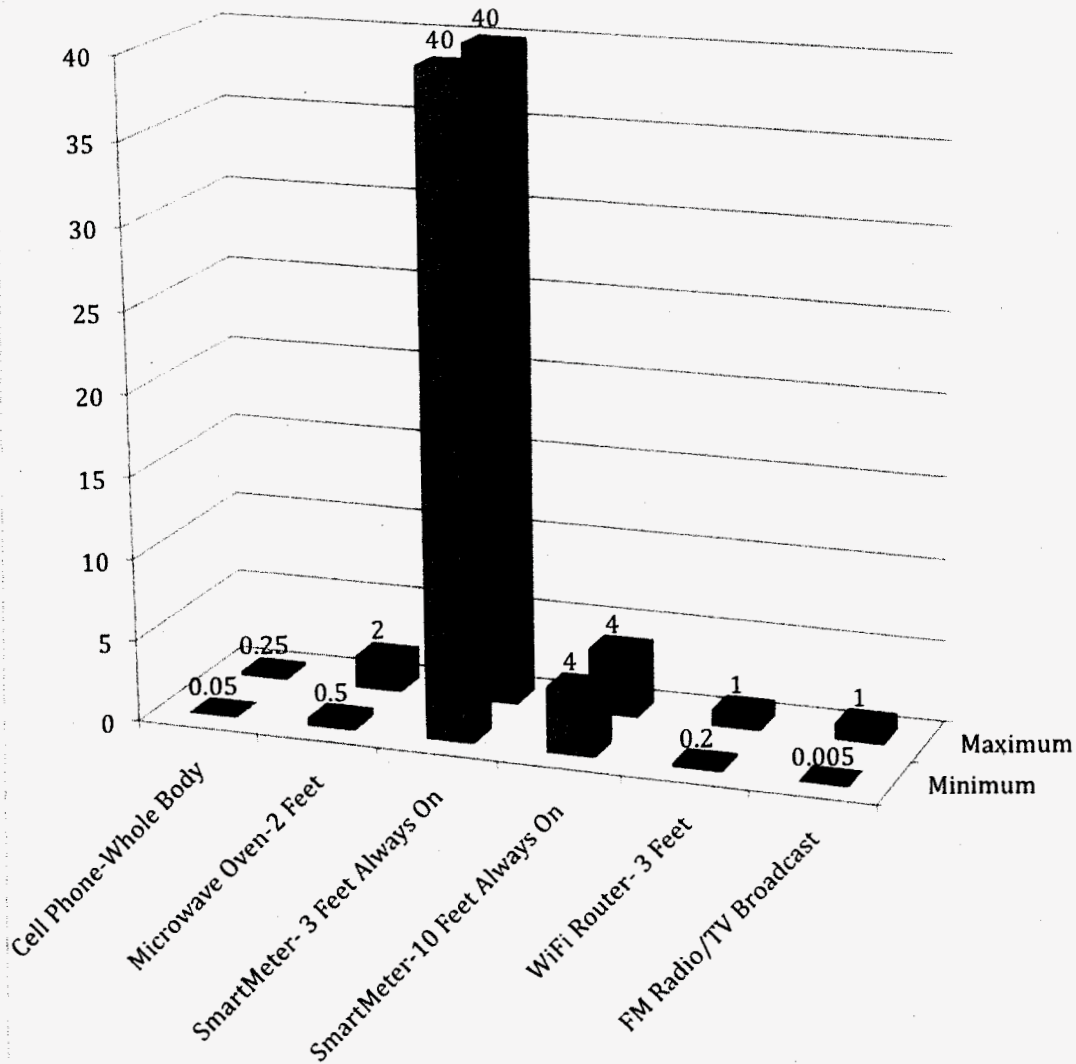


Figure A. Comparison of Radio-Frequency Levels to the Whole Body from Various Sources in  $\mu\text{W}/\text{cm}^2$  over time [corrected for assumed duty cycle and whole body exposure extrapolated from assumed cell phone dose at ear].

On 30 July 2010 Assemblymember Jared Huffman requested that CCST undertake an “independent, science-based study” of two questions: “whether FCC standards for SmartMeters are sufficiently protective of public health taking into account current exposure levels to radiofrequency and electromagnetic fields, and further to assess whether additional technology specific standards are needed for SmartMeters and other devices that are commonly found in and around homes, to ensure adequate protection from adverse health effects.”

Unfortunately, the Council draft report answers neither question.

In September, Assemblymember William Monning and Mill Valley Mayor Stephanie Moulton-Peters joined in the request, asking in particular that CCST review the central issue associated with the current FCC standards, which are decades old and based solely on protecting against prompt thermal effects (heating of tissue)—that they fail to take into consideration long-term and cumulative exposures to these devices and potential non-thermal health impacts (e.g., latent cancers).

Again, the Council’s draft report provides little if any useful information or analysis of this matter. There is no mention or analysis of the specific studies that have suggested, for example, a cancer effect from RF exposure such as the large, international study funded by the cell phone industry, the Interphone study, that found a significant increase in brain cancers in people who used cell phones half an hour a day for ten years. Given the long latency period generally for solid cancers, such a finding gives pause as to what might be seen over the long term. Some other studies have suggested an increased risk of brain cancer on the side of the head where the cellphone is normally used. Other studies, however, have not found an effect. Given the nature of the request from the elected officials for a review of this critical scientific issue—whether there is the potential for non-thermal health effects from cumulative, long-term exposure to RF radiation—one would have hoped that there would have been a more detailed analysis of this question in the report.

The report is candid, however, that at present the issue is unresolved. But it goes on to then say there is no basis for changing the FCC standards which are based only on prompt, thermal effects. One could equally well say there is no basis for maintaining the FCC standards, given the uncertainties about latent, non-thermal effects.

What the CCST draft report does focus on, however, is the relative exposure from SmartMeters compared to other RF-emitting devices in common use. Here, again, the draft report disappoints. The elected officials cited claims made by the electric utility industry regarding safety of SmartMeters and purportedly relative low exposures compared to other common devices and requested “an independent, science-based study.”

However, the CCST draft report does not appear to include much if any independent work on the subject but rather merely pastes in a table taken from an 8-page pamphlet released a few weeks earlier by the Electric Power Research Institute (EPRI), an advocacy group for the

electric power industry.<sup>2</sup> This EPRI table and the graph made from it constitute the core of the CCST report, and is reproduced here as Figure 1.

The EPRI pamphlet is not a peer-reviewed scientific study. It is a brief item for an advocacy group that is supported by industry. If the elected officials wanted the industry's views, it would have asked for them. Instead, it wished an independent, science-based study by an entity without the kinds of conflicts of interest EPRI has on this matter. But the CCST draft report is basically simply a cut-and-paste job from the EPRI brochure.

Note also that the estimate for exposure from a single SmartMeter contained in the EPRI item and repeated in the CCST draft is not a measured value but estimated—how is not made clear. EPRI's measurements were for a bank of ten SmartMeters; it didn't measure one alone but somehow estimated for it, despite the difference in how exposure falls off from one versus ten. The latter is inverse of the distance, the former inverse square of the distance. One presumes the electeds wanted actual measured values from an independent source, not a calculated value from the electric industry, without even an explanation of how it is was calculated and without independent verification.

CCST does correct one error made in the EPRI brochure whereby it reduced the presumed power density estimates for the SmartMeter by duty cycles of 1 and 5%. CCST rightly indicated that future duty cycles could be much higher as "new applications and functionality are added to the meter's communication module in the future." For this reason, it assumed a 100% duty cycle in its calculations.

HOWEVER, CCST did not correct numerous other apparent errors from the EPRI brochure when it adopted EPRI's values. For example, for cell phone exposures, CCST did not correct for the presumed duty cycle of the cell phone (which CCST indicates on average is 1%). Nor did it convert the EPRI cell phone power density estimate into comparable units. EPRI (and thus CCST) compared a *whole body average* exposure to SmartMeter radiation to *peak exposure to the ear* for the cell phone. One needs to compare apples and apples, or whole body exposures to whole body exposures. Comparing the peak dose to the ear from a cell phone, when the rest of the body gets vastly less radiation, with a whole body exposure where all organs get roughly the same dose from a SmartMeter, doesn't seem appropriate. If there is a cancer effect, it is likely associated with the total RF energy the body receives.

Similar apparent errors were made in the comparison to microwave ovens. Again, the duty cycle of the microwave oven is ignored. It is used perhaps fifteen minutes a day, and it is unlikely people are 2 feet away from the device for the full time it is on. Its "down time" must be included if one is looking, as requested by the elected officials, at potential cumulative, long-term exposures.

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<sup>2</sup> The EPRI brochure was apparently released on November 17, providing little if any time for serious review of it by CCST prior to the release a few weeks later (with the holidays intervening) of the CCST report on which it was based.

[Additionally, the values given for microwave oven exposures by EPRI and adopted without changed in the CCST draft report seem questionable. Three references are given in the EPRI report, although for which claim each applies is not made clear. The first reference, the ICNIRP report, does not in fact give measured values for microwave ovens, but instead reports what the legal limit for leakage is, generally reported to be orders of magnitude above what typical exposures from microwave ovens really are. The second reference is to a 1978 paper by PG&E's consultant, RA Tell. That paper CCST has not made available for review, but it is over three decades old, and thus of little relevance to today's microwave ovens. The third reference is merely to a personal communication with Tell, without any information as to the content of that communication. When one checks the values reported by EPRI and uncritically adopted by CCST, it appears that the first value,  $5 \text{ mW/cm}^2$  at 2 inches from the device, is in fact not a measured value of typical exposures but the vastly higher legal limit for leakage. The literature in fact indicates that 50% of microwave ovens produce less than  $0.062 \text{ mW/cm}^2$  at 5 cm, or two orders of magnitude below the value reported by EPRI and reproduced by CCST without question. See, e.g., R. Mathes, "Radiation Emission from Microwave Ovens," *Journal of Radiation Protection*, Vol. 12, No. 3, September 1992. One presumes the leakage rate has been reduced even further since then.]

One recognizes that if one is comparing to FCC existing standards based solely on acute, thermal effects that duty cycle might be treated differently. But if there is a cancer effect, which is what the electeds asked CCST to study, a likely key aspect of the dose-response relationship is the cumulative whole body dose. For ionizing radiation, about which I have spent much of my career, the determining factor is largely how much radiation energy the body has absorbed. [There are of course other factors, such as the relative biological effectiveness (RBE) of different types of ionizing radiation and varying sensitivity of different organs.] So, if the question were how does SmartMeter and cell phone RF radiation compare to FCC limits, duty cycle may be treated in a different fashion. But since the question is what if FCC limits, based solely on thermal effects, may be inadequate to protect against cancer and other non-thermal effects, then the duty cycle—which determines the cumulative total exposure received—and whole body exposure must be factored in. My fundamental recommendation is that the draft report should be revised to correct for these two factors.

I have taken the liberty, with the help of two student assistants, to demonstrate the potential impact of some of these corrections.

Figure 1 is simply the CCST Figure 1, which in turn was largely taken from the estimates in the EPRI pamphlet. Units were simply converted by CCST from  $\text{mW/cm}^2$  to  $\mu\text{W/cm}^2$  and it corrected the duty cycle for the SmartMeter, otherwise the data are unchanged from EPRI's estimates. One will note that the estimated exposure from the cell phone is just to the ear, in direct contact with the cell phone, whereas the other comparisons, including the SmartMeter, are for whole body exposures, and that the duty cycle of the cell phone and microwave oven were not corrected. In other words, the chart compares a SmartMeter that is always on with a cell phone or microwave oven when they are being used, even though 99% of the time they are not in use. This overestimates the cumulative exposure by a factor of 100 for the cell phone and microwave oven, and dramatically skews the comparison.

Figure 2 fixes the error regarding duty cycle for the cell phone and microwave oven, markedly altering the comparison. The minimum cumulative exposure over time from the SmartMeter at 3 feet is 80 times the minimum cumulative exposure from the microwave oven and four times the minimum cumulative exposure from the cell phone, for example. This does not involve any correction of the while-on exposure values for either the cell phone or microwave oven, only the duty cycle factor.

Figure 3 provides a very rough approximation of the correction of the cell phone at the ear estimate to a whole body estimate so it is comparable to the whole body estimate for the SmartMeter. *It should be stressed that neither this estimate nor that in Figure 4 using a different approach is intended to be a definitive figure, but is intended to be exemplary of the kind of change to the comparison a detailed analysis may produce. It is my recommendation that CCST carefully measure, or at minimum thoroughly calculate, the average power density over the whole body from a cell phone held at the ear. We here have made two very rough estimates just to make the point what a far more detailed analysis may show.*

The value used for the peak cell phone power density for a cell phone held to the ear in the CCST draft report is taken directly from the EPRI pamphlet, without apparent independent review or correction. According to p. 6 of the EPRI pamphlet, the value it gives apparently is not a measured value but an estimate. How the estimate was arrived at is not detailed in the brochure. All that is said is in footnote 1, "Based on a 3-inch 250mW antenna emitting in a cylindrical wavefront." A quick calculation to try to reproduce what EPRI must have done indicates that if it merely assumed that all of the energy from a 250mW cell phone was transmitted by holding directly against the ear into a circular area with a 3 inch diameter, the power density in that small circular area around the ear would be  $5 \text{ mW/cm}^2$ . That is precisely the upper value given by EPRI in its table. We don't know if that is what EPRI did, since it doesn't tell us what it did and CCST does not appear to have tried to confirm the asserted value. But in any case,  $5 \text{ mW/cm}^2$  from a 250mW cell phone would indeed appear to require that that power be deposited solely in that very small circular area.

Averaging over the full potentially exposed surface area of the body (presuming only half the body surface could be exposed to the cell phone from any one angle), the whole body exposure would be approximately on average  $0.25 \text{ mW/cm}^2$  given the maximum value to the ear of  $5 \text{ mW/cm}^2$  put forward by EPRI and the CCST draft report and correcting as well for the duty cycle. **The SmartMeter thus would produce 160 times more cumulative whole body exposure than the cell phone assuming this estimate for whole body exposure.** This is shown in Figure 3.<sup>3</sup>

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<sup>3</sup> In these graphs we have used the values for a microwave oven at 2 feet put forward by EPRI and repeated by CCST even though, as discussed above, they appear questionably high. Note that measured values indicate typical measured microwave oven RF fields 5 cm from the oven are in the range of  $0.062 \text{ mW/cm}^2$ , whereas the EPRI estimates used by CCST are for comparable values 2 feet away, which, if the exposure were drop by inverse square of the distance, should be very much lower. It is unclear whether EPRI is actually referring to measured values or to the legal limits, the latter being irrelevant in this context.

Since the EPRI estimate for cell phone peak power density at the ear is unexplained as to its derivation, we have also made a very rough estimate of whole body exposure from a cell phone from an independent line of calculation. Taking the values EPRI (and thereby CCST) put forward for exposure at three feet from a 250 mW SmartMeter, and noting that EPRI assumed the cell phone would also be 250mW, one can make a rough estimate of power density for the whole body from a cell phone held at the head. The exposure at one's waist would be approximately three feet from the source, just as in the assumed case of the SmartMeter. Presuming that the dose falls off as the inverse square of the distance, a very rough estimate of power density averaged over half the surface of the whole body, and taking into account duty cycle, yields a cumulative cell phone whole body power density of roughly  $0.75 \mu\text{W}/\text{cm}^2$ . **Using this way of estimating suggests the SmartMeter would produce 50 times the cumulative whole body exposure as a cell phone.** The results of this comparison are found in Figure 4.

We are here using the duty cycles proposed by CCST itself in its draft report. We recognize other duty cycles can be considered. Perhaps one should presume maximum duty cycle in the future for SmartMeters, when all additional features are incorporated, might be only 50%, for example. But other factors also need to be considered, including exposures from banks of SmartMeters attached to an apartment building, and the exposure from all the devices within a home that are planned to be constantly communicating by RF with the SmartMeter.<sup>4</sup>

It is strongly recommended that CCST revise the report and perform actual measurements. At minimum, revised calculations that correct for duty cycle and cumulative whole body exposure should be conducted.

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<sup>4</sup> It is noted that EPRI claims a diminished dose in back of a bank of SmartMeters, but it is unclear that that claim can be relied upon. The particulars of the specific test done by EPRI, in connection with the manufacturer of the devices (who has an obvious interest in findings suggesting safety), are not spelled out. Furthermore, it is unclear how the SmartMeter can communicate with devices inside the home—the key purpose—if the back of the device blocks most of the signal from getting through.



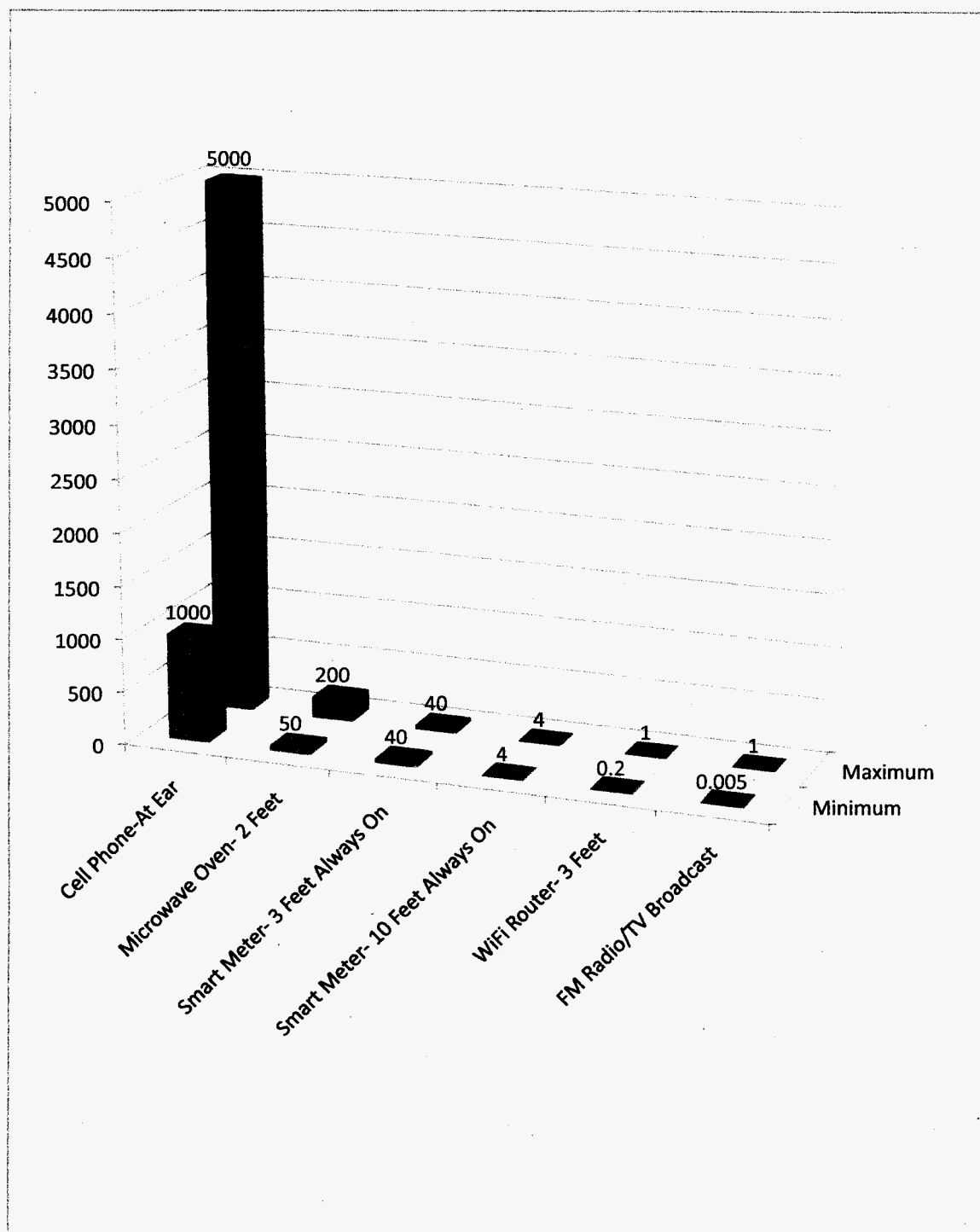


Figure 1: Graph from CCST Report in  $\mu\text{W}/\text{cm}^2$ —uncorrected for whole body exposure or duty cycle

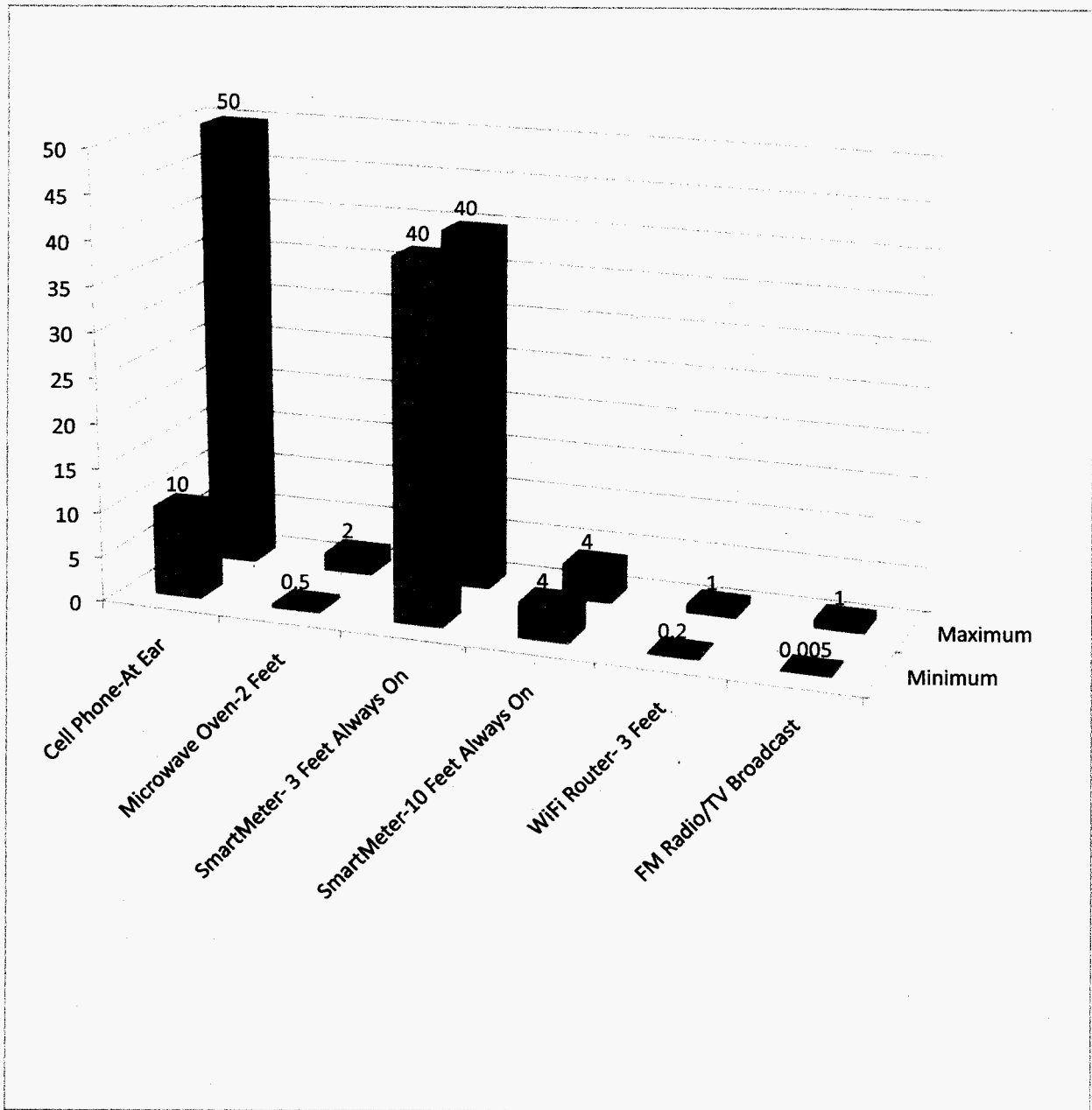


Figure 2. Comparison of Radio-Frequency Levels from Various Sources in  $\mu\text{W}/\text{cm}^2$  over time [corrected only for assumed duty cycle].



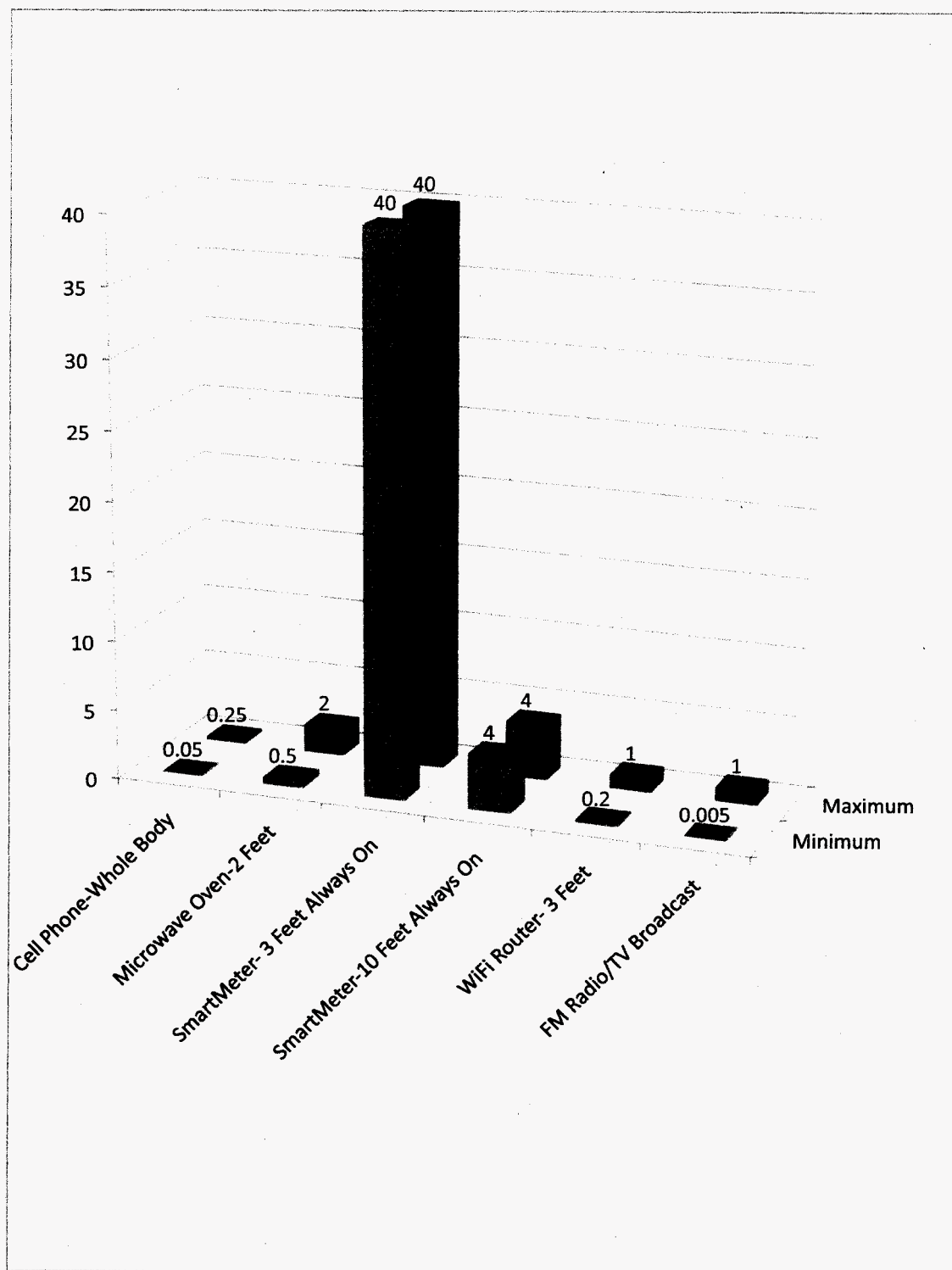


Figure 3. Comparison of Radio-Frequency Levels to the Whole Body from Various Sources in  $\mu\text{W}/\text{cm}^2$  over time [corrected for assumed duty cycle and whole body exposure extrapolated from assumed cell phone dose at ear].

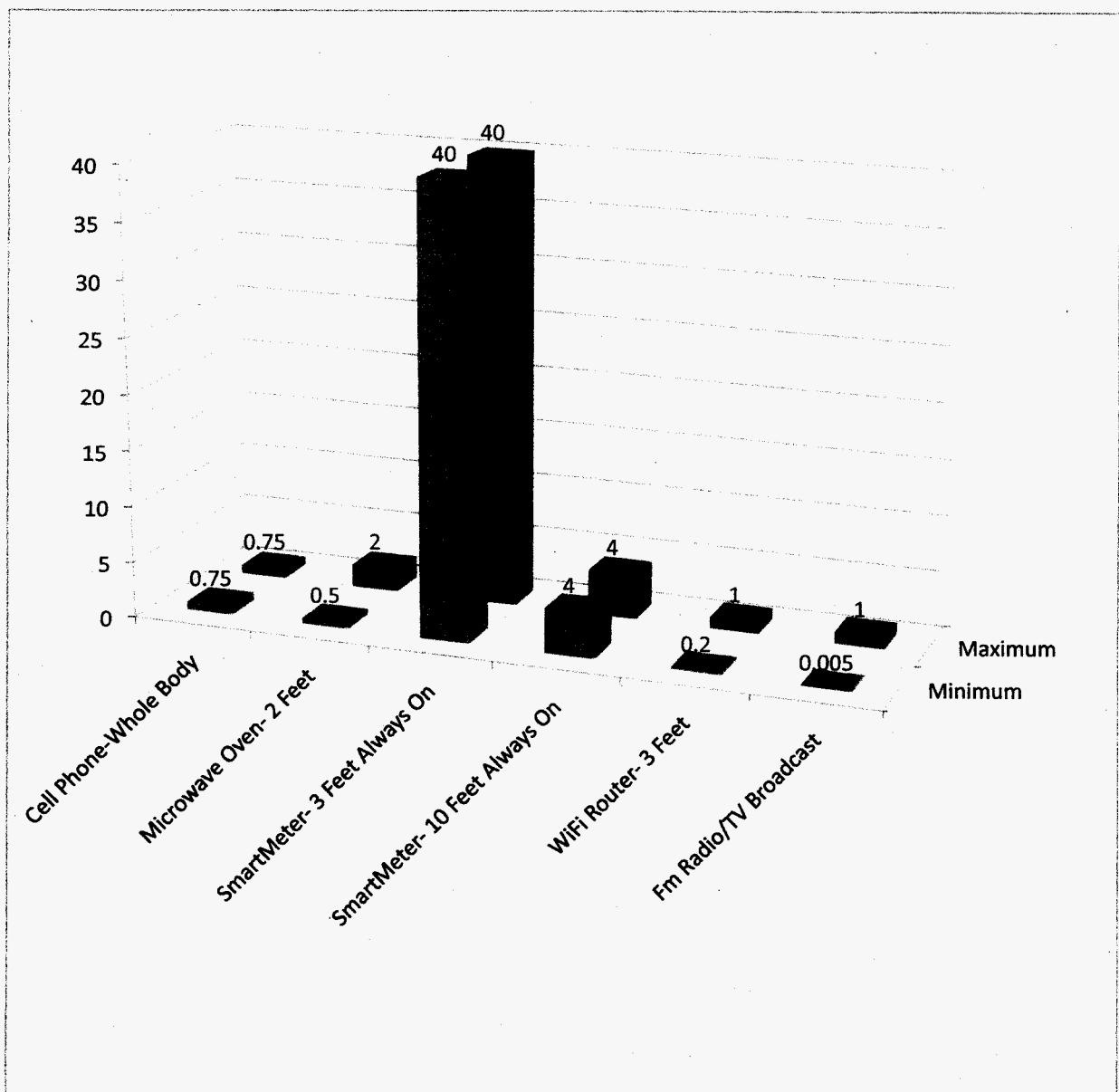


Figure 4. Comparison of Radio-Frequency Levels to the Whole Body from Various Sources in  $\mu\text{W}/\text{cm}^2$  over time [corrected for assumed duty cycle and whole body exposure extrapolated from EPRI/CCST SmartMeter estimated levels at 3 feet].

# **Customer Service Hearing Exhibit #5**

**MARCELLA LEVIN**  
1111 N. Gulfstream Avenue, Apt. 3B  
Sarasota, Florida 34236

TESTIMONY BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION MAY 31, 2012

As a NextEra Energy stock holder and a senior citizen rate payer I oppose the proposed FPL rate increase.

- 1) "Don't you want more?" As an NEE stock holder, I receive a 3.72 % return on my investment. That rate is higher than the return on any money on deposit in a bank and higher than most bank stocks pay. When discussing this issue with a prominent financial advisor, he asked, "But don't you want more?" My answer was, not if it causes undue hardship to others. This rate increase will cause undue hardship on the elderly and disabled on fixed incomes who have no recourse, on the long-term unemployed who will soon lose their benefits, on the recently employed who must live on salaries well below their previous jobs, on struggling not-for-profit agencies that serve those in need in our community, and definitely a hardship on school, local and county administrations that are struggling to maintain essential services in this difficult economy.
- 2) Difficult economy. FPL's rate increase request letter to the PSC stated, "We know there is never a good time for an increase, and we are particularly mindful of the difficult economy and its impact on our customers and the state." FPL then goes on to ask for a general base revenue increase effective January 1, 2013, and a base rate step adjustment when the Cape Canaveral power plant comes on line in June 2013. One of the reasons cited as the need for the January 1 increase in particular is that the company wants to reset its rate of Return on Common Equity (ROE); that is, this company whose parent NextEra Energy is listed 172 among the Fortune 500 companies wants to increase its profit margin to 12.5% "in this difficult economy."
- 3) 100,000 new customers. I'm having a lot of trouble with the logic here for a rate increase. FPL says that it anticipates adding 100,000 more customers in the next few years and therefore has included in its rate increase request the costs of the infrastructure, such as poles and wires, needed to serve them. Well, maybe our region will grow by that number in the next five years but, given the economy, it will most likely be new or remodeled homes in already established neighborhoods with established infrastructure, not in new untapped lands. No longer will there be the unprecedented housing development boom of a few years ago, not with all the foreclosed houses already on the market and other foreclosures awaiting court action.
- 4) Cape Canaveral. The reason FPL gives for a base rate step adjustment is the Cape Canaveral power plant expected to come on line in June 2013. I have trouble with this concept also: FPL wants its customers to cover the cost of this expenditure which they admit "will pay for itself in 30 years." As I understand this, if granted, my rate increase is going to pay for the Cape Canaveral plant, but, because there is no commitment for a future rate reduction keyed to the savings that are realized through this Clean Energy Center, the \$1 billion that FPL expects to accumulate in cost recovery from its customers across the next 30 years will go completely to their bottom line.
- 5) Clean energy. I understand that the Cape Canaveral power plant is good for our region: it eliminates oil as a fuel and our dependence on foreign suppliers, uses only natural gas and produces cleaner energy as a result. Natural gas is plentiful and currently the price to electric power producers is at its lowest since 2002. (Attached is a chart from the Energy Information Agency.) My thanks go to the Florida Public Service

Commission for not granting FPL a rate increase based on 2008 natural gas prices. Does FPL have any kind of a record of voluntarily reducing rate increases that were granted based on previous fuel cost increases?

- 6) Inflation. The inflation rate has fluctuated from 3.85% in 2008 to a low of -0.34% in 2009 to a current average of 2.7% in 2012. For a company as large as FPL, this actual inflation rate should not be a factor, yet "inflationary cost pressures unfortunately increase the cost of doing business." If I were a business and FPL came knocking on my door needing a good or service that I produced, FPL because of its size and potential for more orders could have anything it wanted at any price. However, if FPL means "inflationary cost pressures" such as increased rates for Workers Comp or hurricane insurance or adequate funding of pension plans – those things that all businesses must deal with – all I have to say is live with it. Your successful request for a rate increase would probably result in such heavy burdens on other businesses that they have to close.
- 7) Held hostage. One thing none of us can escape, except for those living on No Name Key or living in their cars or the homeless camps, is FPL. FPL is a monopoly. A family has no recourse. You pay FPL before you pay your rent or your car payment or buy food. That's life for some; electricity is essential to maintain a family. To quote Ms. Rauch in the Sarasota Herald Tribune on May 30, 2012, "for what it costs to buy a latte or a slice of pizza" you could run your entire home including the pool pump for what it costs to pay FPL for an entire day's worth of electricity. I wonder how many people have thought of their FPL bills in terms of how many lattes they could have bought on a daily basis, if they even cared about what a latte was. And what poor family can afford to buy a slice of pizza every day? They'll pay for electricity every day and it won't be a discretionary expense.
- 8) Timing. Removed, out-of-touch with their customers, obsessed by the bottom line, FPL asks for a rate increase just because it's that time in the calendar. To quote ~~Chairman Brise~~<sup>the</sup> January 17, 2012, letter to the *Chairman Brise* PSC which initiates the rate increase request procedure, "The amount of the 2013 rate increase has not been finalized." So FPL submitted its request for a rate increase before it had fully determined how much of an increase it wanted, let alone needed, just because it was the right time to submit a request for a rate increase.
- 9) Community benefactor. I have been to these hearings before. I know that people speak positively about the help that FPL has given to the community. I personally know of groups that FPL has helped by sponsoring community events. That's how successful companies help their community. I also know about the FPL Care to Share Energy Fund which FPL collects from its customers, administers and distributes to agencies that help those in need who cannot pay their FPL bills. This money is used primarily FOR THE PURPOSE OF PAYING FINAL NOTICE FPL BILLS.

From the evidence, it would seem that FPL wants a rate increase just because it's the right time to ask for one. Governor Scott has said NO NEW TAXES. This rate increase is worse than a tax because it is imposed on every family with no recourse and no right of appeal. Again, I protest the awarding of any rate increase to FPL in these difficult economic times.

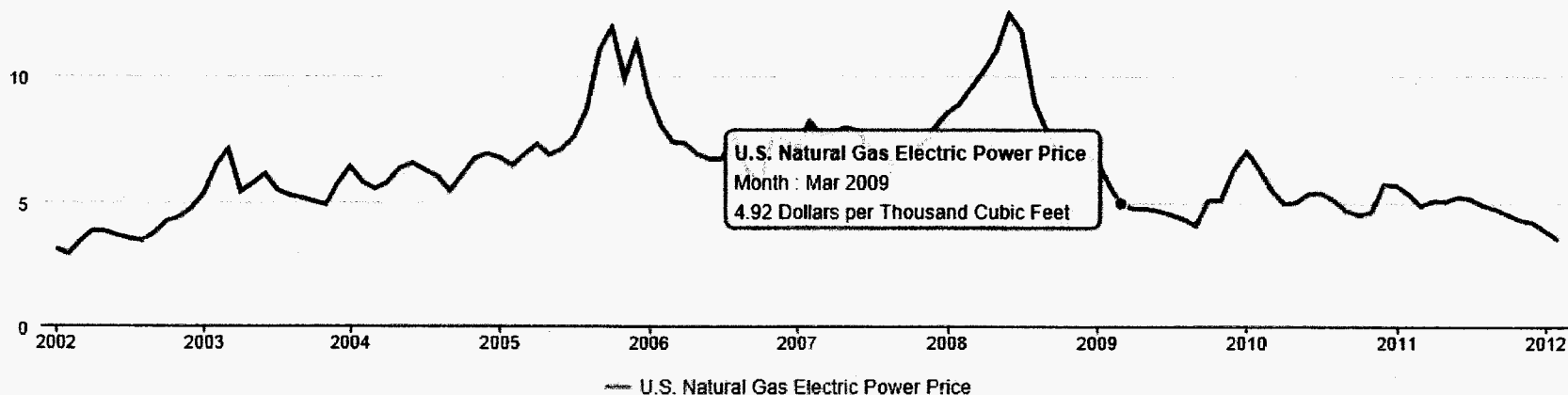
Sincerely,

*Marcella Levin*

## U.S. Natural Gas Electric Power Price

Dollars per Thousand Cubic Feet

15



Source: U.S. Energy Information Administration

Chart Tools

no analysis applied

U.S. Natural Gas Electric Power Price (Dollars per Thousand Cubic Feet)

Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
2002	3.10	2.86	3.37	3.80	3.78	3.61	3.49	3.42	3.71	4.19	4.35	4.72
2003	5.33	6.47	7.05	5.38	5.70	6.08	5.45	5.23	5.12	4.98	4.85	5.69
2004	6.37	5.76	5.50	5.74	6.30	6.52	6.24	5.97	5.39	6.05	6.71	6.88
2005	6.72	6.42	6.84	7.27	6.83	7.08	7.57	8.67	10.99	11.84	9.87	11.26
2006	9.15	8.00	7.36	7.32	6.89	6.69	6.69	7.56	6.27	5.76	7.48	7.57
2007	7.08	8.18	7.64	7.77	7.96	7.80	7.03	6.83	6.33	7.00	7.28	7.93
2008	8.52	8.87	9.53	10.19	10.97	12.41	11.71	8.97	7.81	6.74	6.64	6.90
2009	6.62	5.62	4.92	4.70	4.70	4.62	4.47	4.30	4.02	5.04	5.06	6.24
2010	6.98	6.27	5.47	4.91	4.96	5.31	5.34	5.06	4.61	4.45	4.55	5.68
2011	5.63	5.28	4.82	5.03	5.01	5.19	5.11	4.84	4.69	4.47	4.24	4.15
2012	3.81	3.45										

- = No Data Reported; -- = Not Applicable; NA = Not Available; W = Withheld to avoid disclosure of individual company data

20015 Hearing Exhibits 00034

# **Customer Service Hearing Exhibit #6**

# SUN



## NEWSPAPERS

Charlotte • DeSoto • Englewood • North Port • Venice

### PUBLISHER'S AFFIDAVIT OF PUBLICATION

STATE OF FLORIDA

COUNTY OF CHARLOTTE:

Before the undersigned authority personally appeared Diane Brinckman, who on oath says that she is legal clerk of the Charlotte Sun, Englewood Sun, and North Port Sun, a newspaper published at Charlotte Harbor in Charlotte County, Florida; that the attached copy of advertisement, being a Notice of Hearing, was published in said newspaper in the issues of:

May 21, 2012

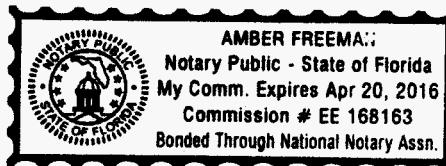
Affiant further says that the said newspaper is a newspaper published at Charlotte Harbor, in said Charlotte County, Florida, and that the said newspaper has heretofore been continuously published in said Charlotte County, Florida, Sarasota County, Florida and DeSoto County, Florida, each day and has been entered as periodicals matter at the post office in Punta Gorda, in said Charlotte County, Florida, for a period of 1 year next preceding the first publication of the attached copy of advertisement; and affiant further says that he or she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

Diane Brinckman  
(Signature of Affiant)

Sworn and subscribed before me this 21st day of May 2012.

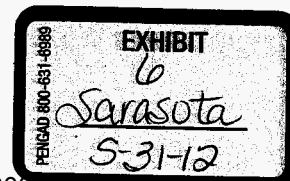
Amber Freeman  
(Signature of Notary Public)

Amber Freeman  
(Print Name of Notary Public)



Personally known / OR Produced Identification \_\_\_\_\_

Type of Identification Produced \_\_\_\_\_







Phone: (941) 206-1271  
Cell: (239) 246-7460  
Fax: (941) 629-4499

**Chris Bergman**  
*National Advertising Manager*

23170 Harborview Road • Port Charlotte, FL 33980  
[www.sunnewspapers.net](http://www.sunnewspapers.net) • [cbergman@sun-herald.com](mailto:cbergman@sun-herald.com)

**Cindy Acevedo**

**From:** Patricia Garrido <patricia@mgscomm.com>  
**Sent:** Wednesday, May 16, 2012 4:20 PM  
**To:** cacevedo@sun-herald.com  
**Cc:** Thomas Brooks; Sandra Pastrana; Jorge Espinosa; Greg Lebess  
**Subject:** FPL Print RCS - Sun Papers  
**Attachments:** 4954\_RC LegalAd\_The Sun Papers.pdf

*Memo*

Hi Cindy,

Attached please find the FPL legal ad that should run next week. Just a reminder, we will need copies of the paper and affidavits sent via the protocol below:

**On the day that the ad posts in the market, one copy should be overnighted priority via FEDEX directly to FPL and the other to Greg at our Agency.**

**FedEx Info:**

**Acct Number: 269363983**

**Job Number: 3367**

1. **Attn: Marlene Cowan**  
**700 Universe Blvd. Juno Beach, Florida 33408**  
**Office: 561.694.3503**
2. **Attn: Greg Lebess**  
**1790 Coral Way Miami, FL 33145**  
**Office: 305-444-4647**

Patricia Garrido  
Sr. Project Manager

<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
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1790 Coral Way 3rd Floor  
Miami, Florida 33145  
V: 786.433.4075

NOTICE: The information contained in this email and any document attached hereto is intended only for the named recipient(s). If you are not the intended recipient, nor the employee or agent responsible for delivering this message in confidence to the intended recipient(s), you are hereby notified that you have received this transmittal in error, and any review, dissemination, distribution or copying of this transmittal or its attachments is strictly prohibited. If you have received this transmittal and/or attachments in error, please notify me immediately by reply e-mail and then delete this message, including any attachments.



The Florida Public Service Commission has scheduled nine quality of service hearings as part of its decision-making process in Docket No. 120015-EL regarding Florida Power & Light Company's request for a base rate increase. At these hearings, residential and business customers of FPL are invited to share their views of FPL's service quality with the PSC.

FPL filed its rate request on March 19 and updated its projection for the total bill impact on April 27 due to revised estimates for fuel prices and costs for ongoing construction of upgrades at nuclear facilities, as well as other data adjustments. Per the revised estimates, the base portion of a typical 1,000-kWh residential customer bill is expected to increase by 23 cents a day or \$7.09 per month in 2013. Offset in part by adjustments to fuel and other charges, the actual 2013 net increase on a typical customer's total bill is projected to be \$1.41 a month or about 5 cents a day.

For business customers, the increase to the base portion of the bill is expected to be about 6 percent for most non-demand customers. For most demand customers, the increase is expected to range from 16 to 28 percent depending on rate class and usage, with less than 1 percent (only about 3,500) larger businesses experiencing the higher end of that range. Because of projected fuel savings and other adjustments, it is anticipated that the net impact to business customers' total bills would range from a decrease of 4 percent to an increase of 3 percent, with most business customers projected to see a decrease in their bill or no change at all in 2013.

#### Service Hearing Schedule

The quality of service hearings will be conducted by the PSC at the times and locations indicated below:

**Thursday, May 31, 2012 - 9:30 a.m.**  
City Commission Chambers, City Hall  
1565 First St.  
Sarasota, FL 32436

**Thursday, May 31, 2012 - 6 p.m.**  
School Board of Lee County  
Board Room, Lee County Education Center  
2835 Colonial Blvd.  
Fort Myers, FL 33906

**Tuesday, June 12, 2012 - 4 p.m.**  
Sunset Harbor Yacht Club and  
Conference Center  
861 Balfour Road  
Daytona Beach, FL 32114

**Wednesday, June 13, 2012 - 4 p.m.**  
Brevard County Government Center  
Commission Room, Building C, 1st floor  
2725 Judge Fran Jamieson Way  
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**Thursday, June 14, 2012 - 4 p.m.**  
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County, Auditorium  
7501 N. Jog Road  
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**Tuesday, June 26, 2012 - 9 a.m.**  
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Florida Public Service Commission  
2540 Shumard Oak Blvd.  
Tallahassee, FL 32399-0850

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HERALD-TRIBUNE MEDIA GROUP  
PUBLISHED DAILY  
SARASOTA COUNTY, FLORIDA

FPL

STATE OF FLORIDA  
COUNTY OF SARASOTA, MANATEE & CHARLOTTE

BEFORE THE UNDERSIGNED AUTHORITY PERSONALLY APPEARED  
SHARI BRICKLEY, WHO ON OATH SAYS SHE IS ADVERTISING DIRECTOR  
OF THE SARASOTA HERALD-TRIBUNE, A DAILY NEWSPAPER PUBLISHED  
AT SARASOTA, IN SARASOTA COUNTY FLORIDA; AND CIRCULATED IN  
SARASOTA DAILY; THAT THE ATTACHED COPY OF ADVERTISEMENT,  
BEING A NOTICE IN THE MATTER

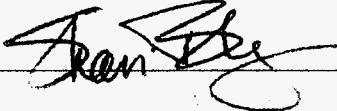
**Notice of Public Hearing**

THE COURT WAS PUBLISHED IN SARASOTA EDITION  
OF SAID NEWSPAPER IN THE ISSUES OF:

**May 23, 2012**

AFFIANT FURTHER SAYS THAT THE SAID SARASOTA HERALD-TRIBUNE  
IS A NEWSPAPER PUBLISHED AT SARASOTA, IN SAID SARASOTA COUNTY,  
FLORIDA, AND THAT THE SAID NEWSPAPER HAS THERETOFORE BEEN  
CONTINUOUSLY PUBLISHED IN SAID SARASOTA COUNTY FLORIDA, EACH  
DAY, AND HAS BEEN ENTERED AS SECOND CLASS MAIL MATTER AT THE  
POST OFFICE IN SARASOTA IN SAID SARASOTA, COUNTY, FLORIDA, FOR  
A PERIOD OF ONE YEAR NEXT PRECEDING THE FIRST PUBLICATION OF  
THE ATTACHED COPY OF ADVERTISEMENT; AND AFFIANT FURTHER  
SAYS THAT SHE HAS NEITHER PAID NOR PROMISED ANY PERSON, FIRM  
OR CORPORATION ANY DISCOUNT, REBATE, COMMISSION OR REFUND  
FOR THE PURPOSE OF SECURING THIS ADVERTISEMENT FOR  
PUBLICATION IN THE SAID NEWSPAPER.

SIGNED

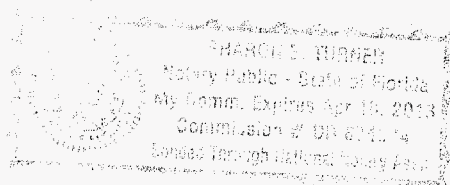


SWORN TO AND SUBSCRIBED BEFORE ME THIS 23 DAY OF MAY 2012 BY  
SHARI BRICKLEY WHO IS PERSONALLY KNOWN TO ME.

(SEAL)



NOTARY PUBLIC





Michael's on East

The new  
Michael's on  
East logos  
created by  
Boost  
Studio.

COURTESY ART

Manatee County-based  
**Boost Studio** designed the  
unified graphic identity for  
Michael's on East's print and  
on-line advertising, signs  
and promotional material.

#### TRIBUNE.COM/PUBLICNOTICES

##### **PDMU-99-02(PXR2) - RIVER CLUB PARK OF COMMERCE, PHASES 2 & 5 DTS#20120163**

An Ordinance of the Board of County Commissioners of Manatee County, Florida, regarding land development, approving and amending Zoning Ordinance PDMU-99-02(P), a revised Preliminary Site Plan, amending Subsection 12.2.c, eliminating an 8' high wall and substitute with enhanced landscaping in an area where the wall was to be constructed and extending the build out date and expiration date pursuant to extensions granted with Senate Bill (SB) 390.06 (19)(14)c, House Bill 7207, and 252.363 Florida Statutes at River Club Park of Commerce on approximately 69.79 acres generally located at the southeast corner of the intersection of 75 and SR 70, extending south to Linger Lodge Road and east to Braden Woods, subject to stipulations as conditions of approval, providing a legal description, providing for severability, and providing an effective date.

##### **PDMU-99-02(GR5) - RIVER CLUB PARK OF COMMERCE DRI DTS#20120163**

An Ordinance of the Board of County Commissioners of Manatee County, Florida, regarding land development, approving and amending Zoning Ordinance PDMU-99-02(GR5), a revised General Development Plan for Phases 2 & 5 of the DRI, amending Subsection 12.2.c, eliminating an 8' high wall and substitute with enhanced landscaping in an area where the wall was to be constructed and extending the build out date and expiration date pursuant to extensions granted with Senate Bill (SB) 390.06 (19)(14)c, House Bill 7207, and 252.363 Florida Statutes at River Club Park of Commerce on approximately 245.38 acres generally located at the southeast corner of the intersection of 75 and SR 70, extending south to Linger Lodge Road and east to Braden Woods, subject to stipulations as conditions of approval, providing a legal description, providing for severability, and providing an effective date.

##### **PDR-12-02(P) - FOUR SEASONS OF FLORIDA, ADULT LIVING FACILITY DTS#20120016**

An Ordinance of the Board of County Commissioners of Manatee County, Florida, regarding land development, approving a Preliminary Site Plan for an 80-bed large group care home (assisted living facility) on approximately 3.79 acres, generally on the south side of 51st Avenue West, approximately 470 feet west of 20th Street West at 2108 51st Avenue West, Bradenton, subject to stipulations as conditions of approval, setting terms, findings, providing for severability, providing a legal description, and providing an effective date.

##### **PDMU-97-05(PXR5) - ELLENTON ICE & SPORTS COMPLEX (PKA JP 1GL00) DTS#20120108**

An Ordinance of the Board of County Commissioners of Manatee County, Florida, regarding land development, amending Ordinance PDMU-97-05(P)(R4) pertaining to stipulations of approval regarding signs to allow an electronic billboard at the Ellenton Ice & Sports Complex (aka JP 1GL00), providing for specific approvals as applicable. Ellenton Ice & Sports Complex is generally located northeast of 1-75 and US-301, off 29th Street East at 5300 29th Street East (0.53 acres), Ellenton, subject to stipulations as conditions of

## Notice of public hearings

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FPL filed its rate request on March 19 and updated its projection for the total bill impact on April 27 due to revised estimates for fuel prices and costs for ongoing construction of upgrades at nuclear facilities, as well as other data adjustments. Per the revised estimates, the base portion of a typical 1,000-kWh residential customer bill is expected to increase by 23 cents a day or \$7.09 per month in 2013. Offset in part by adjustments to fuel and other charges, the actual 2013 net increase on a typical customer's total bill is projected to be \$1.41 a month or about 5 cents a day.

For business customers, the increase to the base portion of the bill is expected to be about 3 percent for most non-demand customers. For most demand customers, the increase is expected to range from 16 to 28 percent depending on rate class and usage, with less than 1 percent (only about 3,500) larger businesses experiencing the higher end of that range. Because of projected fuel savings and other adjustments, it is anticipated that the net impact to business customers' total bills would range from a decrease of 4 percent to an increase of 3 percent, with most business customers projected to see a decrease in their bill or no change at all in 2013.

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Board Room, Lee County Education Center  
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7501 N. Jog Road  
West Palm Beach, FL 33412



# **Customer Service Hearing Exhibit #7**

**THE NEWS-PRESS**  
*Published every morning*  
*Daily and Sunday*  
*Fort Myers, Florida*  
**Affidavit of Publication**

STATE OF FLORIDA  
COUNTY OF LEE

Before the undersigned authority, personally appeared **Stuart Johnson** who on oath says that he/she is the **Sales Rep** of the News-Press, a daily newspaper, published at Fort Myers, in Lee County, Florida; that the attached copy of advertisement, being a

**Display Ad**

In the matter of: Notice of Public Hearings

In the court was published in said newspaper in the issues of

**May 21, 2012**

Affiant further says that the said News-Press is a paper of general circulation daily in Lee, Charlotte, Collier, Glades and Hendry Counties and published at Fort Myers, in said Lee County, Florida and that said newspaper has heretofore been continuously published in said Lee County, Florida, each day, and has been entered as a second class mail matter at the post office in Fort Myers in said Lee County, Florida, for a period of one year next preceding the first publication of the attached copy of the advertisement; and affiant further says that he/she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

Stuart Johnson

Sworn to and subscribed before me this 21<sup>st</sup> day of May, 2012.

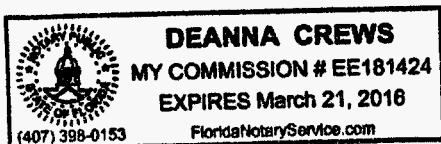
by **Stuart Johnson**  
personally known to me or who has produced

as identification, and who did or did not take an oath.

Notary Public

Deanna Crews

Print Name: **Deanna Crews**  
My commission Expires: **March 21, 2016**





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FPL



**NAPLES DAILY NEWS**

Published Daily  
Naples, FL 34110

**Affidavit of Publication**

State of Florida

Counties of Collier and Lee

Before the undersigned they serve as the authority, personally appeared Barbara Boyer, who on oath says that she serves as the Sales Coordinator of the Naples Daily News, a daily newspaper published at Naples, in Collier County, Florida; distributed in Collier and Lee counties of Florida; that the attached copy of the advertising, being a

PUBLIC NOTICE

in the matter of PUBLIC NOTICE

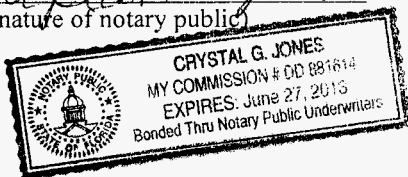
was published in said newspaper 1 time in the issue on May 21st, 2012

Affiant further says that the said Naples Daily News is a newspaper published at Naples, in said Collier County, Florida, and that the said newspaper has heretofore been continuously published in said Collier County, Florida; distributed in Collier and Lee counties of Florida, each day and has been entered as second class mail matter at the post office in Naples, in said Collier County, Florida, for a period of 1 year next preceding the first publication of the attached copy of advertisement; and affiant further says that he has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

*Barbara Boyer*  
(Signature of affiant)

Sworn to and subscribed before me  
This 21st day of May, 2012

*Crystal G. Jones*  
(Signature of notary public)



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Seniors 60+  
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# Notice of public hearings

NAPLES DAILY  
Published Daily  
Naples, FL 34110

## Affidavit State of Florida County of

Before the undersigned  
appeared Barbara  
the Sales Coordinator  
newspaper published  
distributed in Col  
attached copy of

## PUBLIC NOTICE

in the matter of P

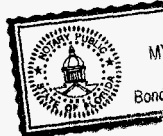
was published in  
on May 21st, 2012

Affiant further says  
published at Naples, in  
newspaper has heretofore  
County, Florida; distributed  
each day and has been  
office in Naples, in  
year next preceding  
advertisement; and affiant  
promised any person  
commission or refund  
publication in the said

*Barbara*  
(Signature of affiant)

Sworn to and subscribed  
This 21st day of May

*Crystal*  
(Signature of notary)



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# **Customer Service Hearing Exhibit #8**

THE NEWS-JOURNAL

Published Daily and Sunday  
Daytona Beach, Volusia County, Florida

State of Florida,  
County of Volusia

Before the undersigned authority personally appeared

Cynthia Maley

who, on oath says that she is .....

LEGAL COORDINATOR

of The News-Journal, a daily and Sunday newspaper,  
published at Daytona Beach in Volusia County, Florida; the  
attached copy of advertisement, being a  
.....

NOTICE OF PUBLIC HEARING

L 994106

in the Court,  
was published in said newspaper in the issues.....

JUNE 4, 2012

Affiant further says that The News-Journal is a newspaper  
published at Daytona Beach, in said Volusia County, Florida,  
and that the said newspaper has heretofore been continuously  
published in said Volusia County, Florida, each day and  
Sunday and has been entered as second-class mail matter at  
the post office in Daytona Beach, in said Volusia County,  
Florida, for a period of one year next preceding the first  
publication of the attached copy of advertisement; and affiant  
further says that he has neither paid nor promised any person,  
firm or corporation any discount, rebate, commission or  
refund for the purpose of securing this advertisement for  
publication in the said newspaper

*Cynthia Maley*

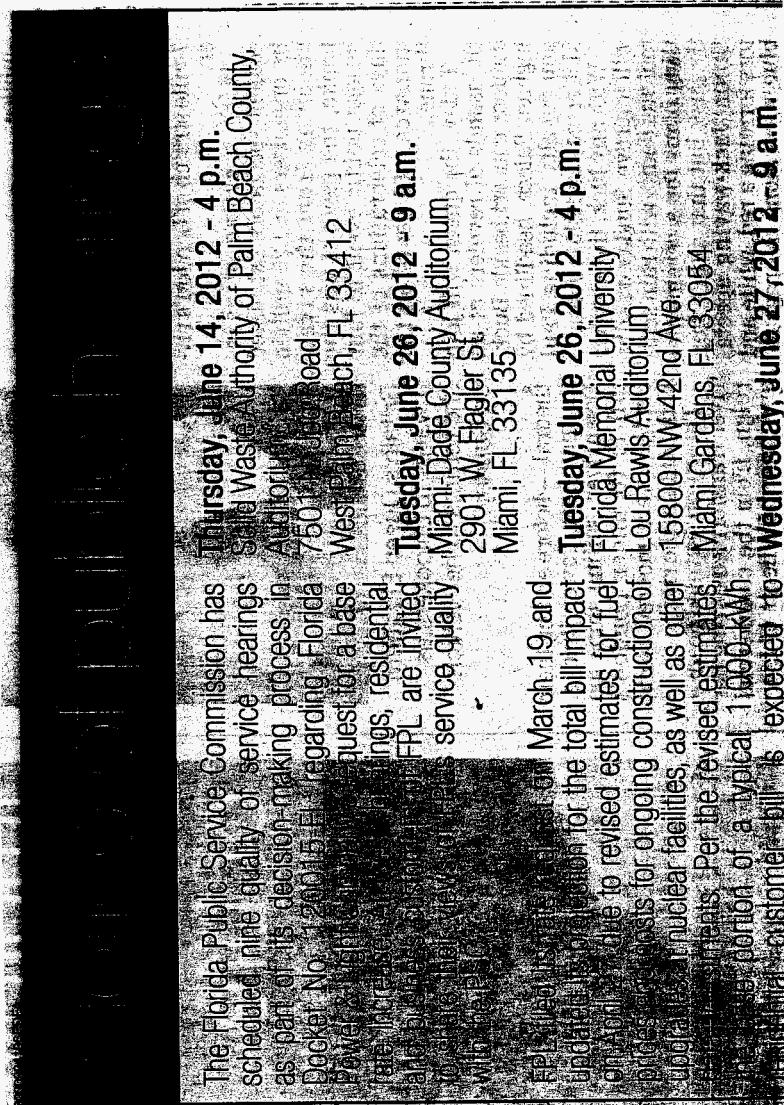
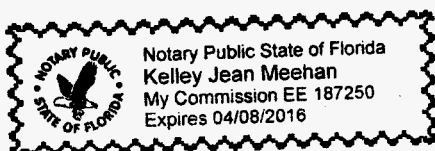
Sworn to and subscribed before me

This 4<sup>TH</sup> of JUNE

A.D. 2012

*Kelley Jean Meehan*

49D



# Notice of public hearings

The Florida Public Service Commission has scheduled nine quality of service hearings as part of its decision-making process in Docket No. 120015-El, regarding Florida Power & Light Company's request for a base rate increase. At these hearings, residential and business customers of FPL are invited to share their views of FPL's service quality with the PSC.

FPL filed its rate request on March 19 and updated its projection for the total bill impact on April 27 due to revised estimates for fuel prices and costs for ongoing construction of upgrades at nuclear facilities, as well as other data adjustments. Per the revised estimates, the base portion of a typical 1,000-kWh residential customer bill is expected to increase by 23 cents a day or \$7.09 per month in 2013. Offset in part by adjustments to fuel and other charges, the actual 2013 net increase on a typical customer's total bill is projected to be \$1.41 a month or about 5 cents a day.

For business customers, the increase to the base portion of the bill is expected to be about 3 percent for most non-demand customers. For most demand customers, the increase is expected to range from 16 to 28 percent depending on rate class and usage, with less than 1 percent (only about 3,500) larger businesses experiencing the higher end of that range. Because of projected fuel savings and other adjustments, it is anticipated that the net impact to business customers' total bills would range from a decrease of 4 percent to an increase of 3 percent, with most business customers projected to see a decrease in their bill or no change at all in 2013.

## Service Hearing Schedule

The quality of service hearings will be conducted by the PSC at the times and locations indicated below:

### Thursday, May 31, 2012 - 9:30 a.m.

City Commission Chambers, City Hall  
1565 First St.  
Sarasota, FL 32436

### Thursday, May 31, 2012 - 6 p.m.

School Board of Lee County  
Board Room, Lee County Education Center  
2055 Colonial Blvd.

### Thursday, June 14, 2012 - 4 p.m.

Solid Waste Authority of Palm Beach County,  
Auditorium  
7501 N. Jog Road  
West Palm Beach, FL 33412

### Tuesday, June 26, 2012 - 9 a.m.

Miami-Dade County Auditorium  
2901 W. Flagler St.  
Miami, FL 33135

### Tuesday, June 26, 2012 - 4 p.m.

Florida Memorial University  
Lou Rawls Auditorium  
15800 NW 42nd Ave.  
Miami Gardens, FL 33054

### Wednesday, June 27, 2012 - 9 a.m.

Plantation City Council Chambers  
400 NW 73 Ave.  
Plantation, FL 33317

### Wednesday, June 27, 2012 - 4 p.m.

Broward County Main Library, Auditorium  
100 S. Andrews Ave.  
Fort Lauderdale, FL 33301

The purpose of the hearings is to give customers an opportunity to speak before the PSC on the quality of service they receive from FPL and other matters related to FPL's petition for a rate adjustment. Those who wish to speak are urged to arrive at the start time, as hearings may be adjourned early if no witnesses are present to testify.

Customer comments regarding FPL's quality of service may also be submitted to the following address:

Commission Clerk, Office of Commission Clerk  
Florida Public Service Commission  
2540 Shumard Oak Blvd.  
Tallahassee, FL 32399-0850

Such comments should refer to Docket No. 120015-El. In addition, customers may submit questions or specific concerns directly to FPL by visiting [www.FPL.com/response](http://www.FPL.com/response).

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodation at these hearings should call the Office of Commission Clerk at (850) 413-6770 at least 48 hours prior to



prices and costs for ongoing construction of upgrades at nuclear facilities, as well as other rate adjustments. Per the revised estimates, the base portion of a typical 1,000 kWh residential customer bill is expected to increase by 23 cents a day or \$7.09 per month in 2013. Offset in part by adjustments to fuel and other charges, the actual 2013 net increase on a typical customer's total bill is projected to be \$1.21 a month, or about 5 cents a day.

For business customers, the increase to the base portion of a bill is expected to be about 3 percent for most non-demand customers. For most demand customers, the increase is expected to range from 16 to 28 percent depending on rate class and usage, with less than 1 percent of only about 3,500 larger businesses experiencing the higher end of that range. Because of projected fuel savings and other adjustments, it is anticipated that the net impact to business customers' total bills would range from a decrease of 4 percent to an increase of 3 percent, with most business customers projected to see a decrease in their bill or no change at all in 2013.

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Board Room, Lee County Education Center  
2855 Colonial Blvd.  
Fort Myers, FL 33966

#### Tuesday, June 12, 2012 - 4 p.m.

Sunset Harbor Yacht Club and Conference Center  
861 Ballough Road  
Daytona Beach, FL 32114

#### Wednesday, June 13, 2012 - 4 p.m.

Brevard County Government Center  
Commission Room, Building C, 1st floor  
2725 Judge Fran Jamieson Way  
Melbourne, FL 32940

Lou Rawls Auditorium  
15800 NW 42nd Ave.  
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If a named storm or other disaster requires cancellation of a customer service hearing, PSC staff will attempt to give timely direct notice to parties. Notice of cancellation on the meeting will also be provided on the PSC's website, [www.psc.state.fl.us](http://www.psc.state.fl.us), under the Hot Topics link found on the homepage. Cancellation can also be confirmed by calling the Office of the General Counsel at (850) 413-6199.

FPL filed its rate request on March 19 and updated its petition for the total bill impact on April 2, due to revised estimates for fuel prices and costs for ongoing construction of upgrades at nuclear facilities, as well as other rate adjustments. Per the revised estimates, the base portion of a typical 1,000 kWh residential customer bill is expected to increase by 23 cents a day or \$7.09 per month in 2013. Offset in part by adjustments to fuel and other charges, the actual 2013 net increase on a typical customer's total bill is projected to be \$1.21 a month, or about 5 cents a day.

Miami, FL 33135



FPL



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For business customers, the increase to the base portion of the bill is expected to be about 3 percent for most non-demand customers. For most demand customers, the increase is expected to range from 16 to 28 percent depending on rate class and usage, with less than 1 percent (only about 3,500) larger businesses experiencing the higher end of that range. Because of projected fuel savings and other adjustments, it is anticipated that the net impact to business customers' total bills would range from a decrease of 4 percent to an increase of 3 percent, with most business customers projected to see a decrease in their bill or no change at all in 2013.

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Daytona Beach, FL 32114

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Commission Room, Building C, 1st floor  
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Melbourne, FL 32940

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Lou Rawls Auditorium  
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Plantation, FL 33317

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Commission Clerk, Office of Commission Clerk  
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2540 Shumard Oak Blvd.  
Tallahassee, FL 32399-0850

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Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodation at these hearings should call the Office of Commission Clerk at (850) 413-6770 at least 48 hours prior to the hearing. Any person who is hearing- or speech- impaired should contact the PSC by using the Florida Relay Service, which can be reached at (800) 955-8771 (TDD).

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## Florida Health Care Plans

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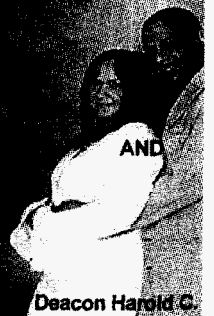


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Doctrine of  
the Word of God.

Building The Kingdom  
Until Jesus Returns

Dr. Prophetess Deborah  
Sr. Pastor/Found



Deacon Harold C.

TO JOIN US IN

# PUBLISHER'S AFFIDAVIT OF PUBLICATION

I, DENISE ZELATIS being duly sworn and say, I am the BOOKKEEPER of  
CENTRAL FLORIDA COMMUNICATORS GROUP d/b/a FLORIDA COURIER and  
DAYTONA TIMES published in the State of Florida; and that the legal advertisement,  
a printed copy of which hereto, was printed in said newspaper on the following date:

May 31, 2012.

[Signature] BookKeeper  
Name Job Title

Herby Subscribed and sworn to before me on this 31st day of  
May, 2012.

Denise M Zelatis NOTARY PUBLIC

[Signature]

MY COMMISSION EXPIRES 11/20/2015



DENISE M. ZELATIS  
NOTARY PUBLIC  
STATE OF FLORIDA  
Comm# EE147779  
Expires 11/20/2015

The Florida Public Service Commission has scheduled nine quality of service hearings as part of its decision-making process in Docket No. 120015-EL regarding Florida Power & Light Company's request for a base rate increase. Hearings, residential and commercial customers of FPL are invited to discuss how they view FPL's service quality.

On March 19 and 20, the Commission heard testimony for the total bill impact of the rate increase. It also heard testimony to revised estimates for fuel costs and for ongoing construction of new power plant facilities, as well as other rate components. For the revised estimates, the average portion of a typical 1,000 kWh residential customer bill is expected to increase by 23 cents a day or \$7.09 per month in 2013. Offset in part by adjustments to certain other charges, the actual 2013 bill increase for a typical customer's total bill is expected to be about 15 cents a month, or about 6 cents a day.

For business customers, the increase to the base portion of the bill is expected to be about 3 percent for medium-demand customers. For high-demand customers, the increase is expected to range from 16 to 28 percent depending on the type of usage, with less than 1 percent for about 3,500 larger businesses. Considering the higher end of that range for a use of projected fuel savings and other adjustments, it is anticipated that the net impact for business customers' total bills will range from a decrease of 4 percent to an increase of 3 percent, with most businesses projected to see a decrease in their bill or no change at all in 2013.

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Tallahassee, FL 32399-0850

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Daytona Beach, FL 32114

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# **Customer Service Hearing Exhibit #9**

# PUBLIC HEARING

Florida Public Service Commission  
Office of Commission Clerk  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850

**Docket Number, 120015-EI**

**Location: DAYTONA BEACH**

Tuesday, June 12, 2012 at 4:00 p.m.  
Sunset Harbor Yacht Club & Conference Center  
861 Ballough Road  
Daytona Beach, FL 32114

**Presenting oral and written information**

**RE: SAY NO TO SMART METERS**

-----  
To: Service Commission Members

Please review attachments and say "NO" to Smart Meters in Florida.

Respectfully,

*William A. Cummins*  
William A. Cummins, FLPE Ret  
Award-Winning Author & Publisher  
807 Black Duck Drive  
Port Orange, FL 32127  
Cell: 386-383-5198  
[www.caipublishing.net](http://www.caipublishing.net)



## **FPL No To Smart Meter 2-2-12**

From: **William Cummins** <wacummins@clearwire.net>

Date: Tue, Jun 12, 2012 at 11:35 AM

Subject: Re: FPL Rate Increase Public Hearings--Fight back on JUNE 12 @ 4 PM\_\_ (scp1)

To: SpruceCreek Patriots <sprucecreekpatriots@gmail.com>

Cc: "James R. Walsh" <swissconn2003@yahoo.com>

**Hi Maredy,**

**Yes, I will attend.**

**Bill Cummins, FLPE Ret**

**Port Orange, FL**

On Sun, Jun 10, 2012 at 10:03 PM, SpruceCreek Patriots <[sprucecreekpatriots@gmail.com](mailto:sprucecreekpatriots@gmail.com)> wrote:

DAYTONA

Tuesday, June 12, 2012 at 4:00 p.m.

Sunset Harbor Yacht Club & Conference Center

861 Ballough Road

Daytona Beach, FL 32114

Please RSVP to Maredy or the Spruce Creek Patriots if you can attend. We must make it clear to the Public Service Commission and to Florida Power and Light that we do not want any rate increases and we do not want the installation of SURVEILLANCE devices (Smart Meters) on our homes. Wiretapping is illegal in all 50 states and the federal territories. Smart Meters are like wiretapping devices. Watch this 3 min video:

[http://www.youtube.com/watch?v=8JNFr\\_j6kdI](http://www.youtube.com/watch?v=8JNFr_j6kdI) (You Tube)

Smart Meters put homes at risk: (RT News Article)

<http://www.rt.com/news/smart-meter-hacker-blackout-455/>

Why are Smart Meters being installed?

Technocracy - Patrick Wood (You Tube)

"Technocracy" at the Eagle Forum Convention, Saturday June 18, 2011

<http://www.youtube.com/watch?v=ul5oQ3wbstQ>

## FPL No To Smart Meter 2-2-12

From: William Cummins <wacummins@clearwire.net>  
Date: Thu, May 31, 2012 at 5:19 PM  
Subject: Re: Meet the Candidates, Spruce Creek Patriots' meeting, Thursday 7:00 P.M. (27,28)  
To: Maredy Hanford <hanford4schoolboard@gmail.com>  
FPL response letter 5-23-12.pdf (application/pdf) 318K

Hi Maredy,  
Attaching a copy of FPL response to my "Smart Meter" letter dated 2/29/12 FYI. Do you know what it means?  
Bill Cummins

From: William Cummins <wacummins@clearwire.net>  
Date: Thu, Mar 8, 2012 at 6:10 PM  
Subject: Re: FPL attempting to contact Mr. William A. Cummins  
To: "Ruiz, Marlem" <Marlem.Ruiz@fpl.com>

Mrs. Marlem Ruiz  
FPL Customer Advocate

In regard to your email dated 3/8/12 and numerous phone calls, I hereby request that you stop hassling me by telephone, USPS, and Email over this issue. I hereby reject the installation of your "smart meter" on my property.

Respectfully,

William A. Cummins, FL PE Retired  
807 Black Duck Drive  
Port Orange, FL 32127

On Thu, Mar 8, 2012 at 2:48 PM, Ruiz, Marlem <Marlem.Ruiz@fpl.com> wrote:

Dear Mr. Cummins:

Thank you for your email response and for the opportunity to address your smart meter concerns.

Please consider the benefit facts regarding the smart meters prior to making a request opposing the smart meter installation at your property. FPL is investing in smart grid technologies as part of our commitment to building a stronger, smarter, cleaner and more efficient electrical

infrastructure. Smart grid technologies will help customers better manage their monthly bills and help FPL keep service reliability high. We are incorporating state-of-the-art smart grid technologies, including smart meters, into the electric grid to provide our customers with tangible benefits today while laying the foundation for future benefits. Safe, secure technology is part of a stronger, smarter, cleaner power grid.

Like the old mechanical meters, smart meters measure how much energy customers use, not how they use energy. Smart meters don't store or transmit any information about who our customers are, where they live, what they're doing, or does it know what appliances they use. Smart meters give you more detailed information on your power consumption. Instead of waiting for your monthly bill to see your energy usage, you can monitor your electricity use by the month, the day and the hour on [www.fpl.ami](http://www.fpl.ami). You are also welcomed to visit Smart Meters "Frequently Asked Questions" page at <http://www.fpl.com/ami/qa.shtml>.

In addition, the smart meters we are installing fully comply with the standards established by the Federal Communications Commission (FCC), which limits the transmit power and permissible exposure for devices operating in the radio frequency (RF) spectrum. The radios in the smart meters are low power and, unlike many other devices that transmit RF, such as microwave ovens, Wi-Fi and baby monitors, they transmit and receive data in short bursts. An average home meter is idle about 99 percent of the time. Enclosed are two Fact Sheets to address the questions you raised. Extensive information is also available at [www.FPL.com/energysmart](http://www.FPL.com/energysmart).

Attached are two important Fact Sheets regarding smart meters which I hope will allay your concerns. We respect your point of view and want you to be happy with the service we provide. If I can be of any further assistance now or in the future, feel free to contact me directly at 1-800-397-6544 extension 22 during regular working hours.

Best regards,

Marlem Ruiz  
FPL Customer Advocate

From: William Cummins [mailto:[wacummins@clearwire.net](mailto:wacummins@clearwire.net)]  
Sent: Tuesday, March 06, 2012 11:39 AM  
To: Ruiz, Marlem  
Subject: Re: FPL attempting to contact Mr. William A. Cummins

Dear Ms. Ruiz,

A retired WWII General once taught me that some communications should always be put into writing. I believe this is one of those times.

Sincerely,

William A. Cummins

On Tue, Mar 6, 2012 at 11:11 AM, Ruiz, Marlem <[Marlem.Ruiz@fpl.com](mailto:Marlem.Ruiz@fpl.com)> wrote:

Dear Mr. Cummins:

I am writing in response to your executive inquiry and want to thank you for the opportunity to address your concerns regarding the smart meters.

I have made unsuccessful attempts to reach you at (386) 383-5198 and (386) 761-5675. Several messages were left at both telephone numbers requesting a return call.

Please contact me at 1-800-397-6544 x 22 or (305) 552-3507 as quickly as possible during regular working hours.

Sincerely,  
Marlem Ruiz  
Customer Advocacy Specialist

From: **William Cummins** <[wacummins@clearwire.net](mailto:wacummins@clearwire.net)>

Date: Thu, Feb 2, 2012 at 1:15 AM

Subject: No to smart meter

To: [tania.arias@fpl.com](mailto:tania.arias@fpl.com), [julie.culpepper@fpl.com](mailto:julie.culpepper@fpl.com)

Cc: Allen Green <[agreen@port-orange.org](mailto:agreen@port-orange.org)>, Frank Bruno <[fmbruno@aol.com](mailto:fmbruno@aol.com)>, Ken Parker <[kparker@port-orange.org](mailto:kparker@port-orange.org)>, Rick Scott [rick.scott@eog.myflorida.com](mailto:rick.scott@eog.myflorida.com)

Hello,

I do not want a smart meter installed anywhere on my property.  
Please respond that you will not install one here.

**William A. Cummins**  
**Award-Winning Author**  
**807 Black Duck Drive**  
**Port Orange, FL 32127**  
**386-383-5198**

## Email to Port Orange No Smart Meters 2-6-12

From: William Cummins <wacummins@clearwire.net>  
Date: Sun, Feb 19, 2012 at 11:43 PM  
Subject: Fwd: Smart Meters Forum next Tuesday Feb.21st - You need to know the whole story! \_\_ (scp)  
To: Allen Green <agreen@port-orange.org>, Frank Bruno <fmbruno@aol.com>, Ken Parker <kparker@port-orange.org>, Rick Scott <rick.scott@eog.myflorida.com>

Gentlemen,  
I'll be out of town, but you should attend. These smart meters must be stopped.  
Bill Cummins

From: SpruceCreek Patriots <sprucecreekpatriots@gmail.com>  
Date: Sun, Feb 19, 2012 at 11:37 PM  
Subject: Smart Meters Forum next Tuesday Feb.21st - You need to know the whole story! \_\_ (scp)  
To:

Subject: Smart Meters Forum next Tuesday Feb.21st - You need to know the whole story!  
From: William Cummins <wacummins@clearwire.net>  
Date: Fri, Feb 10, 2012 at 5:01 PM  
Subject: Re: FPL Smart Meters Letter Threat  
To: "Parker, Ken" <kparker@port-orange.org>

Thanks Ken,  
For your interest in this subtle infringement on personal rights and liberty. I would appreciate Lynn and Hukill email addresses and will attach the FPL letter as requested. I had to use Adobe Reader to open it.  
Bill Cummins

On Fri, Feb 10, 2012 at 2:55 PM, Parker, Ken <kparker@port-orange.org> wrote:

Bill:

FPL is a franchised utility in the City of Port Orange. The City does not regulate them. They are a State of Florida regulated utility. They do not have to seek our approval to put into place smart meters or any type of meter. They are not required to pull permits to change out their electric meters nor are the meter installations subject to inspection by the City of Port Orange.

FPL is a State of Florida regulated utility. Senator Evelyn Lynn and Representative Dorothy Hukill are good persons to contact. Also, the State Public Service Commission has staff personnel who should be able to help you as well. As I recall, they have an Ombudsman. I will be in Tallahassee next week. When I am in Senator Lynn's office and Representative Hukill's office, I will discuss your issue with them.



5/26/12  
Florida Power & Light Company, P.O. Box 14000, Juno Beach, Florida 33408-0420  
Operational Readiness, AMR/GO

May 23, 2012

William A Cummins  
807 Black Duck Dr  
Port Orange, FL 32127-4726

Re: An Update on FPL's Smart Meter Deployment

Dear William A Cummins:

We are writing to provide you with an update regarding Florida Power & Light Company's smart meter deployment. The Florida Public Service Commission (FPSC) has said that it will formalize a process, through a workshop or other means, to evaluate smart meter-related issues, including the extent to which the FPSC has jurisdiction over such issues. The FPSC said the process would allow for full stakeholder participation. We support the FPSC's continuing assessment of the concerns expressed by some customers and we will work cooperatively with the Commission.

In the meantime, as you requested, we have placed a hold on your smart meter installation. We take pride in providing you with the lowest bills in the state and the highest reliability of any investor owned-utility in Florida. We take your concerns seriously and want you to be happy with the service we provide. Rest assured that we are committed to working with the FPSC to arrive at a long-term solution that serves the best interests of all customers.

We will continue to communicate with you as more information becomes available. In the meantime, please don't hesitate to contact us at 1-800-871-5711 if you have any questions or visit [www.FPL.com/energysmart](http://www.FPL.com/energysmart).

Best regards,

FPL Customer Advocacy

From  
William A. Cummins  
Property Owner  
807 Black Duck Drive  
Port Orange, FL 32127

To:  
Florida Power and Light Company Corporate Office  
700 Universe Blvd.  
Juno Beach, FL 33408  
Phone: (561)694-4000  
Attn: Lewis Hay III, CEO

February 29, 2012

**NOTICE OF NO CONSENT TO TRESPASS AND  
SURVEILLANCE, NOTICE OF LIABILITY**

Dear Florida Power and Light (Energy Provider) and all agents, officers, employees, contractors and interested parties,

If you intend to install a "Smart Meter" or any activity monitoring device at the above address, you and all other parties are hereby denied consent for installation and use of all such devices on the above property. Installation and use of any activity monitoring device is hereby refused and prohibited. Informed consent is legally required for installation of any surveillance device and any device that will collect and transmit private and personal data to undisclosed and unauthorized parties for undisclosed and unauthorized purposes.

Authorization for sharing of personal and private information may only be given by the originator and subject of that information. That authorization is hereby denied and refused with regard to the above property and all its occupants. "Smart Meters" and digital meters violate the law and cause endangerment to residents by the following factors:

1. They individually identify electrical devices inside the home and record when they are operated causing invasion of privacy.
2. They monitor household activity and occupancy in violation of rights and domestic security.
3. They transmit wireless signals which may be intercepted by unauthorized and unknown parties. Those signals can be used to monitor behavior and occupancy and they can be used by criminals to aid criminal activity against the occupants.
4. Data about occupant's daily habits and activities are collected, recorded and stored in permanent databases which are accessed by parties not authorized or invited to know and share that private data by those whose activities were recorded.
5. Those with access to the smart meter databases can review a permanent history of household activities complete with calendar and time-of-day metrics to gain a highly invasive and detailed view of the lives of the occupants.



7011 2970 0000 5728 8436

**U.S. Postal Service™**  
**CERTIFIED MAIL™ RECEIPT**  
 (Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at [www.usps.com](http://www.usps.com)

**NORTH PALM BEACH FL 33408**

Postage	\$ 00.45
Certified Fee	\$ 2.95
Return Receipt Fee (Endorsement Required)	\$ 2.35
Restricted Delivery Fee (Endorsement Required)	\$ 00.00
<b>Total Postage &amp; Fees</b>	<b>\$ 5.75</b>

Postmark: PORT ORANGE FL 32127 03/29/2012

Sent To: \_\_\_\_\_  
 Street, Apt. No., or PO Box No. \_\_\_\_\_  
 City, State, ZIP+4 \_\_\_\_\_

PS Form 3800, August 2005 See Reverse for Instructions

UNITED STATES POSTAL SERVICE



First-Class Mail  
 Postage & Fees Paid  
 USPS  
 Permit No. G-10

• Sender: Please print your name, address, and ZIP+4 in this box •

*William G. Cummins*  
*807 Black Duck Dr.*  
*Port Orange, FL 32127*

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

*Florida Power and Light*  
*Company Corporate Office*  
*700 Universe Blvd.*  
*Juno, FL 33408*

2. Article Number

(Transfer from service label)

PS Form 3811, February 2004

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

*Steven L Bennett*

☒ Agent

☐ Addressee

B. Received by (Printed Name)

*STEVEN L BENNETT*

C. Date of Delivery

*3/2/12*

D. Is delivery address different from item 1? ☐ Yes

If YES, enter delivery address below: ☐ No

3. Service Type

☒ Certified Mail

☐ Express Mail

☐ Registered

☐ Return Receipt for Merchandise

☐ Insured Mail

☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

7011 2970 0000 5728 8436

102595-02-M-1540

## Smart Meters - Evelyn Rogers 7-19-11

From: **William Cummins** <wacummins@clearwire.net>

Date: Tue, Jul 19, 2011 at 9:16 AM

Subject: Smart Meters on Your House - Beware!

To: Allen Green <agreen@port-orange.org>, Ken Parker <kparker@port-orange.org>

**Good morning,**

**Please stop the installation of smart meters in Port Orange after watching these videos. It may be the topic of my next book.**

**Bill Cummins, Retired PE in Florida  
and Award Winning Author**

----- Forwarded message -----

From: **Evelyn Rogers** <ejrogers9@gmail.com>

Date: Tue, Jul 19, 2011 at 8:04 AM

Subject: Smart Meters on Your House

To: "Evelyn P. Rogers" <ejrogers9@gmail.com>

I received this from my cousin in California. A MUST see video! What next???!! :-/

Evelyn

Listen to this...

[http://www.youtube.com/watch?v=8JNFr\\_j6kdI](http://www.youtube.com/watch?v=8JNFr_j6kdI)

and

<http://www.youtube.com/watch?v=w0XnOoLR-u0&NR=1>

# **Customer Service Hearing Exhibit #10**

**Statement Before Public Service Commission---June 12, 2012**

Good afternoon. My name is Harley Hoffman. I live at 108 Seminole Drive in Ormond Beach. I am the President of the Tomoka View/Tanglewood Civic Association.

Before I start my presentation I would like to thank the Commission for coming here to our area and providing us with the opportunity speak directly to you about the quality of service provided by FPL as we see it. Generally speaking our <sup>Civic</sup> Association would like to go on record agreeing with the economic hardship arguments that you have been hearing. However I would like to spend my time allocation speaking to you about service problems in our subdivision and also discuss some recent communications from FPL regarding surge protection devices that have confused many of us.

~~As I mentioned earlier, I am the president of the Tomoka View/Tanglewood Civic Association.~~ <sup>THE  
LITTLE  
reference</sup> The Tomoka View/Tanglewood subdivision is an unincorporated enclave a few miles from here completely surrounded by the city of Ormond Beach. The subdivision is about 45 years old and has 192 well kept, predominately brick homes. We receive police and fire services and waste management services from Volusia County. We get our electrical services from FPL and our water from one of your wards, Aqua Utilities Florida. We have three deep wells and a treatment plant in our subdivision owned by Aqua Utilities Florida that provide water to our residences. This system receives power from FPL to operate the pumps and chlorimine purification system and has a diesel generator backup system that starts when there is a FPL power failure. During the past two or three months we have had several failures in the system that resulted in our water being shut off. These failures coincide with a power fluctuation that we can notice in our homes by such things as microwave and clocks require resetting, televisions requiring rebooting and visual blinking of lights. I do not know if this is the result of a power surge or an interruption of power but the result is a temporary power failure to the users.

We have complained to FPL and to Aqua Utilities because their backup system did not work in spite of weekly testing. An Aqua service technician must come to Ormond Beach from Palatka, about an hours drive, and reset the circuit breaker each time this happens. Both FPL and Aqua Utilities have said they are working on the problem and I do not know what has been resolved but it is clear to me that if there was no power fluctuation, there would be no problem with maintaining our water supply and that is FPL's responsibility. Some of our residents have filed complaints with FPL and

Aqua Utilities and with the PSC because you established a customer service monitoring program for Aqua Utilities at their recent rate increase hearing. Hopefully our squeaky wheel will make enough noise to attract attention and get a solution soon. We are very concerned that the problem get resolved quickly because now that the hurricane season is here a power fluctuation/ failure that occurs during a storm shutting down our water system might not be resolved for days if traffic between Ormond Beach and Palatka is interrupted by storm damage.

Another problem that we have in our neighborhood is frequent power outages due to the wind either breaking off branches or moving them against the wires to cause a power failure. I don't know what the FPL policy is regarding tree trimming but older neighborhoods like ours where the trees are large and mature should be trimmed often. The main circuit breaker at the SR40 entrance to our neighborhood has to be reset almost every time we have strong winds. We have called FPL each time we have a failure and the breaker is usually reset in a matter of a few hours and in a few weeks the Asplundi trimmers show up and trim a few trees. The FPL trimming criteria in our case seems to be reactive rather than proactive.

Next I would like to speak to you about power surge protection.

Along with many other FPL customers who have experienced catastrophic power surge and lightning damage to computers, tv's and other appliances I have the FPL power surge protection insurance for which I pay \$6.75 per month. During the past month I received a brochure from FPL suggesting that I install a power surge prevention device at the meter for a charge of \$9.95 per month.

After speaking to representatives of each program I am not sure but I believe the insurance program provides more coverage but might not be necessary if you have the protection device. So I am still confused as to what is best for me. But in either case, my question to you is what happens to the revenue collected in these programs. It is a considerable amount of money. Is it included in the rate calculations or held separately?

Additionally, I have read of plans to install remote reading meters, which by the way we already have for our Aqua Utilities water system. Those remote read water system meters were installed as part of a capital improvement program and you included them in the rate increase calculations. Why can't these new remote reading meters for FPL have a surge protection device already installed as part of the capital cost of improving the system rather than making the customer pay a monthly charge. I don't mind paying for a better device once but paying a monthly charge forever seems like a ripoff.

ONCE AGAIN, I WOULD LIKE TO THANK YOU FOR COMING TO DAYTONA BEACH AND PROVIDING US WITH THE OPPORTUNITY TO SPEAK DIRECTLY TO YOU.



# **Customer Service Hearing Exhibit #11**

**RESOLUTION NO. 2012 -74**

**A RESOLUTION OF THE COUNTY COUNCIL OF VOLUSIA COUNTY, AMENDING RESOLUTION NO. 2012-70 AND SUPPORTING THE RIGHT OF COUNTY RESIDENTS TO ALLOW SMART METER INSTALLATION IN THEIR HOMES SOLELY IF THEY REQUEST SUCH INSTALLATION, AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, on April 19, 2012 the county council adopted resolution 2012-70 urging utilities and the Public Service Commission to allow residents to "opt out" of the smart meter installation program; and

**WHEREAS**, as a result of additional public comment concerning smart meters during a county council meeting, the council has received additional clarity regarding the beliefs of certain residents of the county regarding smart meter related health, safety, privacy and financial concerns; and

**WHEREAS**, while the county council continues to take no position regarding the validity of the resident's concerns, the council has adopted this resolution amending resolution 2012-70 and requesting that utility providers only install smart meters at the homes of residents who request them, or "opt in" to the smart meter program.

**BE IT RESOLVED BY THE COUNTY COUNCIL OF VOLUSIA COUNTY, FLORIDA, IN OPEN MEETING DULY ASSEMBLED IN THE THOMAS C. KELLY ADMINISTRATION CENTER, DELAND, FLORIDA THIS 3<sup>rd</sup> DAY OF MAY, 2012, AS FOLLOWS:**

1. **Recitals.** The above recitals are incorporated as if fully stated herein as the findings of the County Council of Volusia County.

2. **"Opt In" to Smart Meter Program.** It is the position of the county council that given the concerns of some county residents regarding smart meters, applicable utilities and the Florida Public Service Commission should consider amending the smart meter installation program so that only residents who "opt in" or request participation in the program shall receive smart meters.

3. **Copy of Resolution.** A copy of this resolution shall be provided immediately to the Florida Public Service Commission. This resolution shall serve to amend and replace resolution number 2012-70.

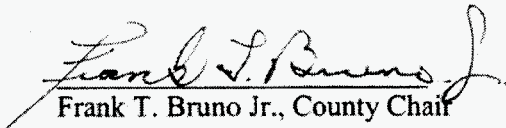
This resolution shall take effect immediately upon adoption.

DONE AND ORDERED IN OPEN MEETING.

ATTEST:  
FLORIDA

  
James T. Dinneen, County Manager/Clerk

COUNTY COUNCIL  
COUNTY OF VOLUSIA,

  
Frank T. Bruno Jr., County Chair

Florida Power & Light will soon install a SMART METER surveillance device on your home. Call FP&L now to **OPT OUT** of the Smart Meter program. Preserve your privacy, your control of your home.

**Call FP&L at 800-871-5711 and tell them, "I am OPTING OUT, do not install a Smart Meter on my house." They may tell you that you cannot opt out. Tell them, "Put me on the delay list, I do not want a Smart Meter on my house".**

What is a Smart Meter?

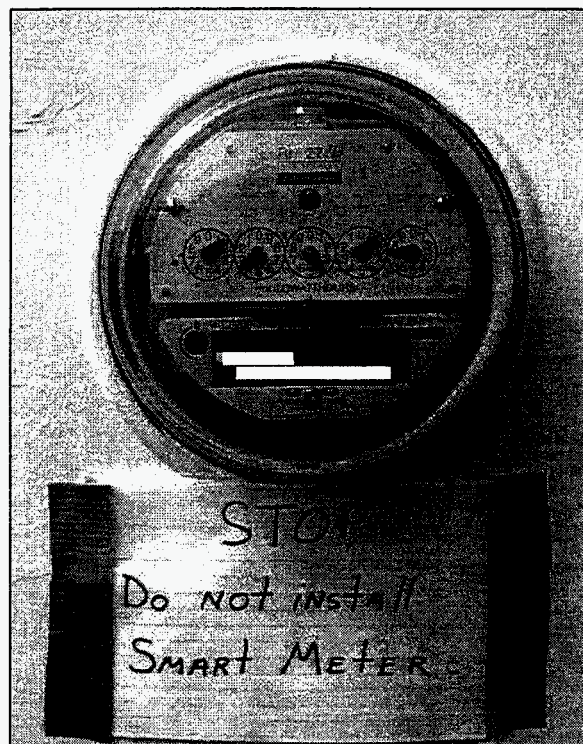
See Internet: YouTube, "*Smart Meters*"

[http://www.youtube.com/watch?v=8JNFr\\_j6kdl](http://www.youtube.com/watch?v=8JNFr_j6kdl)

Here is what they may not want you to see:

YouTube: "*Technocracy – Patrick Wood*"

<http://www.youtube.com/watch?v=ul5oQ3wbstQ>



# **Customer Service Hearing Exhibit #12**

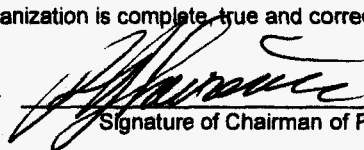


<b>STATEMENT OF ORGANIZATION OF POLITICAL COMMITTEE</b>  (PLEASE TYPE)		OFFICE USE ONLY	
<b>1. Full Name of Committee</b>  Take Back Our Power		<b>Telephone</b>  386-788-5264	
<b>Mailing Address (include city, state and zip code)</b> Post Office Box 214459, South Daytona, Florida 32121			
<b>Street Address (include city, state and zip code)</b> 901 Wells Drive, South Daytona, Florida 32119			
<b>2. Affiliated or Connected Organizations (includes other committees of continuous existence and political committees)</b>			
<b>Name of Affiliated or Connected Organization</b>	<b>Mailing Address</b>	<b>Relationship</b>	
None			
<b>3. Area, Scope and Jurisdiction of the Committee</b> Issue political committee to identify, sponsor, support and/or oppose referendums and amendments affecting the City of South Daytona			
<b>4. Nature of Organization or Organization's Special Interest (e.g., medical, legal, education, etc.)</b> Political			
<b>5. Identify by Name, Address and Position, the Custodian of Books and Accounts (include treasurer's name)</b>			
<b>Full Name</b>	<b>Mailing Address</b>	<b>Committee Title or Position</b>	
Abby Dupree	2640-A Mitcham Drive Tallahassee, Florida 32308	Treasurer	
Frederick Carroll, III	2640-A Mitcham Drive Tallahassee, Florida 32308	Deputy Treasurer	

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(continued on reverse side)

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<b>6. List by Name, Address and Position, Other Principal Officers, Including Officers and Members of the Finance Committee, If Any (Include chairman's name)</b>			
Full Name	Mailing Address	Committee Title or Position	
Raymond Lawrence	901 Wells Drive South Daytona, FL 32119	Chair	
Rosemary Iocco	830 Palm Grove Court South Daytona, FL 32119	Vice Chair	
<b>7. List by Name, Address, Office Sought and Party Affiliation Each Candidate or Other Individual that this Committee is Supporting (If none, please indicate)</b>			
Full Name	Mailing Address	Office Sought	Party
None			
<b>8. List Any Issues this Committee is Supporting: To be determined</b>  <b>List Any Issues this Committee is Opposing: To be determined</b>			
<b>9. If this Committee is Supporting the Entire Ticket of a Party, Give Name of Party</b> N/A			
<b>10. In the Event of Dissolution, What Disposition will be Made of Residual Funds?</b> Contribute to charitable entities, return pro rata to contributors, or any other means not prohibited by Chapter 106, Florida Statutes.			
<b>11. List all Banks, Safety Deposit Boxes, or Other Depositories Used for Committee Funds</b>			
Name of Bank or Depository & Account Number		Mailing Address	
SunTrust Bank		3522 Thomasville Road Tallahassee, Florida 32309	
<b>12. List all Reports Required to be Filed by this Committee with Federal Officials and the Names, Addresses and Positions of Such Officials, If Any</b>			
Report Title	Dates Required to be Filed	Name & Position of Official	Mailing Address
Form 8871, Form 1120 POL, Form 990, as may be required	Upon formation, March 15, annually May 15, annually	Internal Revenue Service	Ogden, UT 84201
STATE OF <u>Florida</u> <u>Volusia</u> COUNTY			
I, <u>Raymond Lawrence</u> , certify that the information in this Statement of			
Organization is complete, true and correct.			
<b>X</b>  Signature of Chairman of Political Committee		<u>12/9/2011</u> Date	

'11 DEC 9 10:57AM

**APPOINTMENT OF CAMPAIGN TREASURER  
AND DESIGNATION OF CAMPAIGN  
DEPOSITORY FOR  
POLITICAL COMMITTEES**  
(Sections 106.011(1) and 106.021(1), F.S.)

CHECK APPROPRIATE BOX:

OFFICE USE ONLY

☒ Original Appointment of Treasurer      ☐ Reappointment of Treasurer      ☐ Deputy Treasurer

1. Committee or Organization Take Back Our Power	2. Telephone (386 ) 788-5264
---	---------------------------------

3. Name of Treasurer or Deputy Treasurer Abby Dupree	4. Email (optional)	5. Telephone (optional) (850 ) 877-1099
---	---------------------	--


6. Mailing Address  
2640-A Mitcham Drive, Tallahassee, FL 32308

7. Street Address  
2640-A Mitcham Drive, Tallahassee, FL 32308

8. The following bank has been designated as the ☒ Primary Depository      ☐ Secondary Depository

9. Name of Bank SunTrust Bank	10. Street Address 3522 Thomasville Road
----------------------------------	---

11. City Tallahassee	12. State FL	13. Zip Code 32309
-------------------------	-----------------	-----------------------

14. Signature of Chairman X 	15. Name of Chairman (Print or Type) Raymond Lawrence
--	--

**Campaign Treasurer's Acceptance of Appointment**

I, Abby Dupree (Please Print or Type) do hereby accept the appointment as  
treasurer or deputy treasurer for Take Back Our Power  
(Committee or Organization)

UNDER PENALTIES OF PERJURY, I DECLARE THAT I HAVE READ THE FOREGOING CAMPAIGN TREASURER'S  
ACCEPTANCE OF APPOINTMENT AND THAT THE FACTS STATED ARE TRUE.

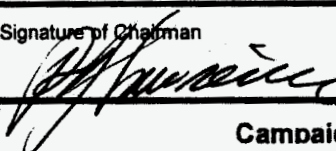
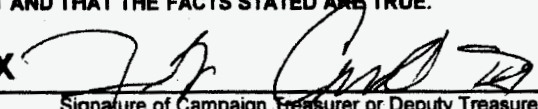
12/8/11      X   
Date      Signature of Campaign Treasurer or Deputy Treasurer

**APPOINTMENT OF CAMPAIGN TREASURER  
AND DESIGNATION OF CAMPAIGN  
DEPOSITORY FOR  
POLITICAL COMMITTEES**  
(Sections 106.011(1) and 106.021(1), F.S.)

CHECK APPROPRIATE BOX:

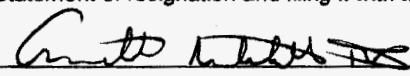
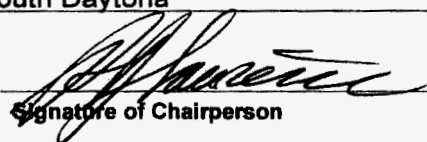
OFFICE USE ONLY

☐ Original Appointment of Treasurer      ☐ Reappointment of Treasurer      ☒ Deputy Treasurer

1. Committee or Organization <b>Take Back Our Power</b>		2. Telephone <b>(386 ) 788-5264</b>	
3. Name of Treasurer or Deputy Treasurer <b>Frederick Carroll, III</b>		4. Email (optional)  	
5. Telephone (optional) <b>(850 ) 877-1099</b>			
6. Mailing Address <b>2640-A Mitcham Drive, Tallahassee, FL 32308</b>			
7. Street Address <b>2640-A Mitcham Drive, Tallahassee, FL 32308</b>			
8. The following bank has been designated as the <input checked="" type="checkbox"/> Primary Depository <input type="checkbox"/> Secondary Depository			
9. Name of Bank <b>SunTrust Bank</b>		10. Street Address <b>3522 Thomasville Road</b>	
11. City <b>Tallahassee</b>		12. State <b>FL</b>	13. Zip Code <b>32309</b>
14. Signature of Chairman <b>X</b> 		15. Name of Chairman (Print or Type) <b>Raymond Lawrence</b>	
<b>Campaign Treasurer's Acceptance of Appointment</b>			
I, <b>Frederick Carroll, III</b> , do hereby accept the appointment as (Please Print or Type)			
treasurer or deputy treasurer for <b>Take Back Our Power</b> (Committee or Organization)			
UNDER PENALTIES OF PERJURY, I DECLARE THAT I HAVE READ THE FOREGOING CAMPAIGN TREASURER'S ACCEPTANCE OF APPOINTMENT AND THAT THE FACTS STATED ARE TRUE.			
<b>12-8-11</b> Date		<b>X</b>  Signature of Campaign Treasurer or Deputy Treasurer	

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<b>REGISTERED AGENT STATEMENT OF APPOINTMENT</b> (Section 106.022, F.S.)	<b>OFFICE USE ONLY</b>
<input checked="checked" type="checkbox"/> Original Appointment <input type="checkbox"/> Change of Appointment <input type="checkbox"/> Change of Mailing Address <input type="checkbox"/> Change of Physical Address	
<b>Registered Agent and Office Information</b>	
Name: <b>Emmett Mitchell, IV</b> Telephone: <b>850/681-1029</b>	
Street Address: <b>115 East Park Avenue, Suite 1</b>	
City: <b>Tallahassee</b> State: <b>FL</b> Zip Code: <b>32301</b>	
Mailing Address: <b>115 East Park Avenue, Suite 1</b>	
City: <b>Tallahassee</b> State: <b>FL</b> Zip Code: <b>32301</b>	
I accept this appointment and confirm that I am familiar with and accept the obligations of the position as set forth in Section 106.022, F.S. I also understand that I may resign this appointment by executing a written statement of resignation and filing it with the applicable filing officer.	
 Signature of Registered Agent	<b>12/8/11</b> Date
<b>Former Registered Agent and Office Information (for changes only)</b>	
Name: <b>N/A</b> Telephone:	
Street Address:	
City:	State:      Zip Code:
<b>Committee or Organization Information</b>	
Name of Committee or Organization: <b>Take Back Our Power</b>	
Street Address: <b>901 Wells Drive</b> Telephone: <b>386/788-5264</b>	
City: <b>South Daytona</b> State: <b>FL</b> Zip Code: <b>32119</b>	
 Signature of Chairperson	
<b>Raymond Lawrence</b> Printed Name of Chairperson	<b>12/9/2011</b> Date

Form DS-DE 41 (revised 6/11)

'11 DEC 9 10:57AM



<b>STATEMENT OF ORGANIZATION OF POLITICAL COMMITTEE</b>  (PLEASE TYPE)		OFFICE USE ONLY
<b>1. Full Name of Committee</b> <i>Empowering South Daytona's Future</i>		<b>Telephone</b> <i>813-290-2938</i>
<b>Mailing Address (include city, state and zip code)</b> <i>146 Bellewood Ave. South Daytona, FL 32119</i>		
<b>Street Address (include city, state and zip code)</b> <i>146 Bellewood Ave. South Daytona, FL 32119</i>		
<b>2. Affiliated or Connected Organizations (includes other committees of continuous existence and political committees)</b>		
<b>Name of Affiliated or Connected Organization</b>	<b>Mailing Address</b>	<b>Relationship</b>
<i>None.</i>		
<b>3. Area, Scope and Jurisdiction of the Committee</b> <i>Volusia County, FL South Daytona, FL</i>		
<b>4. Nature of Organization or Organization's Special Interest (e.g., medical, legal, education, etc.)</b> <i>Education of Voters and Citizens of South Daytona, FL</i>		
<b>5. Identify by Name, Address and Position, the Custodian of Books and Accounts (include treasurer's name)</b>		
<b>Full Name</b>	<b>Mailing Address</b>	<b>Committee Title or Position</b>
<i>Jacqueline Johnson</i>	<i>3352 Country Manor Dr. S Daytona, FL 32119</i>	<i>Treasurer</i>

6. List by Name, Address and Position, Other Principal Officers, Including Officers and Members of the Finance Committee, if Any (include chairman's name)

Full Name	Mailing Address	Committee Title or Position
Patricia A. Mozen	318 Olive St., South Daytona, FL 32119	Chairperson
Douglas Kosarek	146 Bellewood Ave. South Daytona, FL 32119	Registered Agent/Spokesperson

7. List by Name, Address, Office Sought and Party Affiliation Each Candidate or Other Individual that this Committee is Supporting (if none, please indicate)

Full Name	Mailing Address	Office Sought	Party
None..			

8. List Any Issues this Committee is Supporting: Issues Related to the Future interests of residents of South Daytona, FL ... Education on Ballot  
 List Any Issues this Committee is Opposing: Initiatives

9. If this Committee is Supporting the Entire Ticket of a Party, Give Name of Party

N.A.

10. In the Event of Dissolution, What Disposition will be Made of Residual Funds?

Funds will be donated to the South Daytona Little League

11. List all Banks, Safety Deposit Boxes, or Other Depositories Used for Committee Funds

Name of Bank or Depository & Account Number	Mailing Address
Wells Fargo - 122 8229017	2111 South Daytona, FL 32119

12. List all Reports Required to be Filed by this Committee with Federal Officials and the Names, Addresses and Positions of Such Officials, if Any

Report Title	Dates Required to be Filed	Name & Position of Official	Mailing Address

STATE OF Florida COUNTY Volusia

I, Patricia A. Mozen, certify that the information in this Statement of Organization is complete, true and correct.

X Patricia A. Mozen  
 Signature of Chairman of Political Committee

1/8/12  
 Date

**APPOINTMENT OF CAMPAIGN TREASURER  
AND DESIGNATION OF CAMPAIGN  
DEPOSITORY FOR  
POLITICAL COMMITTEES**

(Sections 106.011(1) and 106.021(1), F.S.)

CHECK APPROPRIATE BOX:

OFFICE USE ONLY

☒ Original Appointment of Treasurer      ☐ Reappointment of Treasurer      ☐ Deputy Treasurer

1. Committee or Organization <b>Empowering South Daytonas Future</b>		2. Telephone <b>(813) 390 2938</b>	
3. Name of Treasurer or Deputy Treasurer <b>Jacqueline Johnson</b>		4. Email (optional)	
5. Telephone (optional) <b>(386) 631 6182</b>			
6. Mailing Address <b>3352 Country Manor Dr. South Daytona, FL 32119</b>			
7. Street Address			
8. The following bank has been designated as the <input checked="" type="checkbox"/> Primary Depository <input type="checkbox"/> Secondary Depository			
9. Name of Bank <b>Wells Fargo</b>		10. Street Address <b>3115 Ridgewood Ave South Daytona, FL 32119</b>	
11. City <b>South Daytona</b>		12. State <b>FL</b>	13. Zip Code <b>32119</b>
14. Signature of Chairman <b>X Patricia A. Mozdien</b>		15. Name of Chairman (Print or Type) <b>Patricia A. Mozdien</b>	

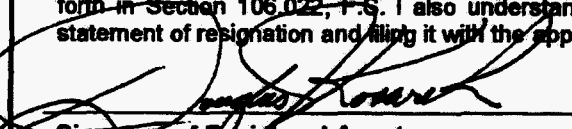
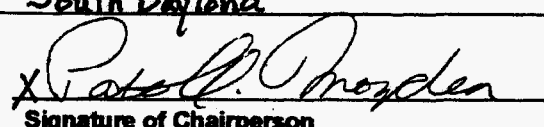
**Campaign Treasurer's Acceptance of Appointment**

I, **Jacqueline Johnson**, do hereby accept the appointment as  
(Please Print or Type)  
treasurer or deputy treasurer for **Empowering South Daytona's Future**  
(Committee or Organization)

UNDER PENALTIES OF PERJURY, I DECLARE THAT I HAVE READ THE FOREGOING CAMPAIGN TREASURER'S  
ACCEPTANCE OF APPOINTMENT AND THAT THE FACTS STATED ARE TRUE.

**1-9-2012**  
Date

**X** **Jacqueline Johnson**  
Signature of Campaign Treasurer or Deputy Treasurer

<b>REGISTERED AGENT STATEMENT OF APPOINTMENT</b> <small>(Section 106.022, F.S.)</small>		OFFICE USE ONLY	
<input checked="" type="checkbox"/> Original Appointment <input type="checkbox"/> Change of Appointment <input type="checkbox"/> Change of Mailing Address <input type="checkbox"/> Change of Physical Address			
<b>Registered Agent and Office Information</b>			
Name <u>Douglas J. Kosarek</u>		Telephone <u>813-390-2938</u>	
Street Address <u>146 Bellewood Ave</u>			
City <u>South Daytona</u>	State <u>FL</u>	Zip Code <u>32119</u>	
Mailing Address <u>146 Bellewood Ave</u>			
City <u>South Daytona</u>	State <u>FL</u>	Zip Code <u>32119</u>	
I accept this appointment and confirm that I am familiar with and accept the obligations of the position as set forth in Section 106.022, F.S. I also understand that I may resign this appointment by executing a written statement of resignation and filing it with the applicable filing officer.			
 Signature of Registered Agent		<u>1/9/2012</u> Date	
<b>Former Registered Agent and Office Information (for changes only)</b>			
Name <u>NONE</u>		Telephone	
Street Address			
City	State	Zip Code	
<b>Committee or Organization Information</b>			
Name of Committee or Organization <u>Empowering South Daytona's Future</u>			
Street Address <u>146 Bellewood Ave</u>		Telephone	
City <u>South Daytona</u>	State <u>FL</u>	Zip Code <u>32119</u>	
 Signature of Chairperson			
<u>Patricia A. Mozden</u> Printed Name of Chairperson		<u>1-9-2012</u> Date	

Form DS-DE 41 (revised 6/11)

FLORIDA DEPARTMENT OF STATE DIVISION OF ELECTIONS  
CAMPAIGN TREASURER'S REPORT SUMMARY

12 JAN 10 11:19AM

(1) Take Back Our Power

Name

(2) PO Box 214459

Address (number and street)

South Daytona, FL 32121

City, State, Zip Code

☐ Check box if address has changed

OFFICE USE ONLY

(3) I.D. Number: \_\_\_\_\_

(4) Check appropriate box(es):

☐ Candidate (office sought): \_\_\_\_\_

☒ Political Committee

☐ Committee of Continuous Existence

☐ Party Executive Committee

☐ Electioneering Communication

☐ Check if PC has DISBANDED

☐ Check if CCE has DISBANDED

☐ Check if no other electioneering communication reports will be filed

(5) REPORT IDENTIFIERS

Cover Period: From 12/09/2011 To 12/31/2011

Report Type: Q4

☒ Original

☐ Amendment

☐ Special Election Report

☐ Independent Expenditure Report

(6) CONTRIBUTIONS THIS REPORT

Cash & Checks \$20,275.00

Loans \$0.00

Total Monetary \$20,275.00

In-Kind \$0.00

(7) EXPENDITURES THIS REPORT

Monetary Expenditures \$11,410.00

Transfers to Office Account \$0.00

Total Monetary \$11,410.00

(8) Other Distributions \$0.00

(9) TOTAL Monetary Contributions to Date

\$20,275.00

(10) TOTAL Monetary Expenditures to Date

\$11,410.00

(11) CERTIFICATION

It is a first degree misdemeanor for any person to falsify a public record (ss. 839.13, F.S.)

I certify that I have examined this report and it is true, correct and complete

Abby F. Dupree

☐ Individual (only for electioneering commun.)

☒ Treasurer

☐ Deputy Treasurer

X Signature

I certify that I have examined this report and it is true, correct and complete

Raymond Lawrence

☐ Candidate

☒ Chairman (only for PC, PTY & electioneering commun. organization)

X Signature



# CAMPAIGN TREASURER'S REPORT - ITEMIZED CONTRIBUTIONS

12 JAN 10 11:19AM

(1) Name Take Back Our Power (2) I.D. Number \_\_\_\_\_

(3) Cover Period 12/09/2011 - 12/31/2011 (4) Page 1 of 1

(5) Date	(7) Full Name (Last, Suffix, First, Middle) Street Address & City, State, Zip Code	(8) Contributor		(9) Contribution Type	(10) In-kind Description	(11) Amendment	(12) Amount
(6) Sequence Number		Type	Occupation				
12/19/2011	Florida Power and Light Company 700 Universe Blvd Juno Beach, FL 33408-0000	B	Utility Company	CHE			\$ 20000.00
1							
12/21/2011	Iocco, Rosemary 830 Palm Grove Ct South Daytona, FL 32119-0000	I	Retired	CHE			\$ 50.00
2							
12/21/2011	Iocco, Rosemary 830 Palm Grove Ct South Daytona, FL 32119-0000	I	Retired	CHE			\$ 50.00
3							
12/21/2011	Lawrence, Kathryn L. 901 Wells Dr South Daytona, FL 32119-0000	I	Retired	CHE			\$ 100.00
4							
12/21/2011	McCauley, Brian E. 901 Wells Dr South Daytona, FL 32119-0000	I		CAS			\$ 25.00
5							
12/21/2011	Perry, Wayne J. 901 Wells Dr South Daytona, FL 32119-0000	I		CAS			\$ 25.00
6							
12/21/2011	LaRue, Phyllis 918 Duncan Rd South Daytona, FL 32119-0000	I	Vehicle Rentals	CAS			\$ 25.00
7							

This form is based on DS-DE 13 (Rev. 08/03)

Adjutant Software, Inc. - Campaign ToolBox

# CAMPAIGN TREASURER'S REPORT - ITEMIZED EXPENDITURES

12 JAN 10 11:20 AM

(1) Name Take Back Our Power (2) I.D. Number \_\_\_\_\_

(3) Cover Period 12/09/2011 - 12/31/2011 (4) Page 1 of 1

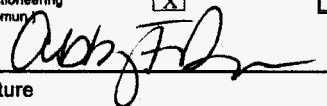

(5) Date	(7) Full Name (Last, Suffix, First, Middle) Street Address & City, State, Zip Code	(8) Purpose (add office sought if contribution to a candidate)	(9) Expenditure Type	(10) Amendment	(11) Amount
12/19/2011	Myami Marketing 7722 NW 201 Terrace Hialeah, FL 33015-0000	Marketing Consulting	MON		\$ 6000.00
1					
12/28/2011	Myami Marketing 7722 NW 201 Terrace Hialeah, FL 33015-0000	Marketing Consulting	MON		\$ 5410.00
2					

This form is based on DS-DE 14 (Rev. 08/03)

Adjutant Software, Inc. - Campaign ToolBox

12 APR 9 1:38 PM

FLORIDA DEPARTMENT OF STATE DIVISION OF ELECTIONS  
CAMPAIGN TREASURER'S REPORT SUMMARY

<p>(1) <u>Take Back Our Power</u> Name _____</p> <p>(2) <u>PO Box 214459</u> Address (number and street) _____ <u>South Daytona, FL 32121</u> City, State, Zip Code _____</p> <p><input type="checkbox"/> Check box if address has changed</p> <p>(3) I.D. Number: <u>00000</u></p>		<p>OFFICE USE ONLY</p>											
<p>(4) Check appropriate box(es):</p> <table style="width: 100%;"> <tr> <td><input type="checkbox"/> Candidate (office sought): _____</td> <td><input type="checkbox"/> Check if PC has DISBANDED</td> </tr> <tr> <td><input checked="" type="checkbox"/> Political Committee</td> <td><input type="checkbox"/> Check if CCE has DISBANDED</td> </tr> <tr> <td><input type="checkbox"/> Committee of Continuous Existence</td> <td><input type="checkbox"/> Check if no other electioneering communication reports will be filed</td> </tr> <tr> <td><input type="checkbox"/> Party Executive Committee</td> <td></td> </tr> <tr> <td><input type="checkbox"/> Electioneering Communication</td> <td></td> </tr> </table>				<input type="checkbox"/> Candidate (office sought): _____	<input type="checkbox"/> Check if PC has DISBANDED	<input checked="" type="checkbox"/> Political Committee	<input type="checkbox"/> Check if CCE has DISBANDED	<input type="checkbox"/> Committee of Continuous Existence	<input type="checkbox"/> Check if no other electioneering communication reports will be filed	<input type="checkbox"/> Party Executive Committee		<input type="checkbox"/> Electioneering Communication	
<input type="checkbox"/> Candidate (office sought): _____	<input type="checkbox"/> Check if PC has DISBANDED												
<input checked="" type="checkbox"/> Political Committee	<input type="checkbox"/> Check if CCE has DISBANDED												
<input type="checkbox"/> Committee of Continuous Existence	<input type="checkbox"/> Check if no other electioneering communication reports will be filed												
<input type="checkbox"/> Party Executive Committee													
<input type="checkbox"/> Electioneering Communication													
<p>(5) REPORT IDENTIFIERS</p>													
<p>Cover Period: From <u>01/01/2012</u> To <u>03/31/2012</u> Report Type: <u>Q1</u></p> <p><input checked="" type="checkbox"/> Original    <input type="checkbox"/> Amendment    <input type="checkbox"/> Special Election Report    <input type="checkbox"/> Independent Expenditure Report</p>													
<p>(6) CONTRIBUTIONS THIS REPORT</p>		<p>(7) EXPENDITURES THIS REPORT</p>											
<p>Cash &amp; Checks <u>\$15,100.00</u></p> <p>Loans <u>\$0.00</u></p> <p>Total Monetary <u>\$15,100.00</u></p> <p>In-Kind <u>\$7,875.04</u></p>	<p>Monetary Expenditures <u>\$17,628.78</u></p> <p>Transfers to Office Account <u>\$0.00</u></p> <p>Total Monetary <u>\$17,628.78</u></p>	<p>(8) Other Distributions <u>\$166.00</u></p>											
<p>(9) TOTAL Monetary Contributions to Date</p> <p style="text-align: right;"><u>\$35,375.00</u></p>		<p>(10) TOTAL Monetary Expenditures to Date</p> <p style="text-align: right;"><u>\$29,038.78</u></p>											
<p>(11) CERTIFICATION</p> <p>It is a first degree misdemeanor for any person to falsify a public record (ss. 839.13, F.S.)</p>													
<p>I certify that I have examined this report and it is true, correct and complete</p> <p style="text-align: center;"><u>Abby F. Dupree</u></p> <p><input type="checkbox"/> Individual (only for electioneering commun.)    <input checked="" type="checkbox"/> Treasurer    <input type="checkbox"/> Deputy Treasurer</p> <p><u>X</u>  Signature</p>		<p>I certify that I have examined this report and it is true, correct and complete</p> <p style="text-align: center;"><u>Raymond Lawrence</u></p> <p><input type="checkbox"/> Candidate    <input checked="" type="checkbox"/> Chairman (only for PC, PTY &amp; electioneering commun. organization)</p> <p><u>X</u>  Signature</p>											

This form is based on DS-DE 12 (Rev. 08/04)

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# CAMPAIGN TREASURER'S REPORT - ITEMIZED CONTRIBUTIONS

(1) Name Take Back Our Power (2) I.D. Number 00000  
 (3) Cover Period 01/01/2012 - 03/31/2012 (4) Page 1 of 2

(5) Date	(7) Full Name (Last, Suffix, First, Middle) Street Address & City, State, Zip Code	(8) Contributor		(9) Contribution Type	(10) In-kind Description	(11) Amendment	(12) Amount
(6) Sequence Number		Type	Occupation				
01/23/2012	Lawrence, Kathryn L. 901 Wells Dr South Daytona, FL 32119-0000	I	Retired	INK	Voter Database File		\$ 10.00
1							
01/25/2012	Lawrence, Kathryn L. 901 Wells Dr South Daytona, FL 32119-0000	I	Retired	INK	South Daytona Maps		\$ 74.94
2							
01/27/2012	Lawrence, Kathryn L. 901 Wells Dr South Daytona, FL 32119-0000	I	Retired	INK	Office Supplies		\$ 98.84
3							
01/28/2012	Lawrence, Kathryn L. 901 Wells Dr South Daytona, FL 32119-0000	I	Retired	INK	Office Supplies		\$ 16.47
4							
01/28/2012	Lawrence, Kathryn L. 901 Wells Dr South Daytona, FL 32119-0000	I	Retired	INK	Office Supplies		\$ 7.44
5							
01/30/2012	Lawrence, Kathryn L. 901 Wells Dr South Daytona, FL 32119-0000	I	Retired	INK	Office Supplies		\$ 21.29
6							
01/31/2012	Lawrence, Kathryn L. 901 Wells Dr South Daytona, FL 32119-0000	I	Retired	INK	Office Supplies		\$ 27.61
7							
02/01/2012	Florida Power and Light Company 700 Universe Blvd Juno Beach, FL 33408-0000	B	Utility Company	CHE			\$ 10000.00
8							

This form is based on DS-DE 13 (Rev. 08/03)

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# CAMPAIGN TREASURER'S REPORT - ITEMIZED CONTRIBUTIONS

(1) Name Take Back Our Power

(2) I.D. Number 00000

(3) Cover Period 01/01/2012 - 03/31/2012

(4) Page 2 of 2

(5) Date	(7) Full Name (Last, Suffix, First, Middle) Street Address & City, State, Zip Code	(8) Contributor		(9) Contribution Type	(10) In-kind Description	(11) Amendment	(12) Amount
		Type	Occupation				
02/02/2012	Lawrence, Kathryn L. 901 Wells Dr South Daytona, FL 32119-0000	I	Retired	INK	Postage		\$ 9.00
9							
02/21/2012	Lawrence, Kathryn L. 901 Wells Dr South Daytona, FL 32119-0000	I	Retired	INK	Postage		\$ 9.45
10							
02/29/2012	Florida Power and Light Company 700 Universe Blvd Juno Beach, FL 33408-0000	B	Utility Company	INK	Consulting Services		\$ 4600.00
11							
03/02/2012	Florida Power and Light Company 700 Universe Blvd Juno Beach, FL 33408-0000	B	Utility Company	CHE			\$ 5000.00
12							
03/02/2012	McKeehan, John H. 1038 Reed Canal Rd South Daytona, FL 32119-0000	I	Real Estate	CHE			\$ 100.00
13							
03/08/2012	Florida Power and Light Company 700 Universe Blvd Juno Beach, FL 33408-0000	B	Utility Company	INK	Consulting Services		\$ 3000.00
14							

This form is based on DS-DE 13 (Rev. 08/03)

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# **CAMPAIGN TREASURER'S REPORT - ITEMIZED EXPENDITURES**

12 APR 9 1:38 PM

(1) Name Take Back Our Power

(2) I.D. Number 00000

(3) Cover Period 01/01/2012 - 03/31/2012

(4) Page 1 of 2

(5) Date	(7) Full Name (Last, Suffix, First, Middle) Street Address & City, State, Zip Code	(8) Purpose (add office sought if contribution to a candidate)	(9) Expenditure Type	(10) Amendment	(11) Amount
(6) Sequence Number					
01/05/2012	Myami Marketing 7722 NW 201 Terrace Hialeah, FL 33015-0000	Marketing Consulting	MON		\$ 1500.00
1					
01/17/2012	Volenc, Larry 425 N Williamson Blvd Daytona Beach, FL 32114-0000	Postal Box Rental	RMB		\$ 166.00
2					
01/25/2012	Carroll and Company, CPAs 2640-A Mitcham Drive Tallahassee, FL 32308-0000	Accounting Services and Postage	MON		\$ 1252.65
3					
02/01/2012	Myami Marketing 7722 NW 201 Terrace Hialeah, FL 33015-0000	Marketing Consulting	MON		\$ 3000.00
4					
02/07/2012	Carroll and Company, CPAs 2640-A Mitcham Drive Tallahassee, FL 32308-0000	Accounting Services and Postage	MON		\$ 285.44
5					
02/10/2012	Curley and Pynn 258 Southhall Lane, Ste 130 Maitland, FL 32751-0000	Direct Mail	MON		\$ 4538.45
6					
02/16/2012	Volusia County Supervisor of Elections 1672 S Ridgewood Avenue South Daytona, FL 32119-0000	Petition Verification	MON		\$ 123.00
7					
03/09/2012	Carroll and Company, CPAs 2640-A Mitcham Drive Tallahassee, FL 32308-0000	Accounting Services and Postage	MON		\$ 435.74
8					

This form is based on DS-DE 14 (Rev. 08/03)

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(2) I.D. Number 00000

(4) Page 2 of 2

This form is based on DS-DE 14 (Rev. 08/03)

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**Customer Service Hearing  
Exhibit #13**



SCRIPPS TREASURE COAST NEWSPAPERS

1939 SE Federal Highway, Stuart, Florida 34994

Affidavit of Publication

Scripps Treasure Coast Newspaper

MACHADO GARCIA-SERRA  
FPL/MACHADO GARCIA-SERRA  
1790 CORAL WAY  
MIAMI FL 33145

REFERENCE: 15609753 149 6  
2696719 44/legal

STATE OF FLORIDA

COUNTY OF MARTIN, ST. LUCIE and INDIAN RIVER

Before the undersigned authority personally appeared and who on oath says that he/she is the Acct Adv Clerk of Scripps Treasure Coast Newspaper which publishes 3 daily newspapers in Martin Cnty: The Stuart News; St Lucie Cnty: St Lucie News Tribune; and Indian River Cnty: The Indian River Press Journal; Affiant further states that these newspapers are published daily, with offices and paid circulation in said counties, and distributed in said counties for one year preceding the first publication of the attached copy of advertisement; and affiant further states that he/she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper(s). These newspapers have been entered as second class matter at the post office of Martin, St. Lucie and Indian River counties and have been for a period of one year preceding the first publication of the attached copy of advertisement.

PUBLISHED ON: 06/05

AD SPACE: 40.000 INCH  
FILED ON: 06/05/12

Sworn to and subscribed before me this day of June 5, 2012, by Sandra Coldron, who is

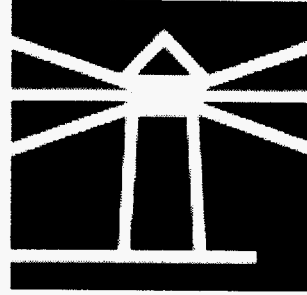
☒ personally known to me or

☐ who has produced Marie S. Logan as identification.

Notary: MARIE S. LOGAN My Commission Expires: 8/4/15



- ☐ The Stuart News
- ☐ The St Lucie News Tribune
- ☐ The Indian River Press Journal
- ☐ The Jupiter Courier NewsWeekly



# Notice of public hearings

The Florida Public Service Commission has scheduled nine quality of service hearings as part of its decision-making process in Docket No. 120015-El, regarding Florida Power & Light Company's request for a base rate increase. At these hearings, residential and business customers of FPL are invited to share their views of FPL's service quality with the PSC.

FPL filed its rate request on March 19 and updated its projection for the total bill impact on April 27 due to revised estimates for fuel prices and costs for ongoing construction of upgrades at nuclear facilities, as well as other data adjustments. Per the revised estimates, the base portion of a typical 1,000-kWh residential customer bill is expected to increase by 23 cents a day or \$7.09 per month in 2013. Offset in part by adjustments to fuel and other charges, the actual 2013 net increase on a typical customer's total bill is projected to be \$1.41 a month or about 5 cents a day.

For business customers, the increase to the base portion of the bill is expected to be about 3 percent for most non-demand customers. For most demand customers, the increase is expected to range from 16 to 28 percent depending on rate class and usage, with less than 1 percent (only about 3,500) larger businesses experiencing the higher end of that range. Because of projected fuel savings and other adjustments, it is anticipated that the net impact to business customers' total bills would range from a decrease of 4 percent to an increase of 3 percent, with most business customers projected to see a decrease in their bill or no change at all in 2013.

## Service Hearing Schedule

The quality of service hearings will be conducted by the PSC at the times and locations indicated below:

### Thursday, May 31, 2012 - 9:30 a.m.

City Commission Chambers, City Hall  
1565 First St.  
Sarasota, FL 32436

### Thursday, May 31, 2012 - 6 p.m.

School Board of Lee County  
Board Room, Lee County Education Center  
2855 Colonial Blvd.  
Fort Myers, FL 33966

### Tuesday, June 12, 2012 - 4 p.m.

Sunset Harbor Yacht Club and Conference Center  
861 Ballough Road  
Daytona Beach, FL 32114

### Wednesday, June 13, 2012 - 4 p.m.

Brevard County Government Center  
Commission Room, Building C, 1st floor  
2725 Judge Fran Jamieson Way  
Melbourne, FL 32940

### Thursday, June 14, 2012 - 4 p.m.

Solid Waste Authority of Palm Beach County, Auditorium  
7501 N. Jog Road  
West Palm Beach, FL 33412

### Tuesday, June 26, 2012 - 9 a.m.

Miami-Dade County Auditorium  
2901 W. Flagler St.  
Miami, FL 33135

### Tuesday, June 26, 2012 - 4 p.m.

Florida Memorial University  
Lou Rawls Auditorium  
15800 NW 42nd Ave.  
Miami Gardens, FL 33054

### Wednesday, June 27, 2012 - 9 a.m.

Plantation City Council Chambers  
400 NW 73 Ave.  
Plantation, FL 33317

### Wednesday, June 27, 2012 - 4 p.m.

Broward County Main Library, Auditorium  
100 S. Andrews Ave.  
Fort Lauderdale, FL 33301

The purpose of the hearings is to give customers an opportunity to speak before the PSC on the quality of service they receive from FPL and other matters related to FPL's petition for a rate adjustment. Those who wish to speak are urged to arrive at the start time, as hearings may be adjourned early if no witnesses are present to testify.

Customer comments regarding FPL's quality of service may also be submitted to the following address:

Commission Clerk, Office of Commission Clerk  
Florida Public Service Commission  
2540 Shumard Oak Blvd.  
Tallahassee, FL 32399-0850

Such comments should refer to Docket No. 120015-El. In addition, customers may submit questions or specific concerns directly to FPL by visiting [www.FPL.com/response](http://www.FPL.com/response).

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodation at these hearings should call the Office of Commission Clerk at (850) 413-6770 at least 48 hours prior to the hearing. Any person who is hearing- or speech- impaired should contact the PSC by using the Florida Relay Service, which can be reached at (800) 955-8771 (TDD).

If a named storm or other disaster requires cancellation of a customer service hearing, PSC staff will attempt to give timely, direct notice to parties. Notice of cancellation of the meeting will also be provided on the PSC's website, [www.psc.state.fl.us](http://www.psc.state.fl.us), under the Hot Topics link found on the homepage. Cancellation can also be confirmed by calling the Office of the General Counsel at (850) 413-6199.



Mailed to:

MARLENE COWAN  
700 UNIVERSE BLVD  
JUNE BEACH, FL 334008

A daily publication by:



STATE OF FLORIDA  
COUNTY OF BREVARD

Before the undersigned authority personally appeared KATHY CICALA, who on oath says that she is **LEGAL ADVERTISING SPECIALIST** of the **FLORIDA TODAY**, a newspaper published in Brevard County, Florida; that the attached copy of advertising being a


**LEGAL NOTICE**

Ad # (	444354	) \$	1,933.68	the matter of:
Acct. # (	6MG604	)		
the	Court	NOTICE OF PUBLIC HEARING FROM MAY 31 TO JUNE 27		

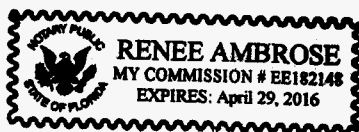
as published in the **FLORIDA TODAY** in the issue(s) of:

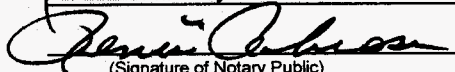
June 4, 2012

Affiant further says that the said **FLORIDA TODAY** is a newspaper in said Brevard County, Florida, and that the said newspaper has heretofore been continuously published in said Brevard County, Florida, regularly as stated above, and has been entered as periodicals matter at the post office in **MELBOURNE** in said Brevard County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in said newspaper.

  
(Signature of Affiant)  
4th. Day of June 2012

Sworn to and subscribed before this:



  
(Signature of Notary Public)  
Renee Ambrose  
(Name of Notary Typed, Printed or Stamped)

Personally Known X or Produced Identification \_\_\_\_\_  
Type Identification Produced: \_\_\_\_\_

## Notice of public hearings

The Florida Public Service Commission has scheduled nine quality of service hearings as part of its decision-making process in Docket No. 120015-El, regarding Florida Power & Light Company's request for a base rate increase. At these hearings, residential and business customers of FPL are invited to share their views of FPL's service quality with the PSC.

FPL filed its rate request on March 19 and updated its projection for the total bill impact on April 27 due to revised estimates for fuel prices and costs for ongoing construction of upgrades at nuclear facilities, as well as other data adjustments. Per the revised estimates, the base portion of a typical 1,000-kWh residential customer bill is expected to increase by 23 cents a day or \$7.09 per month in 2013. Offset in part by adjustments to fuel and other charges, the actual 2013 net increase on a typical customer's total bill is projected to be \$1.41 a month or about 5 cents a day.

For business customers, the increase to the base portion of the bill is expected to be about 3 percent for most non-demand customers. For most demand customers, the increase is expected to range from 16 to 28 percent depending on rate class and usage, with less than 1 percent (only about 3,500) larger businesses experiencing the higher end of that range. Because of projected fuel savings and other adjustments, it is anticipated that the net impact to business customers' total bills would range from a decrease of 4 percent to an increase of 3 percent, with most business customers projected to see a decrease in their bill or no change at all in 2013.

### Service Hearing Schedule

The quality of service hearings will be conducted by the PSC at the times and locations indicated below:

#### Thursday, May 31, 2012 - 9:30 a.m.

City Commission Chambers, City Hall  
1565 First St.  
Sarasota, FL 32436

#### Thursday, May 31, 2012 - 6 p.m.

School Board of Lee County  
Board Room, Lee County Education Center  
2855 Colonial Blvd.  
Fort Myers, FL 33966

#### Tuesday, June 12, 2012 - 4 p.m.

Sunset Harbor Yacht Club and Conference Center  
861 Ballough Road  
Daytona Beach, FL 32114

#### Wednesday, June 13, 2012 - 4 p.m.

Brevard County Government Center  
Commission Room, Building C, 1st floor  
2725 Judge Fran Jamieson Way  
Melbourne, FL 32940

#### Thursday, June 14, 2012 - 4 p.m.

Solid Waste Authority of Palm Beach County,  
Auditorium  
7501 N. Jog Road  
West Palm Beach, FL 33412

#### Tuesday, June 26, 2012 - 9 a.m.

Miami-Dade County Auditorium  
2901 W. Flagler St.  
Miami, FL 33135

#### Tuesday, June 26, 2012 - 4 p.m.

Florida Memorial University  
Lou Rawls Auditorium  
15800 NW 42nd Ave.  
Miami Gardens, FL 33054

#### Wednesday, June 27, 2012 - 9 a.m.

Plantation City Council Chambers  
400 NW 73 Ave.  
Plantation, FL 33317

#### Wednesday, June 27, 2012 - 4 p.m.

Broward County Main Library, Auditorium  
100 S. Andrews Ave.  
Fort Lauderdale, FL 33301

The purpose of the hearings is to give customers an opportunity to speak before the PSC on the quality of service they receive from FPL and other matters related to FPL's petition for a rate adjustment. Those who wish to speak are urged to arrive at the start time, as hearings may be adjourned early if no witnesses are present to testify.

Customer comments regarding FPL's quality of service may also be submitted to the following address:

Commission Clerk, Office of Commission Clerk  
Florida Public Service Commission  
2540 Shumard Oak Blvd.  
Tallahassee, FL 32399-0850

Such comments should refer to Docket No. 120015-El. In addition, customers may submit questions or specific concerns directly to FPL by visiting [www.FPL.com/response](http://www.FPL.com/response).

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodation at these hearings should call the Office of Commission Clerk at (850) 413-6770 at least 48 hours prior to the hearing. Any person who is hearing- or speech- impaired should contact the PSC by using the Florida Relay Service, which can be reached at (800) 955-8771 (TDD).

If a named storm or other disaster requires cancellation of a customer service hearing, PSC staff will attempt to give timely, direct notice to parties. Notice of cancellation of the meeting will also be provided on the PSC's website, [www.psc.state.fl.us](http://www.psc.state.fl.us), under the Hot Topics link found on the homepage. Cancellation can also be confirmed by calling the Office of the General Counsel at (850) 413-6199.



**FPL**

**Customer Service Hearing  
Exhibit #14**

Paul D. Batick  
2237 Spring Creek Circle NE  
Palm Bay, Florida 32905  
Date June 13, 2012  
Ref: FPL's Quality of Service Hearing

I relocated to Palm Bay Florida in January 2004 for early retirement at age 59 after 40 years of continuous employment with Sikorsky Aircraft in the state of Connecticut. I decided to move to Central Florida because the cost of living was about 15% less than my home state of Connecticut.

Over the past eight years I have come to appreciate FPL for the low cost of electrical power, excellent service, and rapid response during stormy weather. Also for keeping cost of electrical power low through continuous improvement initiatives. In year 2010 I replaced my 3 ton heat pump / air conditioning system which qualified for an \$880 dollar FPL rebate. Also I was able to access a cost calculator on FPL's web site to compare new A/C units and the amount I could save in annual energy cost. I found the estimated annual saving calculator to be accurate and the instant rebate an excellent program for someone like myself who is on a fixed income.

In addition when I compare the cost for an average 1,000 Kwh per month with my relatives in Connecticut, the cost here is about 40% less. The cost of 1,000 Kwh from Connecticut Light & Power is \$150 dollars compared to \$96 dollars with FPL. The low cost that FPL provides is only part of the reason why I decided to speak here today. A few months ago I received a post card informing me that a new smart meter would be installed at my home in a few weeks. The post card provided a 1-800 phone number to call if there were any questions. I decided to call because of all the negative news in the media relative to health issues. Also I wanted to understand how the accuracy of the meters was validated. The FPL representative I spoke with took my name and phone number and said I would be contacted within a day. Within 10 minutes I received a call from a very knowledgeable engineer who spoke to me for about 20 minutes and at the end of the conversation all my concerns were addressed. The engineers name was Derek Van Dike who also provided his toll free direct phone number 1-800-5166250 ext 93 to call if I had any problem or additional concerns. The smart meter was installed on February 27, 2012 and the meter is working with no problems. To sum up I would like to inform this commission that as a customer I am extremely pleased with the cost and service that FPL provides.



**Customer Service Hearing  
Exhibit #15**

**EISA 2007 - EAct 2005 - EO 13514 - DoD 4170.11 Smart Meter Requirements:  
Real Time Energy Metering & Communications**

Energy Independence & Security Act - EISA 2007 increases EAct 2005 energy reduction requirements from 2%-20% to 3%-30% by 2015. Metering - not later than October 1, 2015 - each agency shall provide for equivalent metering of natural gas and steam. The Energy Policy Act of 2005 (EAct 2005) amended the Public Utility Regulatory Policies Act of 1978 (PURPA) to require state regulatory commissions and unregulated utilities with annual retail sales in excess of 500,000 megawatt-hours to conduct assessments regarding the implementation of time-based meters and rates.

EAct 2005 Section 103, requires all federal agencies to install metering and advanced metering where found to be cost effective. DOE has determined that Section 103 pertains to Electric metering only. Agencies are required to install standard or advanced metering at all federal buildings to the maximum extent practicable by October 1, 2012.

Please review the below document for more details.

Guidance for Electric Metering in Federal Buildings:  
[http://www.eere.energy.gov/femp/pdfs/adv\\_metering.pdf](http://www.eere.energy.gov/femp/pdfs/adv_metering.pdf)

Energy Tracking's smart meter (WEM-MX) meets and exceeds the requirement for EAct 2005 & EISA 2007. Click Here WEM-MX Details.

Software support is provided by ET Analytics Web Portal which will allow you to log and track energy consumption over time. ET Analytics supports creation of baselines which can then be compared to identify energy reduction over time. A tariff and billing module provide direct relationship of energy usage to costs.

For more information on ET Analytics: ET Analytics Enterprise Web Portal Software.

Executive Order 13514 Presidential Executive Order 13514,54 signed by President Obama in October 2009, establishes 23 separate goals for Federal facilities to reduce greenhouse gases, increase the use of renewable resources, and pursue cost-effective, innovative strategies to minimize consumption of energy, water, and materials. This directive requires Federal agencies to accurately and consistently quantify and account for greenhouse gas emissions using accepted greenhouse gas accounting and reporting principles. Agency efforts and outcomes in implementing EO 13514 must be transparent and disclosed on publicly available Federal Web sites. The installation and use of meters and submeters will be an essential component for Federal agencies to meet the requirements of this order and the requirements for EAct 2005 and EISA 2007. This directive also requires that Federal facilities improve water use efficiency and management by reducing potable water consumption intensity by implementing water management strategies including water-efficient and low-flow fixtures and efficient cooling towers.

Guidance for SubMetering Energy & Water Usage 2011: Click Here  
<http://www.bfrl.nist.gov/buildingtechnology/documents/SubmeteringEnergyWaterUsageOct2011.pdf>

U.S. Department of Defense Instruction 4170.11: The U.S. Department of Defense (DoD) accounted for approximately two-thirds of the total energy used by Federal buildings in 2005. DoD Instruction 4170.11, Installation Energy Management (November 22, 2005 and revised on December 11, 2009), requires DoD to meter electricity, natural gas, and water at appropriate facilities (those where "metering would be cost-effective and practical as a management enhancement tool") and to

meter steam at steam plants.

What is a Smart Meter? Traditional electrical meters only measure total consumption and do not provide information regarding when the energy was consumed. Smart meters provide an economical way of measuring this information, enabling the utility to price electricity based on the cost of generating the electricity at the time it was purchased.

The basic definition of a smart meter, in the context of the EPAct is a meter that is capable of measuring consumption during the time it took place, and thus can facilitate time-based rates. Many common definitions of smart meters include the communication aspect. By this definition, a smart meter identifies consumption in more detail than a conventional meter, and communicates that information via some network back to the local utility or third party central station for monitoring, reporting and billing purposes.

Smart meters usually involve a different technology mix such as real-time or near real-time reads, power outage notification, and power quality monitoring. These added features provide more capability than simple AMR (automated meter reading). In order to implement a two-period TOU rate, a CPP or an RTP program, special electronic meters are required to collect, store, and communicate the data to a utility's CIS system.

These meters are designed in a modular fashion to:

- (1) Allow for recording consumption assuming differing levels of complexity in the TOU rates structure and
- (2) Accommodate a variety of communications technologies for data collection.

Functionality	EPACT 2005	WEM-MX Advanced Meter
kW Demand (15 minutes)	YES	YES
kWh Interval (15 minutes)	YES	YES
True Power (kW & kWh)	YES	YES
Voltage by Phase	NO	YES
Current by Phase	NO	YES
Power Factor by Phase	NO	YES
Frequency	NO	YES
Reactive Power (kVARh)	NO	YES
Apparent Power (VA)	NO	YES
30 days+ Load Profile	NO	YES
Reporting via email	NO	YES
Reporting via ftp	NO	YES
Reporting via SOAP / HTTP	NO	YES
Reporting by TOU	NO	YES
Battery Backup	NO	YES
Storage to Flash (NVRAM)	NO	YES
Web Server	NO	YES
LCD Display	NO	YES
Alarm Reporting	NO	YES
TCP/IP - Internet - Ethernet	NO	YES
4 Quadrant Reporting	NO	YES

Specifically, EAct 2005 added language to PURPA which effectuates the following actions:

1. Utilities are required, upon request by any customer it serves, to interconnect onsite generation facilities to the local distribution facilities.
2. Utilities are required to make net metering available to electric customers, upon request.
3. Utilities are required to offer time-based rate schedules that reflect the variance, if any, in the utility's cost of generating and purchasing wholesale electricity.
4. If utilities offer time-based rate schedules, utilities must then offer smart meters to customers who request them.
5. Utilities must consider developing a fuel sources plan that minimizes dependence on one fuel source and ensures that the energy sold to customers is generated using a diverse range of fuels and technologies.

EAct 2005 requires the governing boards of municipal utilities to begin consideration or set a hearing date for the consideration of the following Federal Standards by August 8, 2006 and make a determination no later than August 8, 2007:

1. Time-Based Metering and Communications ("Smart Metering").
2. Interconnection Service for Electric Generators.

EAct 2005 requires consideration of the following Federal Standards to commence by August 8, 2007 and conclude by August 8, 2008:

3. Net Metering
4. Fuel Diversity
5. Fossil Fuel Generation Efficiency

Net metering allows small customers to offset their electricity consumption by sending extra energy generated to the interconnected utility. A bi-directional meter registers electrical flow in both directions.

#### Related Documents:

Department Of Defense Instruction - Installation Energy Management: [Click Here for DOD 4170011p.pdf](#)

Guidance for Electric Metering in Federal Buildings: [Click Here for FEMP adv\\_metering.pdf](#)

Guidance for EISA 2007 Federal Buildings: [Click Here for EISA 2007](#)

Guidance for SubMetering Energy & Water Usage 2011: [Click Here](#)

Energy Tracking's smart meter (WEM-MX) meets and exceeds the requirement for EAct 2005 & EAct 2007.

[Click Here WEM-MX Details.](#)

Review Energy Tracking's Energy Information System (EIS) called ET Analytics (ETA). [ETA Details](#)

# **Customer Service Hearing Exhibit #16**



**RESOLUTION NO. 2012- 099**

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF  
BREVARD COUNTY, FLORIDA, CALLING FOR FLORIDA PUBLIC  
SERVICE COMMISSION PUBLIC HEARINGS ON THE STATEWIDE  
SMART METER PROGRAM**

WHEREAS, regulated utilities are in the process of implementing an Automated Metering infrastructure program, generally known as the "smart meter" program throughout the State of Florida and Brevard County; and

WHEREAS, the Brevard County Board of County Commissioners is aware that the regulation and supervision of the "smart meter" program is under the authority of the Florida Public Service Commission, pursuant to section 366.04(1), Florida Statutes; and

WHEREAS, on March 20, 2012, a Brevard County resident addressed the Board detailing health and safety, privacy and security concerns regarding "smart meters" and requested a moratorium on "smart meter" installations; minimally an opt out provision; no discussion or action took place at that time; and

WHEREAS, while the Board takes no position on the validity or non-validity of expressed concerns about "smart meters"; and

WHEREAS, the Board urges the Florida Public Service Commission to hold public hearings regarding the matter of "smart meters" and their potential benefits and/or possible hazards to the residents of Florida; and

WHEREAS, the Board has adopted this resolution urging the Florida Public Service Commission to consider whether citizens opposing "smart meters" should be given the choice to opt out of the "smart meter" program without financial penalty or fear of other negative consequences.


NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS, BREVARD COUNTY, FLORIDA, THAT

1. The above is incorporated as findings of the Board.
2. It is the position of the Brevard County Board of County Commissioners that the Florida Public Service Commission should hold public hearings regarding the matter of "smart meters" and their potential benefits and/or possible hazards to the residents of Florida.
3. It is the position of the Brevard County Board of County Commissioners that citizens opposing "smart meters" should be given the choice to opt out of the "smart meter" program without financial penalty or fear of other negative consequences.

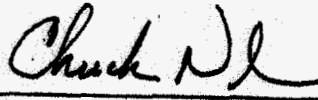


4. A certified copy of this resolution shall be provided immediately to the Florida Public Service Commission and all members of the Brevard County Legislative Delegation.

ATTEST:

  
Mitch Needelman,  
Clerk of the Circuit Court

BOARD OF COUNTY COMMISSIONERS  
OF BREVARD COUNTY, FLORIDA

By:   
Chuck Nelson, Chairman  
(as approved by the Board on May 1, 2012)

RESOLUTION NO. 2012- 132

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF  
BREVARD COUNTY, FLORIDA, AMENDING RESOLUTION  
2012-099 CALLING FOR FLORIDA PUBLIC SERVICE COMMISSION  
PUBLIC HEARINGS ON THE STATEWIDE SMART METER  
PROGRAM

WHEREAS, on May 1, 2012, the County Commissioners adopted Resolution 2012-099  
urging utilities and the Public Service Commission to allow residents to "opt out" of the smart  
meter installation program; and

WHEREAS, as a result of additional public comment concerning smart meters during a  
County Commission meeting on May 29, 2012, the Commission has received additional clarity  
regarding the beliefs of certain residents of the County regarding smart meter related health,  
safety, privacy and financial concerns; and

WHEREAS, while the County Commission continues to take no position regarding the  
validity of the residents concerns, the Commission has adopted this resolution amending  
Resolution 2012-099, and requests that utility providers only install smart meters at the homes of  
residents who request them or "opt in" to the smart meter program without financial penalty or  
fear of other negative consequences.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY  
COMMISSIONERS, BREVARD COUNTY, FLORIDA, THAT

1. The above is incorporated as findings of the Board.
2. It is the position of the Brevard County Board of County Commissioners that the  
Florida Public Service Commission should hold public hearings regarding the matter  
of smart meters and their potential benefits and/or possible hazards to the residents of  
Florida.
3. It is the position of the Brevard County Board of County Commissioners that given  
the concerns of some County residents regarding smart meters, applicable utilities and  
the Florida Public Service Commission should consider amending the smart meter  
installation program so that only residents who "opt in" or request participation in the  
program shall receive smart meters.
4. A certified copy of this resolution shall be provided immediately to the Florida Public  
Service Commission. This Resolution shall serve to amend and replace Resolution  
number 2012-099.
5. This Resolution shall take effect immediately upon adoption.

ATTEST:

BOARD OF COUNTY COMMISSIONERS  
OF BREVARD COUNTY, FLORIDA

By:

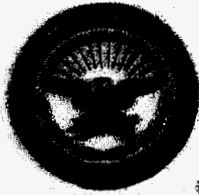
Chuck Nelson  
Chuck Nelson, Chairman

(as approved by the Board on May 29, 2012)

STATE OF FLORIDA  
COUNTY OF BREVARD  
This is to certify that the foregoing  
is a true and correct copy of Resolution  
No. 12-132 witness my hand  
and official seal this 8 day of  
JUNE 2012  
MITCHEL NEEDELMAN, Clerk of Circuit Court  
BY James Scott D.C.

**COPY**

**Customer Service Hearing  
Exhibit #17**



**DEPARTMENT OF THE ARMY**  
**UNITED STATES ARMY INTELLIGENCE AND SECURITY COMMAND**  
**FREEDOM OF INFORMATION/PRIVACY OFFICE**  
**FORT GEORGE G. MEADE, MARYLAND 20723-5006**

REPLY TO  
ATTENTION OF:

**DEC 13 2006**

Freedom of Information/  
Privacy Office

Mr. Donald Friedman  
Confidential Legal Correspondence  
1125 Third Street  
Napa, California 94559-3015

Dear Mr. Friedman:

**References:**

- a. Your Freedom of Information Act (FOIA) request dated May 25, 2006, to the Department of the Army, Freedom of Information/Privacy Act Division (DA FOIA/PA DIV), for all documents pertaining to the microwave auditory effect, microwave hearing effect, Frey effect, artificial telepathy, and/or any device/weapon which uses and/or causes such effect; and any covert or undisclosed use of hypnosis. On September 5, 2006, the DA FOIA/PA DIV referred a copy of your request to this office. Your request was received on September 11, 2006.
- b. Our letter of September 13, 2006, informing you of the search for records at another element of our command and were unable to comply with the 20-day statutory time limit in processing your request.

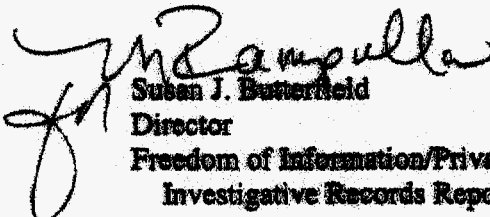
As noted in our letter, the search has been completed with another element of this command and the record has been returned to this office for our review and direct response to you.

We have completed a mandatory declassification review in accordance with Executive Order (EO) 12958, as amended. As a result of this review, it has been determined that the Army information no longer warrants security classification protection and is releasable to you. A copy of the record is enclosed for your use.

Fees for processing your request are waived.

If you have any questions concerning this action, please feel free to contact this office at (301) 677-2308. Refer to case #614F-06.

Sincerely,

  
Susan J. Bunkerfield  
Director  
Freedom of Information/Privacy Office  
Investigative Records Repository

Enclosure

~~SECRET~~  
~~NOFORN~~

**UNCLASSIFIED**

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## Bioeffects of Selected Nonlethal Weapons(fn 1)

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This addendum to the Nonlethal Technologies--Worldwide (NGIC-1147-101-98) study addresses in summary, some of the most often asked questions of nonlethal weapons technology, the physiological responses observed in clinical settings of the biophysical coupling and susceptibility of personnel to nonlethal effects weapons. These results identify and validate some aspects of maturing nonlethal technologies that may likely be encountered or used as nonlethal effectors in the future including:

- Laser and other light phenomena.
- Radiofrequency directed energy.
- Aural bioeffects.

The study of electromagnetic fields and their influence on biological systems is increasing rapidly. Much of this work is taking place because of health concerns. For example, increased concern has arisen regarding the effects of operator exposure to the electromagnetic fields associated with short-wave diathermy devices, high power microwave ovens, radar systems, magnetic resonance imaging units, etc. In addition, much concern has arisen about extremely low frequency (60 Hz power frequency) electric and magnetic fields that originate from high-voltage transmission lines, industrial equipment, and residential appliances. Both occupational and residential long-term exposure have been the focus of epidemiological studies. The studies have suggested possible adverse effects on human health (e.g., cancer, reproduction, etc.). Laboratory research is still being pursued to identify possible mechanisms of interaction. However, other than thermal heating for microwave frequencies, there is no yet agreed-upon mechanism of action. As a consequence, our knowledge base is developed entirely with phenomenological observations. Because of this fact, it is not possible to predict how nonthermal biological effects may differ from one exposure modality to another. It is especially difficult, because of the small data base for fast pulses, to predict biological effects that might be associated with high-power pulses of extremely short duration.

There is, however, a growing perception that microwave irradiation and exposure to low frequency fields can be involved in a wide range of biological interactions. Some investigators are even beginning to describe similarities between microwave irradiation and drugs regarding their effects on biological systems. For example, some suggest that power density and specific absorption rate of microwave irradiation may be thought of as analogous to the concentration of the injection solution and the dosage of drug

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ON 6 Dec 06  
BY USAN/COM FORPA  
Auth Pam 4-102 DOD 5200.1R

1



administration, respectively. Clearly, the effects of microwaves on brain tissue, chemistry, and functions are complex and selective. Observations of body weight and behavior revealed that rats, exposed under certain conditions to microwaves, eat and drink less, have smaller body weight as a result of nonspecific stress mediated through the central nervous system and have decreased motor activity. It has been found that exposure of the animals to one modality of radiofrequency electromagnetic energy substantially decreases aggressive behavior during exposure. However, the opposite effects of microwaves, in increasing the mobility and aggression of animals, has also been shown for a different exposure modality. Recent published data implicates microwaves as a factor related to a deficit in spatial memory function. A similar type of effect was observed with exposure to a "resonance tuned" extremely low frequency magnetic field. Thus, the data base is replete with phenomenological observations of biological systems "affected" by exposure to electromagnetic energy. (The fact that a biological system responds to an external influence does not automatically nor easily translate to the suggestion of adverse influence on health.) The objective of the present study was to identify information from this developing understanding of electromagnetic effects on animal systems that could be coupled with human biological susceptibilities. Situations where the intersection of these two domains coexist provide possibilities for use in nonlethal applications.

#### **Incapacitating Effect: Microwave Heating**

Body heating to mimic a fever is the nature of the RF incapacitation. The objective is to provide heating in a very controlled way so that the body receives nearly uniform heating and no organs are damaged. Core temperatures approximately 41° C are considered to be adequate. At such temperature a considerably changed demeanor will take place with the individual. Most people, under fever conditions, become much less aggressive; some people may become more irritable. The subjective sensations produced by this buildup of heat are far more unpleasant than those accompanying fever. In hyperthermia all the effector processes are strained to the utmost, whereas in fever they are not. It is also possible that microwave hyperthermia (even with only a 1° C increase in brain temperature) may disrupt working memory, thus resulting in disorientation.

#### **Biological Target/Normal Functions/Disease State**

The temperature of warm-blooded (homeothermic) animals like the human remains practically unchanged although the surrounding temperature may vary considerably. The normal human body temperature recorded from the mouth is usually given as 37° C, with the rectal temperature one degree higher. Variation between individuals is typically between 35.8° C and 37.8° C orally. Variations also occur in any one individual throughout the day--a difference of 1.0° C or even 2.0° C occurring between the maximum in the late afternoon or early evening, and the minimum between 3 and 5 o'clock in the morning. Strenuous muscular exercise causes a temporary rise in body temperature that is proportional to the severity of the exercise; the level may go as high as 40.0° C.

Extreme heat stress, such that the body's capacity for heat loss is exceeded, causes a pathological increase in the temperature of the body. The subjective sensations produced by this buildup of heat are far more unpleasant than those accompanying fever. In hyperthermia all the effector processes are strained to the utmost, whereas in fevers they are not. The limiting temperature for survival, however, is the same in both cases—a body temperature of 42° C. For brief periods, people have been known to survive temperatures as high as 43 ° C.

In prolonged hyperthermia, with temperatures over 40° C to 41° C, the brain suffers severe damage that usually leads to death. Periods of hyperthermia are accompanied by cerebral edema that damage neurons, and the victim exhibits disorientation, delirium, and convulsions. This syndrome is popularly referred to as sunstroke, or heatstroke, depending on the circumstances. When the hyperthermia is prolonged, brain damage interferes with the central thermoregulatory mechanisms. In particular, sweat secretion ceases, so that the condition is further exacerbated.

### **Mechanism to Produce the Desired Effects**

This concept builds on about 40 years of experience with the heating effects of microwaves. Numerous studies have been performed on animals to identify characteristics of importance to the understanding of energy deposition in animals. As a result of the physics, the relationship between the size of the animal and the wavelength of the radiofrequency energy is most important. In fact, the human exposure guidelines to radiofrequency radiation are designed around knowledge of the differential absorption as a function of frequency and body size. The challenge is to minimize the time to effect while causing no permanent injury to any organ or the total body and to optimize the equipment function. The orientation of the incident energy with respect to the orientation of the animal is also important.

In a study of the effect of RF radiation on body temperature in the Rhesus monkey, a frequency (225 MHz) is purposely chosen that deposits energy deep within the body of the animal. A dose rate of 10 W/kg caused the body temperature to increase to 42° C in a short time (10-15 min). To avoid irreversible adverse effects, the exposure was terminated when a temperature of 42° C was reached. A lower dose rate of 5 W/kg caused the temperature to increase to 41.5° C in less than 2 hours. The reversible nature of this response was demonstrated by the rapid drop in body temperature when RF exposure was terminated before a critical temperature of 42° C was reached. It is estimated for rats that the absorbed threshold convulsive dose lies between 22 and 35 J/g for exposure durations from less than a second to 15 minutes. For 30-minute exposure, the absorbed threshold dose for decrease in endurance is near 20 J/g, the threshold for work stoppage approximately 9 J/g, and the threshold for work perturbation ranges from 5 to 7 J/g. All of the above measures, except convulsions, are types of nonlethal incapacitation.

A rough estimate of the power required to heat a human for this technology is on the order of 10 W/kg given about 15 to 30 minutes of target activation. Actual power levels

depend on climatic factors, clothing, and other considerations that affect the heat loss from the individual concerned. A method for expressing dose rate in terms of body surface area (i.e., watts per square meter) rather than body mass (i.e., watts per kilogram) would permit a more reliable prediction of thermal effects across species. However, there are large uncertainties in the ability to extrapolate thermoregulatory effects in laboratory animals to those in human beings.

This technology is an adaptation of technology which has been around for many years. It is well known that microwaves can be used to heat objects. Not only is microwave technology used to cook foods, but it is also used as a directed source of heating in many industrial applications. It was even the subject of the "Pound Proposal" a few years ago in which the idea was to provide residential heating to people, not living space. Because of the apparently safe nature of body heating using microwave techniques, a variety of innovative uses of EM energy for human applications are being explored. The nonlethal application would embody a highly sophisticated microwave assembly that can be used to project microwaves in order to provide a controlled heating of persons. This controlled heating will raise the core temperature of the individuals to a predetermined level to mimic a high fever with the intent of gaining a psychological/capability edge on the enemy, while not inflicting deadly force. The concept of heating is straightforward; the challenge is to identify and produce the correct mix of frequencies and power levels needed to do the remote heating while not injuring specific organs in the individuals illuminated by the beam.

A variety of factors contribute to the attractiveness of this nonlethal technology. First, it is based on a well-known effect, heating. Every human is subject to the effects of heating; therefore, it would have a predictability rating of 100%. The time to onset can probably be engineered to between 15 and 30 minutes; however, timing is the subject of additional research to maximize heating while minimizing adverse effects of localized heating. The onset can be slow enough and/or of such frequency to be unrecognized by the person(s) being irradiated. Safety to innocents could be enhanced by the application and additional development of advanced sensor technologies. Incapacitation time could be extended to almost any desired period consistent with safety. (Given suitable R&D, temperature or other vital signs could be monitored remotely, and temperature could be maintained at a minimum effective point).

#### **Time to Onset**

The time to onset is a function of the power level being used. Carefully monitored uniform heating could probably take place in between 15 and 30 minutes. Time to onset could be reduced but with increased risk of adverse effects. Minimum time is dependent on the power level of the equipment and the efficiency of the aiming device.

#### **Duration of Effect**

Assuming that the heating is done carefully, reversal of elevated body temperature would begin as soon as the source of heat is removed.



## **Tunability**

This concept is tunable in that any rate of heating, up to the maximum capacity of the source, may be obtained. Thus it is suitable for use in a gradual force or "rheostatic" approach. If the situation allows, and the source is sufficiently powerful, there is the possibility to use this technology in a lethal mode as well. Prolonged body temperature above 43° C is almost certain to result in permanent damage to the brain and death.

## **Distribution of Human Sensitivities to Desired Effects**

No reason has been identified to suggest that anyone would be immune to this technology. Individuals with compromised thermoregulatory mechanisms would be susceptible with a lower incident energy density. This would include people with organic damage to the hypothalamus, the part of the brain that integrates the autonomic mechanisms which control heat loss as well as people with compromised somatic features of heat loss (e.g., respiration, water balance, etc.).

The technologies needed for the thermal technology concept are relatively well developed because of the known biophysical mechanism, the universal susceptibility of humans to the mechanism of heating, and because of a well developed technology base for the production of radiofrequency radiation. Because the human body is inhomogeneous, certain organs are, by virtue of their size and geometry, more easily coupled with one radiofrequency wavelength than another. Therefore, to avoid permanent damage to the suspect or to innocent bystanders, it may be necessary to vary the frequency to avoid localized heating and consequent damage to any organ. Additionally, it will be necessary to avoid the conditions thought to be associated with the induction of cataracts. Thus, while the technology of microwave heating in general is mature, adaptation as a nonlethal technology will require sophisticated biophysical calculations to identify the proper regimen of microwave frequencies and intensities; it will also be necessary to optimize existing hardware to meet the biophysical requirements.

## **Possible Influence on Subject(s)**

If the technology functions approximately as envisioned, the targeted individual could be incapacitated within 15 to 30 minutes. Because this technology is focused on a relatively slow onset, it should only be used in situations where speed is not important. The very uncomfortable nature of a high body temperature may be useful in negotiations or possibly for controlling crowds. It would be equally useful on single persons or crowds. Evidence also indicates a disruption of working memory, thus disorientation may occur because of an inability to consolidate memory of the recent (minutes) past.

## **Technological Status of Generator/Aiming Device**

Equipment needed to explore this concept in the laboratory is available today. Design and construction of the RF/microwave generator will depend on the constraints posed by the calculations, potential generation devices, and energy-directing structures. A variety of

options exist for both of these equipment needs. The use of advanced frequency and modulation-agile RF generation and amplification circuitry will be required to assess fully the frequency/power/time envelope of RF heating profiles required. Although much equipment is commercially available, it is likely that custom hardware and software will be necessary because available equipment has not been designed with the need for frequency/intensity variability, which will probably be needed for safety purposes. In addition, the design of antennas and other energy-directing structures will almost certainly involve unique configurations. Since this technology utilizes radiofrequency energy, it can be deflected by the use of shielding provided by conductive barriers like metal or metal screen.

#### **Incapacitating Effect: Microwave Hearing**

Microwave hearing is a phenomenon, described by human observers, as, the sensations of buzzing, ticking, hissing, or knocking sounds that originate within or immediately behind the head. There is no sound propagating through the air like normal sound. This technology in its crudest form could be used to distract individuals; if refined, it could also be used to communicate with hostages or hostages taken directly by Morse code or other message systems, possibly even by voice communication.

#### **Biological Target/Normal Functions/Disease State**

This technology makes use of a phenomenon first described in the literature over 30 years ago. Different types of sounds were heard depending on the particulars of the pulse characteristics. Various experiments were performed on humans and laboratory animals exploring the origin of this phenomenon. At this time, virtually all investigators who have studied the phenomenon now accept thermoelastic expansion of the brain, the pressure wave of which is received and processed by the cochlear microphonic system, to be the mechanism of acoustic perception of short pulses of RF energy. One study (in 1975) using human volunteers, identified the threshold energy of microwave-auditory responses in humans as a function of pulse width for 2450 MHz radiofrequency energy. It is also found that about 40 J/cm<sup>2</sup> incident energy density per pulse was required.

#### **Mechanism to Produce the Desired Effects**

After the phenomenon was discovered, several mechanisms were suggested to explain the hearing of pulsed RF fields. Thermoelastic expansion within the brain in response to RF pulses was first studied and demonstrated in inert materials and was proposed as the mechanism of hearing of pulsed RF fields. A pressure wave is generated in most solid and liquid materials by a pulse of RF energy--a pressure wave that is several orders of magnitude larger in amplitude than that resulting from radiation pressure or from electrostrictive forces. The characteristics of the field-induced cochlear microphonic in guinea pigs and cats, the relationship of pulse duration and threshold, physical measurements in water and in tissue-simulating materials, as well as numerous theoretical calculations--all point to thermoelastic expansion as the mechanism of the hearing phenomenon.

Scientists have determined the threshold energy level for human observers exposed to pulsed 2450-MHz fields (0.5 to 32 micron pulse widths). They found that, regardless of the peak of the power density and the pulse width, the per-pulse threshold for a normal subject is near 20 mJ/kg. The average elevation of brain temperature associated with a just-perceptible pulse was estimated to be about  $5 \times 10^{-6}$  C.

#### **Time to Onset**

The physical nature of this thermoelastic expansion dictates that the sounds are heard as the individual pulses are absorbed. Thus, the effect is immediate (within milliseconds). Humans have been exposed to RF energy that resulted in the production of sounds.

#### **Duration of Effect**

Microwave hearing lasts only as long as the exposure. There is no residual effect after cessation of RF energy.

#### **Tunability**

The phenomenon is tunable in that the characteristic sounds and intensities of those sounds depend on the characteristics of the RF energy as delivered. Because the frequency of the sound heard is dependent on the pulse characteristics of the RF energy, it seems possible that this technology could be developed to the point where words could be transmitted to be heard like the spoken word, except that it could only be heard within a person's head. In one experiment, communication of the words from ear to ear using "speech modulated" microwave energy was successfully demonstrated. Microphones next to the person experiencing the voice could not pick up the sound. Additional development of this would open up a wide range of possibilities.

#### **Distribution of Human Sensitivities to Desired Effects**

Because the phenomenon acts directly on cochlear processes, the thermoelastic pressure waves produce sounds of varying frequency. Many of the tests run to evaluate the phenomenon produced sounds in the 5 kHz range and higher. Because humans are known to experience a wide range of hearing loss due to cochlear damage, it is possible that some people can hear RF induced sounds that others with high frequency hearing loss cannot. Thus, there is a likely range of sensitivity, primarily based on the type of pulse and the condition of the cochlea. Bilateral destruction of the cochlea has been demonstrated to abolish all RF-induced auditory stimuli.

#### **Recovery/Safety**

Humans have been subjected to this phenomenon for many years. The energy deposition required to produce this effect is so small that it is not considered hazardous experimentation when investigating responses at the just-perceptible levels.



### **Possible Influence on Subject(s)**

Application of the microwave hearing technology could facilitate a private message transmission. It may be useful to provide a disruptive condition to a person not aware of the technology. Not only might it be disruptive to the sense of hearing, it could be psychologically devastating if one suddenly heard "voices within one's head."

### **Technological Status of Generator/Aiming Device**

This technology requires no extrapolation to estimate its usefulness. Microwave energy can be applied at a distance, and the appropriate technology can be adapted from existing radar units. Aiming devices likewise are available but for special circumstances which require extreme specificity, there may be a need for additional development. Extreme directional specificity would be required to transmit a message to a single hostage surrounded by his captors. Signals can be transmitted long distances (hundreds of meters) using current technology. Longer distances and more sophisticated signal types will require more bulky equipment, but it seems possible to transmit some type of signals at closer ranges using man-portable equipment.

### **Range**

The effective range could be hundreds of meters.

### **Incapacitating Effect: Disruption of Neural Control**

The nature of the incapacitation is a rhythmic-activity synchronization of brain neurons that disrupts normal cortical control of the corticospinal and corticobulbar pathways; this disrupts normal functioning of the spinal motor neurons which control muscle contraction and body movements. Persons suffering from this condition lose voluntary control of their body. This synchronization may be accompanied by a sudden loss of consciousness and intense muscle spasms.

### **Biological Target/Normal Functions/Disease State**

The normal function of the brain is to control all forms of behavior, voluntary control of body, and the homeostatic parameters of the organism. In normal conditions, all the brain structures, neuron populations, networks, and single units function with specific rhythmic activity depending on the incoming sensory information, information from mnemonic structures, and signals from visceral organs. Each single neuron provides specific processing of information it receives and forms a specific pattern of impulse firing as outgoing information. Synchronization of neuron activity is a natural mechanism of the brain function that uses such controlling processes as motivation, attention and memory (experience) in order to organize behavior. For example, motivational processes are considered as activating ascending signals that synchronize the neuron activity of specific brain structures and neuron networks; this activation/synchronization in turn activates specific forms of behavior such as sexual, aggressive, ingestive activities.

In normal functioning the degree of neuronal synchronization is highly controlled. From experiments that record the neuronal activity in different brain areas simultaneously in animals, it is known that correlation of spike activity between neurons (measured by the correlation level of synchronization) changes depending on the stage of behavior, motivation, attention, or activation of the memory processes. However, under some conditions, such as physical stress, heat shock, or strong emotional stress, the level of synchronization may become higher, involving nonspecific large populations of brain neurons and the synchronization may become uncontrollable.

Depending on at which frequency the synchronization rhythm occurs and how many neurons are involved, it may produce different physical effects: muscle weakness, involuntary muscle contractions, loss of consciousness, or intense (tonic) muscle spasms. The higher level of synchronization takes place in persons affected with epilepsy when they experience periodic seizures since they have a pathologic source (e.g., from injury to the brain) of rhythmic synchronization. Because the neurophysiological mechanisms of epileptiform synchronization are better documented, this incapacitating technology is described in terms of epileptogenesis.

The neurophysiological mechanisms active in epileptogenesis involve changes in membrane conductances and neurotransmitter alterations as they affect neuronal interaction. In the process of epileptogenesis, either some neurons are discharging too easily because of alterations in membrane conductances or there is a failure of inhibitory neurotransmission. The actual discharges have been recognized to result from a neuronal depolarization shift with electrical synchrony in cell populations related in part to changes in membrane conductances. The ionic basis and biochemical substrate of this activation have been areas of considerable study but still leave many questions unanswered. What are the basic cellular properties, present in normal cells and tissue, that could contribute to the generation of abnormal activity? What parts of the systems are low threshold and function as trigger elements?

One of the current hypotheses is involved with microcircuitry, particularly local synaptic interactions in neocortical and limbic system structures. In the hippocampus, the role of the trigger element has been long attributed to the CA3 pyramidal cells—a hypothesis based on the fact that spontaneous synchronous burst discharge can be established in CA3 neurons. Some studies describe an intrinsically bursting cell type in the neocortex that plays a role similar to that of CA3 cells in the hippocampus and that of deep cells in the pyriform cortex. The intrinsic nature of these cells appears to be an important contributor to the establishment of synchronized bursting in these regions. Another apparent requirement in such a population is for a certain degree of synaptic interaction among neurons, such that discharge of even one cell enlists the activity of its neighbors. Given the presence of these bursting cells and the occurrence of excitatory interactions among them in normal tissue, it may actually be the morphologic substrate for epileptiform discharges.

Another hypothesis has focused particularly on the role of N-methyl-D-aspartate (NMDA) receptors. Various factors regulate the efficacy of NMDA receptors: their

voltage-dependent blockade by magnesium and modulation by glycine and polyamines. For example, in the low magnesium model, spontaneous synchronous burst discharge in hippocampal pyramidal cell populations is sensitive to NMDA antagonists. That finding suggests that it is the opening of NMDA channels, by relieving the magnesium blockade, that facilitates epileptiform activity.

Significant attention in the literature is also being given to gamma-amino butyric acid (GABA) receptors for the potential role in control of excitability. Changes in GABA inhibitory efficacy can lead to important effects on the excitability of the system. GABAergic inhibitory post-synaptic potentials (IPSPs) have been shown to be quite labile in response to repetitive activation of cortical cell populations, as may occur during epileptiform discharge. Scientists have shown that even a small percentage change in GABA inhibition can have profound effects on neocortical epileptogenesis. These changes in GABAergic inhibition may be the key to an explanation of how repetitive discharge patterns give rise to ictal discharge. Further, there appears to be a significant increase in excitatory postsynaptic potential (EPSP) frequency prior to seizure initiation an observation that is consistent with loss of IPSP efficacy prior to ictal onset.

The above hypotheses describe different mechanisms of epileptogenesis, but it is quite possible that all of these mechanisms take place, and they reflect large variety of types of epileptic seizures. The common principle of the mechanisms proposed is the change of membrane properties (i.e., conductance, permeability etc.) of certain neurons which results in depolarization and burst discharging. Some factors (e.g., trauma) can affect these specific neurons and initiate synchrony for neurons that control internal communication and communication with various muscle systems not associated with vital functions (i.e., heart beating, breathing). High strength pulsed electric fields could also be such a factor.

#### **Mechanism to Reproduce the Desired Effects**

Application of electromagnetic pulses is also a conceptual nonlethal technology that uses electromagnetic energy to induce neural synchrony and disruption of voluntary muscle control. The effectiveness of this concept has not been demonstrated. However, from past work in evaluating the potential for electromagnetic pulse generators to affect humans, it is estimated that sufficiently strong internal fields can be generated within the brain to trigger neurons. Estimates are that 50 to 100 kV/m free field of very sharp pulses (~ 1 nS) are required to produce a cell membrane potential of approximately 2 V; this would probably be sufficient to trigger neurons or make them more susceptible to firing.

The electromagnetic pulse concept is one in which a very fast (nanosecond timeframe) high voltage (approximately 100 kV/m or greater) electromagnetic pulse is repeated at the alpha brain wave frequency (about 15 Hz). It is known that a similar frequency of pulsing light can trigger sensitive individuals (those with some degree of light-sensitivity epilepsy) into a seizure and it is thought that by using a method that could actually trigger nerve synapses directly with an electrical field, essentially 100% of individuals would be susceptible to seizure induction. The photic-induced seizure phenomenon was borne out



demonstrably on December 16, 1997 on Japanese television when hundreds of viewers of a popular cartoon show were treated, inadvertently, to photic seizure induction (figure 31). The photic-induced seizure is indirect in that the eye must receive and transmit the impulses which initially activate a portion of the brain associated with the optic nerve. From that point the excitability spreads to other portions of the brain. With the electromagnetic concept, excitation is directly on the brain, and all regions are excited concurrently. The onset of synchrony and disruption of muscular control is anticipated to be nearly instantaneous. Recovery times are expected to be consistent with, or more rapid than, that which is observed in epileptic seizures.

#### **Time to Onset**

No experimental evidence is available for this concept. However, light-induced seizures latency onset in photosensitive epileptics varies from 0.1 to about 10 seconds. Because of the fact that the electrical impulses triggered by light must spread to other parts of the brain, photic-induced seizures are expected to have a generally slower onset than neural synchrony induced by high-strength pulsed electric fields.

#### **Duration of Effect**

For epileptic individuals, the typical duration of a petit mal event or a psychomotor event is 1 minute or 2, possibly longer, while the duration of a grand mal seizure is 1 to 5 minutes. In a non-epileptic individual who is induced by electromagnetic means, the durations of the different events are expected to be roughly the same as the epileptic individual's events after the external excitation is removed.

#### **Tunability**

There are many degrees of epileptic seizure in diseased persons, and it seems reasonable that electromagnetic stimulation of neural synchrony might be tunable with regard to type and degree of bodily influence, depending on the parameters associated with the chosen stimulus. Because there are no actual data to build on, these statements must be considered tentative. It is known that in the study of photic-induced seizures, parameters can be varied so that the individual under study does not actually undergo a grand mal seizure. This knowledge gives confidence that the proposed technology would be tunable.

#### **Distribution of Human Sensitivities to Desired Effects**

It is anticipated that 100% of the population would be susceptible. The mechanism is one that could act on many individual neuronal cells concurrently and hence does not depend on spreading regions of electrical activity as in the disease state.

#### **Possible Influence on Subject(s)**

If the technology functions approximately as envisioned, the targeted individual could be incapacitated very quickly. Because there have been no reported studies using the

conditions specified, experimental work is required to characterize onset time. Different types of technologies could be employed to influence wide areas or single individuals. Because this technology is considered to be tunable, the influence on subjects could vary from mild disruption of concentration to muscle spasms and loss of consciousness. The subject(s) would have varying degrees of voluntary control depending on the chosen degree of incapacitation.

#### **Technological Status of Generator/Aiming Device**

An electric field strength of roughly 100 Kv/m over a time period of 1 nanosecond is approximately the condition thought to be necessary to produce the desired effect when provided to an overall repetition rate of 15 Hz. Such a field may be developed using a radar-like, high-peak-power, pulsed source or an electromagnetic pulse generator operated at 15 Hz. These technologies exist today sufficient to evaluate the disabling concept. Power requirements are not high because the duty factor is so low. Aiming devices are currently available, but a high degree of directionality at long distances will require development. It may be necessary to provide bursts of these nanosecond pulses in order to stimulate the desired effect. As the duty time increases so does the average power requirement for power source. Because there were no open literature reports from which to make inferences, there is some uncertainty about the power levels required.

#### **Range**

The effective range could be hundreds of meters.

#### **Defeat Capabilities/Limitations**

Shielding can be provided by conductive barriers like metal or metal screen. There are a number of drugs that are capable of inducing convulsive seizures and others, like phenobarbital, diphenylhydantoin, trimethadione, 2-4 dinitrophenol, and acetazolamide, which are anticonvulsive. Anticonvulsive drugs are known to be helpful in reducing the effect of seizures in epileptic patients, but their ability to reduce the effect of the proposed technology is unknown (possibly no effect) but expected to be less than for photo-induced seizures.

#### **Incapacitating Effect; Acoustic Energy**

The nature of the incapacitation consists of severe pressure sensations, nystagmus (a spasmodic, involuntary motion of the eyes), and nausea caused by high intensities of 9140-155 dB). Nystagmus occurs when convection currents are produced (cupula movement) in the lateral ear canal. This cupula movement causes the eyes to move involuntarily; hence, the external world is interpreted as moving. The subject "sees" his surroundings turning round him and at the same time experiences a sensation of turning. Persons exposed to these levels of sound experience nausea.

#### **Biological Target/Normal Functions/Disease State**

The two lateral semicircular canals, one located in each inner ear, alert a person to the fact that his upright head is experiencing angular acceleration. Within the ampulla of the canal are several so called hair cells. The cilia of these cells protrude into the lumen of the ampulla where they are encased in a mass of jelly-like material (the cupula) which is attached to the opposite wall of the canal. As the head accelerates, the cilia are bent by an inertial force of the cupula and the viscous liquid in the canal lumen. The bending of the cilia excites hair cells which in turn excite afferent neurons; these then alert the brain that a change of position of the head has occurred. Similar events occur when the head stops moving. The result of a strong hair cell stimulus to the brain is a rapid eye movement, call nystagmus, a feeling of dizziness and disorientation, and a possibility of nausea and vomiting.

Normal hearing is in the range between the frequencies of 20,000 to 16,000 Hz with the optimal sensitivity for most people between the frequencies of 500 to 6000 Hz.

### **Mechanism to Produce the Desired Effects**

Because the end organs for acoustic and vestibular perception are so closely related, intense acoustic stimulation can result in vestibular effects. The hypothesis is that the sound of normal intensity produces oscillations of the endolymph and perilymph, compensated for by oscillations of the round window. High intensity sound produces eddy currents, which are localized rotational fluid displacements. High intensity sound can also produce nonlinear displacement of the stapes, causing a volume displacement, the result of which can be a fluid void in the labyrinth. To fill the void, fluid may be displaced along the endolymphatic duct and/or block capillary pathways, which, in turn, could stimulate vestibular receptors. Stimulation of the vestibular receptors may lead to nausea and vomiting if the sound pressure level is high enough. Conclude that both eddy currents and volume displacement serve to stimulate vestibular receptors in humans, when exposed to high levels of noise.

One study found nystagmus in guinea pigs exposed to high levels of infrasound via stimulation of the vestibular receptors. However, the same lab was unable to produce nystagmus in human subjects at 5- and 10-second exposures to a pure tone at 135 dB, broadband engine noise, or a 100 Hz tone at 120 dB, pulsed three times/s or 2 minutes. The same research was unable to elicit nystagmus at levels up to 155 dB, and also equally unable to produce nystagmus using infrasound levels of 112-150 dB in guinea pigs, monkeys, and humans. However, research with audible components in the sound spectrum with guinea pigs and monkeys produced nystagmus. Other researchers report other vestibular effects in addition to nystagmus at the following thresholds: 125 dB from 200-500 Hz, 140 dB at 1000 Hz, and 135 dB at 200 Hz. Documents in vestibular function occur consistently for broadband noise levels of 140 dB (with hearing protection).

Human subjects listened to very high levels of low-frequency noise and infrasound in the protected or unprotected modes. Two-minute duration as high as 140 to 155 dB produced a range of effects from mild discomfort to severe pressure sensations, nausea, gagging,



and giddiness. Effects also included blurred vision and visual field distortions in some exposure conditions. The nature and degree of all effects was dependent on both sound level and frequency with the most severe effects occurring in the audible frequency range (as opposed to infrasound), at levels above about 145 dB. The investigators found no temporary threshold shift (TTS) among their subjects, and the use of hearing protectors greatly alleviated the adverse effects.

Since the early days of jet-engine testing and maintenance, anecdotal evidence has appeared linking exposure to intense noise, with such complaints as dizziness, vertigo, nausea, and vomiting. As a result of siren noise at 140 dB, subjects consistently reported a feeling of being pushed sideways, usually away from the exposed ear, and one subject reported difficulty standing on one foot.

These effects were not as dramatic as from the jet-engine (broadband) noise at 140 dB. This research concludes that the threshold of labyrinthine dysfunction is about 135 to 140 dB and that these effects occur during, but not after, exposure.

#### **Time to Onset**

No times to onset of nausea or nystagmus were identified in the literature but is presumed to be relatively immediate based on effects to the labyrinth system occurring during, but not after, exposure to sound pressure levels of 135 to 140 dB.

#### **Duration of Effect**

The incapacitation lasts only as long as the incapacitating sound is present.

#### **Tunability**

Based on the data presented above, it is unclear whether the degree of nausea or nystagmus is tunable, but similar symptoms caused by other stimuli are variable in degree.

#### **Distribution of Human Sensitivities to Desired Effects**

It is most probable that all individuals will be susceptible to this stimulus with the exception of those with a disease or defect (i.e., deaf mutes) of some part or parts of the vestibular system. Data showed no consistent decrease in vestibulo-ocular reflexes with increased age.

#### **Recovery/Safety**

Normal subjects are likely to recover immediately and experience no or unmeasurable changes in hearing unless well known frequency-intensity-time factors are exceeded. This is based on studies which found no temporary threshold shift in hearing of subjects tested at low frequency. Occupational safety personnel generally recognize that 115

dB(A) is to be avoided and that 70 dB(A) is assumed safe. It is believed that the noise energy with predominating frequencies above 500 Hz have a greater potential for hearing loss than noise energy at lower frequencies. Occupational standards for noise state that a person may be exposed continuously for 8 hours to 90 dB(A) or 15 minutes to 115 dB(A).

#### **Possible Influence on Subject(s)**

Induction of nystagmus and nausea will have variable effects on individuals. Effects may be sufficiently incapacitation to allow offensive advantage; the perception of sickness may make a subject susceptible to persuasion. It would be difficult to target single individuals at the present level of sound directing technology. This technology may be better suited for groups of people.

#### **Technological Status of Generator/Aiming Device**

Sound generating technology is well developed but not highly portable. Aiming devices are poorly developed.

#### **Range**

Under normal circumstances the sound pressure level decreases 6 dB(A) when the distance from the source is doubled. For example if the sound is 100 dB(A) at 100 ft, at 200 ft the sound would be 94 dB(A). At very high sound levels, certain conditions may lead to nonlinear effects in propagation and greatly increase range accuracy.

#### **Defeat Capabilities/Limitations**

Negative effects of audible sound are greatly decreased if hearing protection is worn. High frequency sound is more easily blocked than low frequency sound due to wavelength effects.

#### **Laser-Induced Biological Effects**

There are three basic damage mechanisms associated with exposure to laser radiation: chemical, thermal, and mechanical or acoustic-mechanical.

The laser-induced, chemical alterations in irradiated tissue are referred to as photochemical damage. The likelihood of laser radiation in the blue-light portion of the electromagnetic spectrum (.380 to .550 microns) inducing photochemical reactions progressively decreases with increasing wavelength. Photochemical effects are not observed upon exposure to radiation with wavelengths exceeding .550 to .650 microns because the kinetic energy associated with these photons is insufficient to initiate a photochemical change.

On the other hand, the thermal effect is a primary mechanism for laser-induced injury. The extent of the injuries induced depends upon the wavelength and energy of the incident radiation, duration of exposure, and the nature of the exposed tissue and its absorption characteristics. Generally, this mechanism predominates in the visible and the near-infrared (.760 to 1.4 microns) portions of the electromagnetic spectrum and for almost all CW and pulsed exposures between 0.1 milliseconds and 1 to 5 seconds.

The third injury mechanism associated with exposure to laser radiation is the mechanical or acoustical-mechanical effect. The radiant energy is absorbed into the tissue and, as a result of rapid thermal expansion following a short (1 nanosecond to 0.1 millisecond) laser radiation pulse, a pressure wave is generated that may result in explosive tissue injury.

Generally, all three mechanisms operate concurrently in an irradiated animal. Thermal effects currently predominate for continuous wave (CW) lasers, while mechanical effects are of increased significance for pulsed-mode lasers. With even higher power, one must also consider nonlinear phenomena such as multiphoton absorption and electromagnetic field effects.

The organs most susceptible to external laser radiation are the skin and eyes. The severity of injury is affected by the nature of the target, the energy density delivered to the target, the frequency and power of the laser, atmospheric attenuation of the beam, and the use of filtering or amplifying optics by the target, etc.

The primary effect on the skin is thermal damage (burns). The severity varies from slight erythema or reddening to severe blistering or charring, depending on such factors as total energy deposition, skin pigmentation, and the tissue's ability to dissipate heat.

The eye is particularly susceptible to intense pulse of laser radiation because of its unique sensitivity to light. The focusing effect is similar to that of a magnifying lens, which focuses the energy on a particular spot. Since the cornea and lens of the eye amplify the intensity of the light incident upon the retina, the retina is extremely sensitive to visible and near-infrared light, and damage to the retina may result in temporary or permanent loss of visual acuity. Laser eye injuries vary according to incident power, spot size, beam angle, temporal mode (CW or pulsed), and pulse repetition frequency. Reported effects include corneal lesions, burns, cataracts, and retinal lesions.

Some high-power lasers can cause antipersonnel effects by the deposition of thermal energy. These lasers must operate at a wavelength that is readily absorbed by the skin or the cornea. These generally include the far- and mid-IR regions (10 to 12 microns and 3 to 5 microns) as well as the ultraviolet region (<0.4 microns). However, ultraviolet wavelengths generally do not propagate well in the atmosphere, so the primary threat wavelengths to be considered are between 3 and 12 microns. Although relatively modest amounts of far-IR laser power are required to produce superficial burns on the skin at short ranges, and efforts to design rheostatically lethal laser weapons are on going.

Nonlethal blinding laser weapons generally use collimated beams with very low beam divergence, and the energy contained in the beam diminishes relatively slowly over great distances. Imaging systems such as eyes and EO vision systems have focusing optics that bring the incident plane wave of light to focus at the sensor plane. This results in a high optical gain (greater than 100,000 for eyes), which makes the associated sensor vulnerable to relatively low fluences of laser energy.

The effects of lasers on eyes are threefold:

- Dazzling or induced glare.
- Flashblinding or loss of night adaptation.
- Permanent or semipermanent blinding.

The severity of laser eye injuries varies according to the incident power, spot size, beam angle, pupil diameter (ambient light conditions), temporal mode (CW or pulsed), and PRF of the laser. Reported effects include corneal burns, cataracts (a permanent cloudiness of the lens), and retinal burns and perforations. Low-energy laser weapons are capable of causing the latter.

Exposure to relatively low laser energies can produce temporary changes in the ability to see without producing permanent injury. Exposure to laser light can produce an effect called glare or dazzle, which is similar to the temporary loss of vision experienced when viewing the headlights of an oncoming car. The visual effects last only as long as the light is present in the field of view (FOV). At slightly higher energy exposures, the same laser radiation can saturate or flashblind the photoreceptor cells, resulting in after images that fade with time after exposure. Only visible radiation will induce veiling glare or after images; near-IR radiation will not produce these effects even though the radiant energy reaches the photoreceptor cells. Flashblindness and dazzle, while not permanent injuries, can cause discomfort and temporary loss of vision. Some studies have shown that dazzle and flashblindness can seriously impact mission performance, especially in highly visual tasks such as piloting an aircraft or aiming.

Blinding is the permanent or semipermanent loss of visual acuity. The effect can last from several hours onward and generally is evidenced by a dark spot in the field of vision. This spot is called a scotoma. The impact of the scotoma on visual acuity will vary with the size and position of the injury. Human vision is greatly affected when the laser damage is to the central vision area of the retina called the fovea. Nonfoveal laser damage may be less severe or even go unnoticed because it affects only the peripheral vision. The most serious retinal injuries occur when the incident light is so intense that a perforation in the retina is formed, resulting in a hemorrhage into either the subretinal layer or, in the most severe cases, the vitreous humor of the eye. Less severe exposures result in lesions on the retina.

*Footnote:*

1-(U) This appendix is classified FOR OFFICIAL USE ONLY in its entirety.

Information Cutoff Date: 17 February 1998

Derived from Multiple Sources  
Definitely not Government "OSAR"  
Date of Source: 17 February 1998

RECEIVED UNCLASSIFIED <sup>Page</sup> 18-1C  
ON 1/24/98  
BY USARVCOM/FOIPA  
Auth Para 4-102 DOD 5200.1R

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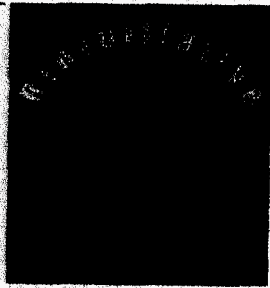
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# **Customer Service Hearing Exhibit #18**



**BioInitiative: A Rationale for a Biologically-based Exposure Standard  
for Electromagnetic Radiation**

SECTION i.	PREFACE
SECTION ii:	TABLE OF CONTENTS
SECTION 1:	SUMMARY FOR THE PUBLIC AND CONCLUSIONS Ms. Sage
SECTION 2:	STATEMENT OF THE PROBLEM Ms. Sage
SECTION 3:	THE EXISTING PUBLIC EXPOSURE STANDARDS Ms. Sage
SECTION 4:	EVIDENCE FOR INADEQUACY OF THE STANDARDS Ms. Sage
SECTION 5:	EVIDENCE FOR EFFECTS ON GENE AND PROTEIN EXPRESSION (Transcriptomic and Proteomic Research) Dr. Xu and Dr. Chen
SECTION 6:	EVIDENCE FOR GENOTOXIC EFFECTS – RFR AND ELF DNA DAMAGE Dr. Lai
SECTION 7:	EVIDENCE FOR STRESS RESPONSE (STRESS PROTEINS) Dr. Blank
SECTION 8:	EVIDENCE FOR EFFECTS ON IMMUNE FUNCTION Dr. Johansson

- SECTION 9: EVIDENCE FOR EFFECTS ON NEUROLOGY AND BEHAVIOR  
Dr. Lai
- SECTION 10: EVIDENCE FOR BRAIN TUMORS AND ACOUSTIC NEUROMAS  
Dr. Hardell, Dr. Mild and Dr. Kundi
- SECTION 11: EVIDENCE FOR CHILDHOOD CANCERS (LEUKEMIA)  
Dr. Kundi
- SECTION 12: MAGNETIC FIELD EXPOSURE: MELATONIN PRODUCTION; ALZHEIMER'S DISEASE; BREAST CANCER  
Dr. Davanipour and Dr. Sobel
- SECTION 13: EVIDENCE FOR BREAST CANCER PROMOTION  
(Melatonin links in laboratory and cell studies)  
Ms. Sage
- SECTION 14: EVIDENCE FOR DISRUPTION BY THE MODULATING SIGNAL  
Dr. Blackman
- SECTION 15: EVIDENCE BASED ON EMF MEDICAL THERAPEUTICS  
Ms. Sage
- SECTION 16: THE PRECAUTIONARY PRINCIPLE  
Mr. Gee
- SECTION 17: KEY SCIENTIFIC EVIDENCE AND PUBLIC HEALTH POLICY RECOMMENDATIONS  
Dr. Carpenter and Ms. Sage
- SECTION 18: LIST OF PARTICIPANTS AND AFFILIATIONS
- SECTION 19: GLOSSARY OF TERMS AND ABBREVIATIONS
- SECTION 20: APPENDIX - Ambient ELF and RF levels  
Average residential and occupational exposures
- SECTION 21: ACKNOWLEDGEMENTS

# **Customer Service Hearing Exhibit #19**

PubMed

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informa ACCESS  
healthcare FULL TEXT

Int J Radiat Biol. 2010 Dec;86(12):1106-16. Epub 2010 Sep 1.

**Pulse modulated 900 MHz radiation induces hypothyroidism and apoptosis in thyroid cells: a light, electron microscopy and immunohistochemical study.**Esmekaya MA, Seyhan N, Ömeroğlu S.

Department of Biophysics, Faculty of Medicine &amp; Gazi Non-Ionizing Radiation Protection (GNRP) Center, Gazi University, Ankara, Turkey. mericarda@yahoo.com

**Abstract**

**PURPOSE:** In the present study we investigated the possible histopathological effects of pulse modulated Radiofrequency (RF) fields on the thyroid gland using light microscopy, electron microscopy and immunohistochemical methods.

**MATERIALS AND METHODS:** Two months old male Wistar rats were exposed to a 900 MHz pulse-modulated RF radiation at a specific absorption rate (SAR) of 1.35 Watt/kg for 20 min/day for three weeks. The RF signals were pulse modulated by rectangular pulses with a repetition frequency of 217 Hz and a duty cycle of 1:8 (pulse width 0.576 ms). To assess thyroid endocrine disruption and estimate the degree of the pathology of the gland, we analysed structural alterations in follicular and colloid diameters and areas, colloid content of the follicles, and height of the follicular epithelium. Apoptosis was confirmed by Transmission Electron Microscopy and assessing the activities of an initiator (caspase-9) and an effector (caspase-3) caspases that are important markers of cells undergoing apoptosis.

**RESULTS:** Morphological analyses revealed hypothyrophy of the gland in the 900 MHz RF exposure group. The results indicated that thyroid hormone secretion was inhibited by the RF radiation. In addition, we also observed formation of apoptotic bodies and increased caspase-3 and caspase-9 activities in thyroid cells of the rats that were exposed to modulated RF fields.

**CONCLUSION:** The overall findings indicated that whole body exposure to pulse-modulated RF radiation that is similar to that emitted by global system for mobile communications (GSM) mobile phones can cause pathological changes in the thyroid gland by altering the gland structure and enhancing caspase-dependent pathways of apoptosis.

PMID: 20807179 [PubMed - indexed for MEDLINE]



# **Customer Service Hearing Exhibit #20**

**PETITION TO THE FL PUBLIC SERVICE COMMISSION  
REGARDING SMART METERS**

We, the undersigned, want all power companies, in the state of Florida, to agree to a permanent OPT OUT, without penalty, for remote data reporting devices, known as smart meters, to any homeowner/condo-owner (or AMR meters or any others that resemble them) and we call for the Florida Public Service Commission to hold meetings regarding smart meters (or the like) to gather information regarding health issues, privacy issues, safety issues, and homeland security issues associated with these meters. Written clarification, as directed by an Administrative Law Judge, is required to answer the questions of transmission frequency and duration, correct wattage, FCC compliance, cost benefit and other responses and disclosures as deemed relevant by the Public Service Commission and citizens.

#	NAME	COMPLETE HOME ADDRESS
1	Signature: <u>Jean Marie Robertson</u> Printed Name: <u>JEAN MARIE ROBERTSON</u>	<u>402 Joy Haven NW</u> <u>Sebastian FL 32958</u>
2	Signature: <u>M O Connor</u> Printed Name: <u>M O CONNOR</u>	<u>PO Box 1126</u> <u>Poseidon FL 32957</u>
3	Signature: <u>Nancy Whitcomb</u> Printed Name: <u>Nancy Whitcomb</u>	<u>705 Wimbrow Dr</u> <u>Sebastian FL 32958</u>
4	Signature: <u>Jean Adams</u> Printed Name: <u>JEAN ADAMS</u>	<u>516 DRAWDY WAY</u> <u>SEBASTIAN 32958</u>
5	Signature: <u>Henry Scott</u> Printed Name: <u>Henry Scott</u>	<u>761 Dempsey Ave</u> <u>Sebastian, 32958</u>
6	Signature: <u>William Scott</u> Printed Name: <u>William Scott</u>	<u>761 Dempsey Ave</u> <u>Sebastian 32958</u>
7	Signature: <u>Mary Ingui</u> Printed Name: <u>Mary Ingui</u>	<u>626 LAYPORT DR.</u> <u>Sebastian, FL 32958</u>
8	Signature: <u>Anthony Capozzola</u> Printed Name: <u>ANTHONY CAPOZZOLA</u>	<u>4625 WIMBROW DR</u> <u>SEBASTIAN, FL</u> <u>32958</u>

**PETITION TO THE FL PUBLIC SERVICE COMMISSION  
REGARDING SMART METERS**

We, the undersigned, want all power companies, in the state of Florida, to agree to a permanent OPT OUT, without penalty, for remote data reporting devices, known as smart meters, to any homeowner/condo-owner (or AMR meters or any others that resemble them) and we call for the Florida Public Service Commission to hold meetings regarding smart meters (or the like) to gather information regarding health issues, privacy issues, safety issues, and homeland security issues associated with these meters. Written clarification, as directed by an Administrative Law Judge, is required to answer the questions of transmission frequency and duration, correct wattage, FCC compliance, cost benefit and other responses and disclosures as deemed relevant by the Public Service Commission and citizens.

#	NAME	COMPLETE HOME ADDRESS
1	Signature: <u>Robert Cicio</u> Printed Name: <u>Robert Cicio</u>	<u>1597 Eastlake Ln</u> <u>Sebastian, FL 32958</u>
2	Signature: <u>Sherry St. Peter</u> Printed Name: <u>Sherry St. Peter</u>	<u>1501 Schooner Ln</u> <u>Sebastian FL 32958</u>
3	Signature: <u>Nicholas Holpfer</u> Printed Name: <u>NICHOLAS HOLPFER</u>	<u>373 HARP TERRACE</u> <u>SEBASTIAN, FL 32958</u>
4	Signature: <u>Carole Balicki</u> Printed Name: <u>CAROLE BALICKI</u>	<u>127 CAPRI AVE.</u> <u>SEBASTIAN, FL 32958</u>
5	Signature: <u>Lola Brown</u> Printed Name: <u>LOLA BROWN</u>	<u>124 CAPRI AVE</u> <u>SEBASTIAN FL 32958</u>
6	Signature: <u>Ed MacKenzie</u> Printed Name: <u>EDW. MACKENZIE</u>	
7	Signature: <u>Karina Durstin</u> Printed Name: <u>Karina Durstin</u>	<u>10795 90<sup>th</sup> St</u> <u>Vero Bch FL 32967</u>
8	Signature: <u>Jack Hancock</u> Printed Name: <u>Jack Hancock</u>	<u>7845 128<sup>th</sup></u> <u>Sebastian, FL 32958</u>

**PETITION TO THE FL PUBLIC SERVICE COMMISSION  
REGARDING SMART METERS**

We, the undersigned, want all power companies, in the state of Florida, to agree to a permanent OPT OUT, without penalty, for remote data reporting devices, known as smart meters, to any homeowner/condo-owner (or AMR meters or any others that resemble them) and we call for the Florida Public Service Commission to hold meetings regarding smart meters (or the like) to gather information regarding health issues, privacy issues, safety issues, and homeland security issues associated with these meters. Written clarification, as directed by an Administrative Law Judge, is required to answer the questions of transmission frequency and duration, correct wattage, FCC compliance, cost benefit and other responses and disclosures as deemed relevant by the Public Service Commission and citizens.

#	NAME	COMPLETE HOME ADDRESS
1	Signature: <u>Joann Leighton</u> Printed Name: <u>JOANN LEIGHTON</u>	<u>105 ALAMEDA AVE.</u> <u>SEBASTIAN, FL.</u>
2	Signature: <u>Susan Keiffer</u> Printed Name: <u>Susan Keiffer</u>	<u>361 Eady St.</u> <u>Sebastian, FL 32958</u>
3	Signature: <u>Duane Taylor</u> Printed Name: <u>Duane TAYLOR</u>	<u>874 Schumann Drive</u> <u>Sebastian, FL 32958</u>
4	Signature: <u>Marie Quinn</u> Printed Name: <u>MARIE QUINN</u>	<u>874 SCHUMANN DRIVE</u> <u>SEBASTIAN, FL 32958</u>
5	Signature: <u>Phyllis B. Frey</u> Printed Name: <u>PHYLLIS B. FREY</u>	<u>275 DATE PALM ROAD</u> <u>VERO BEACH, FL 32963</u>
6	Signature: <u>Stephanie Austin</u> Printed Name: <u>Stephanie Austin</u>	<u>6250 Arrowhead</u> <u>Vero Beach FL 32967</u>
7	Signature: <u>Jeffrey Austin</u> Printed Name: <u>Jeffrey Austin</u>	<u>6250 Arrowhead Lane</u> <u>VERO BEACH, FL 32967</u>
8	Signature: <u>Jack J. Schweg</u> Printed Name: <u>JACK J. SCHWEG</u>	<u>6670-46 DRIVE</u> <u>VERO BEACH, FL 32967</u>



**PETITION TO THE FL PUBLIC SERVICE COMMISSION  
REGARDING SMART METERS**

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#	NAME	COMPLETE HOME ADDRESS
1	Signature: <u>Doris K Lavoie</u> Printed Name: <u>DORIS K LAVOIE</u>	<u>1356 SCROLL ST</u> <u>SEBASTIAN FL 32958</u>
2	Signature: <u>Collette Lavoie</u> Printed Name: <u>Collette Lavoie</u>	<u>SCROLL ST</u> <u>SEBASTIAN FL 32958</u>
3	Signature: <u>Joan Capozzoli</u> Printed Name: <u>JOAN CAPOZZOLI</u>	<u>625 WIMBROW DR</u> <u>SEBASTIAN FL</u> <u>32958</u>
4	Signature: <u>Valerie Collins</u> Printed Name: <u>VALERIE COLLINS</u>	<u>665 Helrose Lane. Seb. FL 32958</u>
5	Signature: <u>Frances C. Salerno</u> Printed Name: <u>Frances C. Salerno</u>	<u>5828 Lindsay Road</u> <u>Mico FL 32976</u>
6	Signature: <u>Cynthia Wallace</u> Printed Name: <u>Cynthia Wallace</u>	<u>1080 Persian Ln.</u> <u>Seb. FL 32958</u>
7	Signature: <u>Joyce Thomas</u> Printed Name: <u>JOYCE THOMAS</u>	<u>981 Lanco Ave</u> <u>Sebastian FL 32958</u>
8	Signature: <u>Katherine Groepler</u> Printed Name: <u>KATHERINE GROEPLER</u>	<u>637 WIMBROW DRIVE</u> <u>Sebastian-Fla.</u>



**PETITION TO THE FL PUBLIC SERVICE COMMISSION  
REGARDING SMART METERS**

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#	NAME	COMPLETE HOME ADDRESS
1	Signature: <u>Rosemary Pettigrew</u> Printed Name: <u>ROSEMARY PETTIGREW</u>	<u>2022 NW 10th Ave</u> <u>Coral Springs, FL 33071</u>
2	Signature: <u>Patricia C Raiff</u> Printed Name: <u>PATRICIA C. RAIFF</u>	<u>1757 SHAKESPEARE ST</u> <u>SEBASTIAN, FL. 32958</u>
3	Signature: <u>Patricia P. Beckwith</u> Printed Name: <u>PATRICIA P. BECKWITH</u>	<u>465 Lighthouse Ave</u> <u>Sebastian, FL 32958</u>
4	Signature: <u>Linda Scott</u> Printed Name: <u>LINDA SCOTT</u>	<u>821 Dunn Tern</u> <u>Sebastian, Fl 32958</u>
5	Signature: <u>Suzy Parker</u> Printed Name: <u>SUZY PARKER</u>	<u>674 Helicon Terrace</u> <u>Sebastian, FL 32958</u>
6	Signature: <u>Irene Roseland</u> Printed Name: <u>Irene Roseland</u> <u>964 Schumann Dr.</u>	<u>964 Schumann Dr.</u> <u>Sebastian FL 32958</u>
7	Signature: <u>Marcia Valentie</u> Printed Name: <u>MARCIA VALENTIE</u>	<u>382 Quarry Lane</u> <u>Sebastian 32958</u>
8	Signature: <u>Linda Cavalier</u> Printed Name: <u>LINDA CAVALIER</u>	<u>9945 NICOLE DR</u> <u>Miaca FL 32976</u>

**PETITION TO THE FL PUBLIC SERVICE COMMISSION  
REGARDING SMART METERS**

We, the undersigned, want all power companies, in the state of Florida, to agree to a permanent OPT OUT, without penalty, for remote data reporting devices, known as smart meters, to any homeowner/condo-owner (or AMR meters or any others that resemble them) and we call for the Florida Public Service Commission to hold meetings regarding smart meters (or the like) to gather information regarding health issues, privacy issues, safety issues, and homeland security issues associated with these meters. Written clarification, as directed by an Administrative Law Judge, is required to answer the questions of transmission frequency and duration, correct wattage, FCC compliance, cost benefit and other responses and disclosures as deemed relevant by the Public Service Commission and citizens.

#	NAME	COMPLETE HOME ADDRESS
1	Signature: <u>[Signature]</u> Printed Name: <u>MARIE GROEPLER</u>	<u>637 WIMBROW DR.</u> <u>SEBASTIAN, FL 32958</u>
2	Signature: <u>KATHERINE GROEPLER</u> Printed Name: <u>KATHERINE GROEPLER</u>	<u>637-WIMBROW-DR.</u> <u>SEBASTIAN FL 32958</u>
3	Signature: <u>[Signature]</u> Printed Name: <u>William Groepler</u>	<u>637 Wimbrow Drive</u> <u>Sebastian FL 32958</u>
4	Signature: <u>[Signature]</u> Printed Name: <u>SHELDON R KUSHNER</u>	<u>Vero Beach, FL</u>
5	Signature: <u>[Signature]</u> Printed Name: <u>Devon Steele</u>	<u>Vero Beach, FL</u>
6	Signature: _____ Printed Name: _____	_____ _____
7	Signature: _____ Printed Name: _____	_____ _____
8	Signature: _____ Printed Name: _____	_____ _____

# **Customer Service Hearing Exhibit #21**

# FPL TREE WORK AUTHORIZATION

TO \_\_\_\_\_

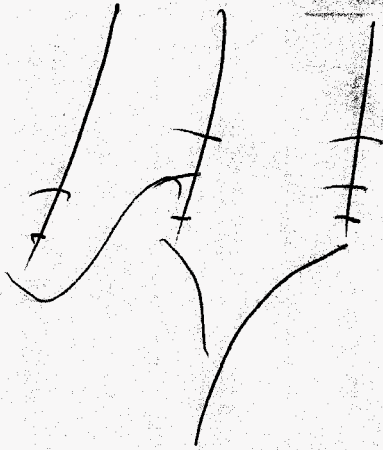
DATE July 20 2011

CUSTOMER'S NAME		ADDRESS (Work Location) <u>972 Bougainvillea Dr Rockledge</u>		CITY	DAYTIME TELEPHONE <input checked="" type="checkbox"/>
OWNER'S NAME (if different)		ADDRESS OF OWNER (if different)		TELEPHONE	
<b>FACILITIES INVOLVED:</b> <input type="checkbox"/> PRIMARY <input checked="" type="checkbox"/> SECONDARY <input checked="" type="checkbox"/> SERVICE <input type="checkbox"/> ACCESSIBLE TO TRUCK <input type="checkbox"/> PERMIT REQUIRED					
<input type="checkbox"/> STREETLIGHT <input checked="" type="checkbox"/> TRANSMISSION <input type="checkbox"/> TRANSFORMER <input type="checkbox"/> OTHER <input type="checkbox"/> NO <input checked="" type="checkbox"/> YES <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO					
<b>INSTRUCTIONS</b> <input checked="" type="checkbox"/> REMOVE <u>Ear Tree Large</u> <input type="checkbox"/> TRIM <input type="checkbox"/>					CUSTOMER CONTACTED: <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
CHARGE TO: (Vegetation Management Only)		APPROVED BY: _____ 20__			
RWO/SIO/TWO NO.		EPL Utility Assistant		<b>*MARKED PRIMARY FOR JOB SKETCH REQUIRED FOR REQUESTS</b>	
ORIGINATED BY:		TROUBLE		*Wire <input type="checkbox"/> Yes Down <input type="checkbox"/> No	
Company Representative _____ Department _____ Phone No. _____ Date _____		Ticket No. _____ Date _____		<b>FOR REMOVALS ONLY</b>	
Signature of Owner/Agent (Circle One) _____ Date _____		REMARKS <u>Leaves stump fence height</u> THIS WORK IS TO BE DONE AT NO COST TO THE CUSTOMER			
DEVICE COORDINATE NO.		WORK COMPLETED BY <u>David Watson</u>		DATE	

Form 21 (Stocked) Rev. 8/04

PART 1 (White) - Original  
 PART 2 (Canary) - Office Copy  
 PART 3 (Pink) - Office Pending Copy  
 PART 4 (Goldendrod) - Acknowledgement Copy

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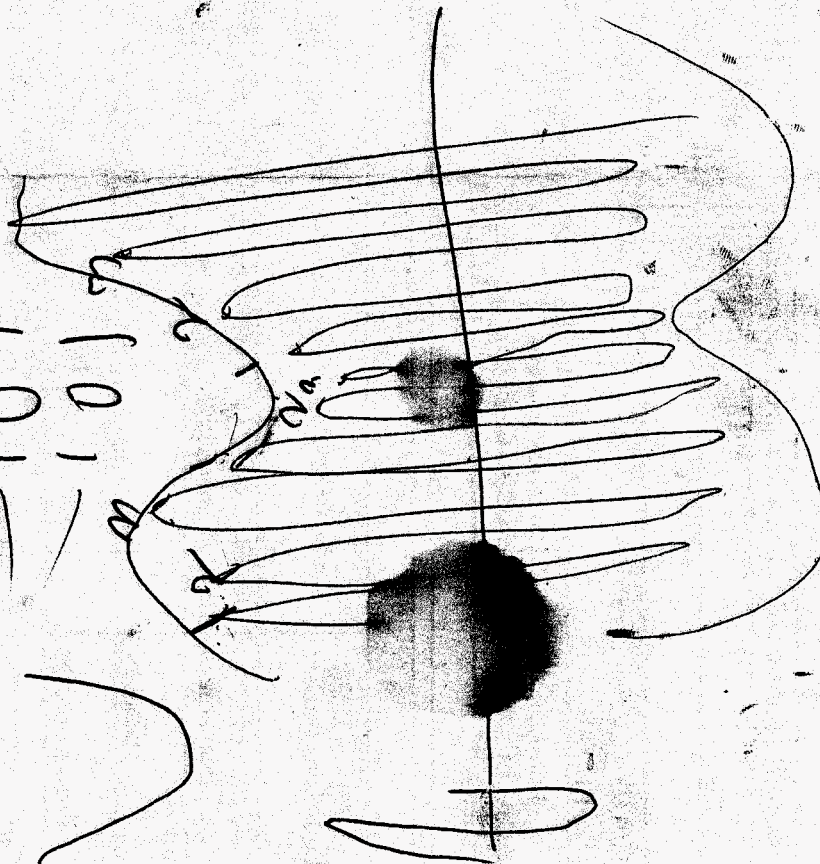
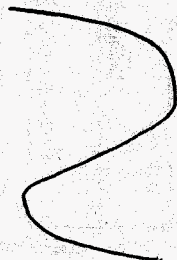


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**Customer Service Hearing  
Exhibit #22**

# THE PALM BEACH POST

Published Daily and Sunday  
West Palm Beach, Palm Beach County, Florida

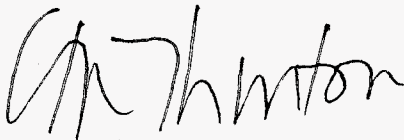
## PROOF OF PUBLICATION

STATE OF FLORIDA  
COUNTY OF PALM BEACH

Before the undersigned authority personally appeared **Ellen Sanita**, who on oath says that she is **Call Center Revenue Manager** of The Palm Beach Post, a daily and Sunday newspaper, published at West Palm Beach in Palm Beach County, Florida; that the attached copy of advertising for a **Notice** in the matter **Public Hearings** was published in said newspaper in the issues of **June 4, 2012**. Affiant further says that the said The Post is a newspaper published at West Palm Beach, in said Palm Beach County, Florida, and that the said newspaper has heretofore been continuously published in said Palm Beach County, Florida, daily and Sunday and has been entered as second class mail matter at the post office in West Palm Beach, in said Palm Beach County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that she/he has neither paid nor promised any person, firm or corporation any discount rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper. Also published in Martin and St. Lucie Counties.



Sworn to and subscribed before 4<sup>th</sup> day of June, A.D. 2012.  
Who is personally known to me.



NOTARY PUBLIC-STATE OF FLORIDA  
**Karen M. McLinton**  
Commission #DD832672  
Expires: NOV. 15, 2012  
BONDED THRU ATLANTIC BONDING CO., INC.

## Notice of

The Florida Public Service Commission has scheduled service hearings as part of its decision-making process. No. 120015-El, regarding Florida Power & Light Company's request for a base rate increase. At these hearings, business customers of FPL are invited to share their views on the service quality with the PSC.

FPL filed its rate request on March 19 and updated it for the total bill impact on April 27 due to revised fuel prices and costs for ongoing construction of nuclear facilities, as well as other data adjustments. Estimates, the base portion of a typical 1,000 customer bill is expected to increase by 23 cents per month in 2013. Offset in part by adjustments for other charges, the actual 2013 net increase on a typical bill is projected to be \$1.41 a month or about 5 percent.

For business customers, the increase to the base price is expected to be about 3 percent for most non-demand customers. For most demand customers, the increase is expected to be from 16 to 28 percent depending on rate class and usage. For the higher end of that range. Because of projected other adjustments, it is anticipated that the net increase in customers' total bills would range from a decrease to an increase of 3 percent, with most business customers to see a decrease in their bill or no change at all.

### Service Hearing Schedule

The quality of service hearings will be conducted at the times and locations indicated below:

#### Thursday, May 31, 2012 - 9:30 a.m.

City Commission Chambers, City Hall  
1565 First St.  
Sarasota, FL 32436

#### Thursday, May 31, 2012 - 6 p.m.

School Board of Lee County  
Board Room, Lee County Education Center  
2855 Colonial Blvd.  
Fort Myers, FL 33966

#### Tuesday, June 12, 2012 - 4 p.m.

Sunset Harbor Yacht Club and Conference Center  
861 Ballough Road  
Daytona Beach, FL 32114

#### Wednesday, June 13, 2012 - 4 p.m.

Brevard County Government Center  
Commission Room, Building C, 1st floor  
2725 Judge Fran Jamieson Way  
Melbourne, FL 32940

#### Thursday, June 14, 2012 - 4 p.m.

Solid Waste Authority of Palm Beach County, Auc  
7501 N. Jog Road  
West Palm Beach, FL 33412

# Notice of public hearings

The Florida Public Service Commission has scheduled nine quality of service hearings as part of its decision-making process in Docket No. 120015-El, regarding Florida Power & Light Company's request for a base rate increase. At these hearings, residential and business customers of FPL are invited to share their views of FPL's service quality with the PSC.

FPL filed its rate request on March 19 and updated its projection for the total bill impact on April 27 due to revised estimates for fuel prices and costs for ongoing construction of upgrades at nuclear facilities, as well as other data adjustments. Per the revised estimates, the base portion of a typical 1,000-kWh residential customer bill is expected to increase by 23 cents a day or \$7.09 per month in 2013. Offset in part by adjustments to fuel and other charges, the actual 2013 net increase on a typical customer's total bill is projected to be \$1.41 a month or about 5 cents a day.

For business customers, the increase to the base portion of the bill is expected to be about 3 percent for most non-demand customers. For most demand customers, the increase is expected to range from 16 to 28 percent depending on rate class and usage, with less than 1 percent (only about 3,500) larger businesses experiencing the higher end of that range. Because of projected fuel savings and other adjustments, it is anticipated that the net impact to business customers' total bills would range from a decrease of 4 percent to an increase of 3 percent, with most business customers projected to see a decrease in their bill or no change at all in 2013.

## Service Hearing Schedule

The quality of service hearings will be conducted by the PSC at the times and locations indicated below:

### Thursday, May 31, 2012 - 9:30 a.m.

City Commission Chambers, City Hall  
1565 First St.  
Sarasota, FL 32436

### Thursday, May 31, 2012 - 6 p.m.

School Board of Lee County  
Board Room, Lee County Education Center  
2855 Colonial Blvd.  
Fort Myers, FL 33966

### Tuesday, June 12, 2012 - 4 p.m.

Sunset Harbor Yacht Club and Conference Center  
861 Ballough Road  
Daytona Beach, FL 32114

### Wednesday, June 13, 2012 - 4 p.m.

Brevard County Government Center  
Commission Room, Building C, 1st floor  
2725 Judge Fran Jamieson Way  
Melbourne, FL 32940

### Thursday, June 14, 2012 - 4 p.m.

Solid Waste Authority of Palm Beach County, Auditorium  
7501 N. Jog Road  
West Palm Beach, FL 33412

### Tuesday, June 26, 2012 - 9 a.m.

Miami-Dade County Auditorium  
2901 W. Flagler St.  
Miami, FL 33135

### Tuesday, June 26, 2012 - 4 p.m.

Florida Memorial University  
Lou Rawls Auditorium  
15800 NW 42nd Ave.  
Miami Gardens, FL 33054

### Wednesday, June 27, 2012 - 9 a.m.

Plantation City Council Chambers  
400 NW 73 Ave.  
Plantation, FL 33317

### Wednesday, June 27, 2012 - 4 p.m.

Broward County Main Library, Auditorium  
100 S. Andrews Ave.  
Fort Lauderdale, FL 33301

The purpose of the hearings is to give customers an opportunity to speak before the PSC on the quality of service they receive from FPL and other matters related to FPL's petition for a rate adjustment. Those who wish to speak are urged to arrive at the start time, as hearings may be adjourned early if no witnesses are present to testify.

Customer comments regarding FPL's quality of service may also be submitted to the following address:

Commission Clerk, Office of Commission Clerk  
Florida Public Service Commission  
2540 Shumard Oak Blvd.  
Tallahassee, FL 32399-0850

Such comments should refer to Docket No. 120015-El. In addition, customers may submit questions or specific concerns directly to FPL by visiting [www.FPL.com/response](http://www.FPL.com/response).

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodation at these hearings should call the Office of Commission Clerk at (850) 413-6770 at least 48 hours prior to the hearing. Any person who is hearing- or speech-impaired should contact the PSC by using the Florida Relay Service, which can be reached at (800) 955-8771 (TDD).

If a named storm or other disaster requires cancellation of a customer service hearing, PSC staff will attempt to give timely, direct notice to parties. Notice of cancellation of the meeting will also be provided on the PSC's website, [www.psc.state.fl.us](http://www.psc.state.fl.us), under the Hot Topics link found on the homepage. Cancellation can also be confirmed by calling the Office of the General Counsel at (850) 413-6199.



FPL

**Customer Service Hearing  
Exhibit #23**

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28-Feb-2012

**Annual Report****Item 7. Management's Discussion and Analysis of Financial Condition and Results of Operations****OVERVIEW**

NEE's operating performance is driven primarily by the operations of its two principal subsidiaries, FPL, which serves approximately 4.6 million customer accounts in Florida and is one of the largest rate-regulated electric utilities in the U.S., and NEER, which together with its affiliated entities is the largest generator in the U.S. of renewable energy from the wind and sun. The table below presents NEE's net income and earnings per share by reportable segment - FPL, NEER and Corporate and Other, which is primarily comprised of interest expense, the operating results of FPL FiberNet, Lone Star and other business activities, as well as other income and expense items, including income taxes and eliminating entries (see Note 15 for additional segment information). The

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discussion that follows should be read in conjunction with the Notes to the Consolidated Financial Statements contained herein. In the discussion below and in Results of Operations, all comparisons are with the corresponding items in the prior year.

	Net Income			Earnings Per Share, assuming dilution		
	Years Ended December 31,			Years Ended December 31,		
	2011	2010	2009	2011	2010	2009
	(millions)					
FPL	\$ 1,068	\$ 945	\$ 831	\$ 2.55	\$ 2.29	\$ 2.04
NEER (a)	774	980	759	1.85	2.37	1.86
Corporate and Other	81	32	25	0.19	0.08	0.07
NEE	\$ 1,923	\$ 1,957	\$ 1,615	\$ 4.59	\$ 4.74	\$ 3.97

(a) NEER's results reflect an allocation of interest expense from NEECH to NEER based on a deemed capital structure of 70%



debt and allocated shared service costs.

For the five years ended December 31, 2011, NEE delivered a total shareholder return of approximately 33%, significantly outpacing the S&P 500's 1% decline, the Dow Jones US Electricity's 14% return and the S&P 500 Electric Utilities' 18% return. The historical stock performance of NEE's common stock shown in the performance graph below is not necessarily indicative of future stock price performance.

[[Image Removed]]

### Adjusted Earnings

NEE prepares its financial statements in accordance with GAAP. However, management uses earnings excluding certain items (adjusted earnings), a non-GAAP financial measure, internally for financial planning, for analysis of performance, for reporting of results to the Board of Directors and as an input in determining whether performance goals are met for performance-based compensation under NEE's employee incentive compensation plans. NEE also uses adjusted earnings when communicating its financial results and earnings outlook to investors. NEE's management believes adjusted earnings provides a more meaningful representation of the company's fundamental earnings power. Although the excluded amounts are properly included in the determination of net income in accordance with GAAP, management believes that the amount and/or nature of such items make period to period comparisons of operations difficult and potentially confusing. Adjusted earnings do not represent a substitute for net income, as prepared in accordance with GAAP.

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Adjusted earnings exclude the unrealized mark-to-market effect of non-qualifying hedges (as described below), OTTI losses on securities held in NEE's nuclear decommissioning funds, net of the reversal of previously recognized OTTI losses on securities sold and losses on securities where price recovery was deemed unlikely (collectively, OTTI reversals) and, in 2011, the after-tax loss on the sale of natural gas-fired generating assets. OTTI reversals are reported in other - net in NEE's consolidated statements of income.

NEE and NEER segregate into two categories unrealized mark-to-market gains and losses on energy derivative transactions which are used to manage commodity price risk. The first category, referred to as trading activities, represents the net unrealized effect of actively traded positions entered into to take advantage of market price movements and, in 2011 and 2010, the impact related to exiting hedged positions on future gas drilling opportunities. The second category, referred to as non-qualifying hedges, represents certain hedging transactions entered into as economic hedges but the transactions do not meet the requirements for hedge accounting or hedge accounting treatment is not elected. Changes in the fair value of those transactions are marked to market and reported in the consolidated statements of income, resulting in earnings volatility because the economic offset to the positions which are required to be marked to market (such as the physical assets from which power is generated) are not marked to market. As a consequence, net income reflects only the movement in one part of economically-linked transactions. For this reason, NEE's management views results expressed excluding the unrealized mark-to-market impact of the non-qualifying hedges as a meaningful measure of current period performance. At FPL, substantially all changes in the fair value of energy derivative transactions are deferred as a regulatory asset or liability until the contracts are settled, and, upon settlement, any gains or losses are passed through the fuel clause or the capacity clause. See Note 4 - Nonrecurring Fair Value Measurements.

In 2011, subsidiaries of NEER completed the sales of their ownership interest in five natural gas-fired generating plants with a total generating capacity of approximately 2,700 mw located in California, Virginia, Alabama, South Carolina and Rhode Island. In connection with these sales, a loss of approximately \$151 million (\$98 million total after-tax with \$92 million of this loss recorded by NEER) was recorded in NEE's consolidated statements of income, which due to its nature and significance, was excluded from adjusted earnings. See Note 3.

The following table provides details of the net unrealized after-tax gains and losses from non-qualifying hedges, after-tax OTTI losses, net of reversals and the after-tax loss on the sale of the natural gas-fired generating assets.

	Years Ended December 31,		
	2011	2010	2009
	(millions)		
Net unrealized mark-to-market after-tax gains (losses) from non-qualifying hedge activity(a)	\$ 190	\$ 175	\$ (20 )
OTTI after-tax losses on securities held in nuclear decommissioning funds, net of OTTI reversals	\$ (6 )	\$ 4	\$ (13 )
After-tax loss on sale of natural gas-fired assets(b)	\$ (98 )	\$ -	\$ -

(a) \$193 million, \$176 million and \$(20) million, respectively, is included in NEER's net income; the balance, if any, is included in Corporate and Other.

(b) \$92 million is included in NEER's net income; the balance is included in Corporate and Other.

The change in unrealized mark-to-market activity from non-qualifying hedges is primarily attributable to changes in forward power and natural gas prices, as well as the reversal of previously recognized unrealized mark-to-market gains or losses as the underlying transactions were realized. As a general rule, a gain (loss) in the non-qualifying hedge category is offset by decreases (increases) in the fair value of related physical asset positions in the portfolio or contracts, which are not marked to market under GAAP.

#### 2011 Summary

FPL's earned regulatory ROE was 11% in both 2010 and 2011 and FPL expects to earn an 11% regulatory ROE in 2012. FPL's increase in net income in 2011 was primarily driven by investments in plant in service and FPL's ability to use the surplus depreciation credit, as permitted under the 2010 rate agreement, to earn up to FPL's allowed 11% regulatory ROE on its retail rate base, as well as higher cost recovery clause results. The 2010 rate agreement results in retail base rates that remain effectively frozen until the end of 2012. Additionally, cost recovery for FPL's WCEC Unit No. 3 is permitted during the term of the agreement and FPL can vary the amount of surplus depreciation amortized in any one year subject to certain caps, provided its retail regulatory return on equity remains within the allowed range of 9% to 11%.

NEER's earnings declined in 2011 reflecting the loss on sale of natural gas-fired generating assets, lower results from the customer supply and proprietary power and gas trading businesses, extended and unplanned outages at Seabrook and lower deferred tax benefits associated with cash grants (convertible ITCs), partly offset by a higher wind resource and higher gas infrastructure results. In 2011, NEER added 379 mw of wind capacity and secured approximately 1,600 mw of long-term wind power sales agreements. Additionally, in 2011 construction began on the 250 mw Genesis solar project in California and the 550 mw Desert Sunlight solar project in California, in which NEER has a 50% equity investment.

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Corporate and Other's earnings in 2011 increased primarily due to state deferred income tax benefits related to state tax law changes and an income tax benefit related to the dissolution of a subsidiary.

NEE and its subsidiaries, including FPL, require funds to support and grow their businesses. These funds are primarily provided by cash flow from operations and short- and long-term borrowings and, from time to time, issuance of equity securities. As of February 9, 2012, NEE's total net available liquidity was approximately \$5.1 billion, of which FPL's portion was approximately \$2.8 billion.

#### Outlook

NEE's strategy at both of its major businesses seeks to meet customer needs more economically and reliably than competitors. Meeting customer needs frequently requires the commitment of large capital expenditures to projects that have long lives and such commitments are difficult to reverse once made. At the end of 2011, both FPL and NEER had made commitments to a variety of major capital projects that are expected to be completed over the next several years. While NEE management believes that these projects individually and collectively are attractive investments with the potential to create value for shareholders, there can be no guarantee that all or any of these projects will be successful. Because of their importance, management focuses particular attention on these large projects.

In 2012, NEE expects to focus efforts in particular on the following initiatives:

##### At FPL:

□ Sustaining FPL's customer value proposition. The combination of low bills, good reliability and excellent customer service that FPL currently provides its customers is both an objective of FPL's strategy and an important contributor to its long-term business success. FPL seeks to, at minimum, maintain and ideally improve its overall customer value proposition.

□ Major Capital Projects: FPL is currently in a large capital expansion program and its objective is to bring these projects in on schedule and within budget. This program includes:

□ modernizing its Cape Canaveral and Riviera Beach power plants to

high-efficiency natural gas-fired 1,200 mw units to be placed in service by 2013 and 2014, respectively,

- adding a total of approximately 450 mw to 490 mw of capacity at its existing nuclear units at St. Lucie and Turkey Point, to be placed in service by 2013, and
- petitioning the FPSC in November 2011 to modernize its Port Everglades power plant to a high-efficiency natural gas-fired 1,280 mw unit which, if approved, is expected to be in service in 2016 and cost approximately \$1.2 billion.
- Rate Case: In January 2012, FPL filed a formal notification with the FPSC indicating its intent to initiate a base rate proceeding. The notification stated that, based on preliminary estimates, FPL expects to request a base rate increase of approximately \$525 million effective January 2013 and an additional base rate increase of approximately \$170 million annually commencing when the modernized Cape Canaveral plant becomes operational, which is expected to occur in June 2013.

#### At NEER:

- Maintaining excellence in day-to-day operations. NEER has developed a track record of generally running its facilities reliably and cost-effectively. The company seeks to, at minimum, maintain and ideally improve its operating performance.
- Wind: Add approximately 1,150 mw to 1,500 mw of new U.S. wind generation in 2012 and 600 mw of new Canadian wind generation between 2012 and 2015, and
- Solar: Add approximately 935 mw of new solar generation during the period 2012 through 2016, including the 250 mw Genesis solar project in California, the 99.8 mw Spain solar project, the 550 mw Desert Sunlight solar project in California, in which NEER has a 50% equity investment, and the 250 mw McCoy solar PV project located in the Mojave Desert near the Genesis and Desert Sunlight solar projects.

At Lone Star, which is in the process of constructing approximately 320 miles of transmission lines and other associated facilities in Texas:

- Construction: Achieve commercial operations by the end of the first quarter of 2013.
- Rate Case: In January 2012, Lone Star filed a petition with the PUCT requesting, among other things, interim rates which would take effect when Lone Star's first substation is placed in service, currently projected to be in 2012, and final rates when the transmission lines are energized. If approved, based on the expected in-service dates, the requested rates would result in annual revenues of approximately \$14 million in 2012 and \$110 million in 2013.

In addition, NEE and FPL devote effort to numerous other initiatives designed to support their long-term growth and development. There can be no guarantees that NEE or FPL will be successful in attaining their goals with respect to any of these initiatives.

For additional information on certain of the above matters, see Item 1. Business.

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#### RESULTS OF OPERATIONS

NEE's net income for 2011 was \$1.92 billion, compared to \$1.96 billion in 2010 and \$1.61 billion in 2009. The decrease in NEE's 2011 net income was primarily driven by lower earnings at NEER, partly offset by improved results at FPL and income tax benefits at Corporate and Other. The increase in NEE's 2010 net income was primarily driven by improved results at FPL and by net unrealized mark-to-market after-tax gains from non-qualifying hedges at NEER.

NEE's effective income tax rate for all periods presented reflects PTCs for wind projects at NEER and deferred tax benefits

associated with convertible ITCs under the Recovery Act. PTCs and deferred tax benefits associated with convertible ITCs can significantly affect NEE's effective income tax rate depending on the amount of pretax income. PTCs can be significantly affected by wind generation and by the expiration of PTCs after ten years of production. See Note 1 - Income Taxes and - Sale of Differential Membership Interests and Note 6.

#### FPL: Results of Operations

FPL's net income for 2011, 2010 and 2009 was \$1,068 million, \$945 million and \$831 million, respectively, representing an increase in 2011 of \$123 million and an increase in 2010 of \$114 million. FPL obtains its operating revenues primarily from the sale of electricity to retail customers at rates established by the FPSC through base rates and cost recovery clause mechanisms.

In 2011 and 2010, FPL earned a regulatory ROE of 11%, as permitted by the 2010 rate agreement, and expects to earn an 11% regulatory ROE in 2012. In 2011 and in 2010, growth in earnings for FPL was driven by:

- investment in plant in service and FPL's ability to use the surplus depreciation credit, and
- higher cost recovery clause results,

partly offset for 2010 by,

- lower AFUDC - equity.

FPL's operating revenues consisted of the following:

	Years Ended December 31,		
	2011	2010	2009
	(millions)		
Retail base	\$ 4,217	\$ 4,190	\$ 3,828
Fuel cost recovery	4,416	4,090	5,982
Net deferral of retail fuel revenues	-	-	(356)
Net repayment of previously deferred retail fuel revenues	-	356	-
Other cost recovery clauses and pass-through costs, net of any deferrals	1,751	1,638	1,840
Other, primarily pole attachment rentals, transmission and wholesale sales and customer-related fees	229	211	197
Total	\$ 10,613	\$ 10,485	\$ 11,491

#### Retail Base

As permitted by the 2010 rate agreement, FPL collected approximately \$101 million in retail base revenues through the capacity clause related to the placement in service of WCEC Unit No. 3 in May 2011. In addition, a base rate increase pursuant to an FPSC order which became effective March 1, 2010, increased retail base revenues by approximately \$8 million and \$68 million in 2011 and 2010, respectively, and retail base revenues increased in 2010 by \$196 million resulting from WCEC Unit Nos. 1 and 2 placed in service in 2009.

#### FPSC Rate Order

Effective March 1, 2010, pursuant to the FPSC rate order, new retail base rates for FPL were established, resulting in an increase in retail base revenues of approximately \$75 million on an annualized basis. The FPSC rate order also established a regulatory ROE of 10.0% with a range of plus or minus 100 basis points and an adjusted regulatory equity ratio of 59.1%. It also shifted certain costs from retail base rates to the capacity clause. In addition, the FPSC rate order directed FPL to reduce depreciation expense (surplus depreciation credit) over the 2010 to 2013 period related to a depreciation reserve surplus. Subsequently, the principal parties in FPL's 2009 rate case signed the 2010 rate agreement and, in February 2011, the FPSC issued a final order approving the 2010 rate agreement. Key elements of that rate agreement, which is effective through December 31, 2012, are as follows:

- Subject to the provisions of the 2010 rate agreement, retail base rates are effectively frozen through the end of 2012.
- Incremental cost recovery through FPL's capacity clause for the new combined-cycle natural gas unit at WCEC Unit No. 3, which was placed in service in May 2011, is permitted up to the amount of the projected annual fuel savings for customers during the term of the 2010 rate agreement.
- Future storm restoration costs would be recoverable on an accelerated basis beginning 60 days from the filing of a cost



recovery

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petition, but capped at an amount that produces a surcharge of no more than \$4 for every 1,000 kwh of usage on residential bills during the first 12 months of cost recovery. Any additional costs would be eligible for recovery in subsequent years. If storm restoration costs exceed \$800 million in any given calendar year, FPL may request an increase to the \$4 surcharge to recover the amount above \$800 million.

□ If FPL's earned regulatory ROE falls below 9%, FPL may seek retail base rate relief. If FPL's earned regulatory ROE rises above 11%, any party to the 2010 rate agreement may seek a reduction in FPL's retail base rates. In determining the regulatory ROE for all purposes under the 2010 rate agreement, earnings will be calculated on an actual, non-weather-adjusted basis.

□ FPL can vary the amount of surplus depreciation credit taken in any calendar year up to a cap in 2010 of \$267 million, a cap in subsequent years of \$267 million plus the amount of any unused portion from prior years, and a total cap of \$776 million (surplus depreciation credit cap) over the course of the 2010 rate agreement, provided that in any year of the 2010 rate agreement, FPL must use at least enough surplus depreciation credit to maintain a 9% earned regulatory ROE but may not use any amount of surplus depreciation credit that would result in an earned regulatory ROE in excess of 11%. In 2010 and 2011, FPL used a total of \$191 million of surplus depreciation credit; \$585 million of the surplus depreciation credit cap remains available for use in 2012.

Under the terms of the 2005 rate agreement, which was in effect from January 1, 2006 through February 28, 2010, retail base rates did not increase except to allow recovery of the revenue requirements of FPL's three power plants that achieved commercial operation during the term of the 2005 rate agreement: Turkey Point Unit No. 5 in 2007 and WCEC Units Nos. 1 and 2 in 2009. Under the terms of the 2005 rate agreement, FPL's electric property depreciation rates were based upon the comprehensive depreciation studies it filed with the FPSC in March 2005; however, FPL reduced depreciation on its plant in service by \$125 million each year as allowed by the 2005 rate agreement. The 2005 rate agreement also provided for a revenue sharing mechanism, whereby revenues from retail base operations in excess of certain thresholds would be shared with customers. During the term of the 2005 rate agreement, FPL's revenues did not exceed the thresholds.

#### Retail Customer Usage and Growth

For the year ended December 31, 2011, FPL experienced a 2% decrease in average usage per retail customer, reflecting weather and other factors, which decreased retail base revenues by approximately \$107 million. For the year ended December 31, 2010, FPL experienced a 1.7% increase in usage per retail customer, reflecting weather and other factors, which increased retail base revenues by approximately \$79 million. The usage per retail customer data for the year ended December 31, 2011 includes three extra days of sales after adjusting for a change from a fiscal month to a calendar month. At December 31, 2011, inactive accounts (accounts with installed meters without corresponding customer names) and low-usage customers (customers using less than 200 kwh per month), both measures of empty homes, were approximately 5.8% and 1.6% less, respectively, than they had been at December 31, 2010. Non-weather related usage per retail customer began to decline in the mid-2000s and this decline intensified in the 2007 to 2009 period. The rate of decline in non-weather related usage per retail customer moderated in 2010 and 2011.

For the year ended December 31, 2011, FPL experienced a 0.6% increase in the average number of customer accounts, increasing retail base revenues by approximately \$25 million, compared to a 0.5% increase in customer accounts in 2010, which increased 2010 retail base revenues by \$19 million. Positive customer account growth is projected to continue in 2012, although the rate of growth is projected to be below FPL's average rate of 1.5% over the last 10 years.

FPL believes that the economic slowdown and the downturn in the housing market that have affected the country and the state of Florida have contributed to the slowdown in customer growth and to the decline in non-weather related usage per retail customer. The unemployment rate in Florida was 9.9% and 12.0% in December 2011 and 2010, respectively; the December 2011 rate is the lowest since April 2009. A portion of the decline in non-weather related usage per retail customer may also be related to federal and state energy efficiency standards. FPL is unable to predict whether or when growth in customers and non-weather related customer usage might return to previous trends.

#### Cost Recovery Clauses

In 2011, 2010 and 2009, cost recovery clauses contributed \$108 million, \$75 million, \$41 million, respectively, to FPL's net income. The increase in 2011 and 2010 cost recovery clause results is primarily due to a return related to additional solar, environmental and nuclear capacity expenditures. In 2012, it is expected that cost recovery clauses will contribute higher earnings for FPL as a result of additional nuclear capacity expenditures. Fluctuations in fuel cost recovery revenues are primarily driven by changes in fuel and energy charges which are included in fuel, purchased power and interchange expense in the consolidated statements of income, as well as by changes in energy sales. Fluctuations in revenues from other cost recovery clauses and pass-through costs are primarily driven by changes in storm-related surcharges, capacity charges, franchise fee costs, the impact of changes in O&M and depreciation expenses on the underlying cost recovery clause, investment in solar and environmental projects, investment in nuclear capacity until such capacity goes into service, pre-construction costs associated with the development of two additional nuclear units at the Turkey Point site and changes in energy sales. Capacity charges and franchise fee costs are included in fuel, purchased power and interchange and taxes other than income taxes and other, respectively, in the consolidated statements of income.



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Risk Management Fuel Procurement Program FPL uses a risk management fuel procurement program which was approved by the FPSC. The FPSC reviews the program activities and results for prudence on an annual basis as part of its annual review of fuel costs. The program is intended to manage fuel price volatility by locking in fuel prices for a portion of FPL's fuel requirements. The current regulatory asset for the change in fair value of derivative instruments used in the fuel procurement program amounted to approximately \$502 million and \$236 million at December 31, 2011 and 2010, respectively.

In 2010, pursuant to an FPSC order, FPL was required to refund in the form of a one-time credit to retail customers' bills the 2009 year-end estimated fuel overrecovery; during the first quarter of 2010, approximately \$404 million was refunded to retail customers. At December 31, 2009, approximately \$356 million of retail fuel revenues were overrecovered, the reversal of which is reflected in the net repayment of previously deferred retail fuel revenues caption included in the table above. The difference between the refund and the December 31, 2009 overrecovery was collected from retail customers in 2011. The increase in fuel revenues in 2011 reflects the absence of the \$404 million refund partly offset by approximately \$41 million related to lower energy sales and \$37 million related to a lower average fuel factor. The decrease in fuel . . .

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
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# **Customer Service Hearing Exhibit #24**

It's not about a water park. It's about perspective.  
It's not about what Jupiter Island demands. It's about our future.

What actually threatens our way of life  
is lack of progress.

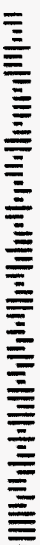
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I DON'T KNOW WHY ANYONE  
NEEDS A CABLE WAKE PARK.

WHY DON'T THEY USE THEIR  
YACHT LIKE EVERYONE ELSE?



**Customer Service Hearing  
Exhibit #25**



***Resolution on Access to Whole-Building Energy Data and Automated Benchmarking***

**WHEREAS**, Commercial and industrial building owners spend \$200 billion each year on facility energy consumption;<sup>1</sup> *and*

**WHEREAS**, Whole-building energy benchmarking is an important tool that enables commercial building owners and managers to identify energy performance issues in buildings, undertake energy management actions and cost-effective improvements in buildings, track energy performance over time, and set energy performance goals; *and*

**WHEREAS**, Several utilities<sup>2</sup> are utilizing the U.S. Environmental Protection Agency's ENERGY STAR automated benchmarking services, a measure that protects customer data privacy and increases benchmarking data accuracy; *and*

**WHEREAS**, Demand reductions motivated by data access and benchmarking allow utility programs to drive greater energy efficiency results per program dollar, increasing the cost-effectiveness of overall portfolios; *and*

**WHEREAS**, Demand reductions motivated by benchmarking can result in direct cost savings to customers and peak load reductions that benefit all ratepayers; *and*

**WHEREAS**, More than 80,000 buildings were benchmarked in 2010 using performance assessment software from the EPA's ENERGY STAR program, the nation's most widely used benchmarking program;<sup>3</sup> *and*

**WHEREAS**, The Building Owners and Managers Association (BOMA) International and the Real Estate Roundtable, the nation's largest commercial property associations representing more than 10 billion square feet of floor space, support voluntary ENERGY STAR whole-building benchmarking and measures that promote whole-building benchmarking; *and*

**WHEREAS**, The U.S. Green Building Council's LEED Green Building Rating System, the nation's most widely used green building rating system, utilizes ENERGY STAR benchmarking to document performance in the Energy and Atmosphere category of LEED for Existing Buildings: Operations and Maintenance; *and*

**WHEREAS**, New regulations in local jurisdictions, including the states of California and Washington, and the cities of New York, Seattle, Austin, and Washington, DC, require the benchmarking of privately owned commercial facilities<sup>4</sup>; *and*

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<sup>1</sup> National Action Plan for Energy Efficiency (2008). *Utility Best Practices Guidance for Providing Business Customers with Energy Use and Cost Data*. ICF International. Available at [http://www.epa.gov/cleanenergy/documents/suca/utility\\_data\\_guidance.pdf](http://www.epa.gov/cleanenergy/documents/suca/utility_data_guidance.pdf).

<sup>2</sup> Utilities include Commonwealth Edison Co. (ComEd), Pacific Gas and Electric Co. (PG&E), Southern California Edison (SCE) and the Sacramento Municipal Utility District (SMUD).

<sup>3</sup> Estimate based on partial-year 2010 data from EPA ENERGY STAR Fall Snapshot (2010). *Measuring Progress in the Commercial and Industrial Sectors*. U.S. EPA ENERGY STAR. Available at [http://www.energystar.gov/ia/business/downloads/Fall\\_2010\\_ENERGY\\_STAR\\_Snapshot.pdf](http://www.energystar.gov/ia/business/downloads/Fall_2010_ENERGY_STAR_Snapshot.pdf).

**WHEREAS**, The Energy Independence and Security Act of 2007<sup>5</sup> requires benchmarking as a prerequisite for commercial leases signed by the Federal government, which leases more than 300 million square feet of commercial space nationally; *and*

**WHEREAS**, Access to aggregated building energy usage data by commercial building owners may be difficult to obtain and may be a significant barrier to whole building benchmarking because the data resides in multiple utility accounts with multiple tenants and may require the consent of each tenant customer to release or even aggregate the data; *now, therefore be it*

**RESOLVED**, That the Board of Directors of the National Association of Regulatory Utility Commissioners, convened at its 2011 Summer Committee Meetings in Los Angeles, California, acknowledges the need for commercial building owners and managers to access whole-building energy consumption data to support energy-efficient building operations; *and be it further*

**RESOLVED**, That NARUC encourages State public utility commissions seeking to capture cost-effective energy savings from commercial buildings to consider a comprehensive benchmarking policy that includes:

- Use of EPA ENERGY STAR automated benchmarking services and other benchmarking services, such as the Commercial Building Consumption Survey;
- Adopting methodologies to consistently and accurately credit program impact to benchmarking-driven energy efficiency programs; and
- Taking all reasonable measures to facilitate convenient, electronic access to utility energy usage data for building owners, including aggregated building data that does not reveal customer-specific data to protect individual customer privacy, as well as the sharing of customer-specific data to the extent provided for under State law and regulations.

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*Sponsored by the Committee on Energy Resources and the Environment  
Adopted by the NARUC Board of Directors July 20, 2011*

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<sup>4</sup> See <http://www.imt.org/rating> for information on benchmarking regulations in cities and states.

<sup>5</sup> U.S. Public Law No. 110-140.