

FPL's Response to Staff's Eighth Request for Production
of Documents No. 28.

QUESTION:

Scherer Unit 4 Retirement

Please refer to OPC witness Smith's direct testimony, page 45, lines 4-15. Please provide all correspondence between FPL and JEA regarding the retirement of the Scherer unit.

RESPONSE:

Please see responsive documents provided.

In the attached file titled "Staff POD 28-1a," the referenced June 26 document may be accessed on JEA's website at the following link:

https://www.jea.com/About/Board_and_Management/Board_Meetings_Archive/

In the attached file titled "FPL Signatures," non-responsive information is redacted in the attachment.

20210015.El Staff Hearing Exhibits 00431

From: [Miller, Sean A](#)
To: [Paul Bowers \(Wpbowers@southernco.com\)](#)
Cc: [Priore, Carmine](#); [Broad, Thomas](#); [rareaves@southernco.com](#); [jthomas@dutil.com](#); [sjackson@meagpower.org](#); [Ricky Erixton \(ErixRD@jea.com\)](#); [lori.holt@opc.com](#); [Brown, Scott E](#)
Subject: FPL Notice of Retirement - Scherer Unit 4
Attachments: [image001.png](#)
[image002.png](#)
[FPL Scherer Unit 4 Retirement Notice Letter to GP SEP 9 2020.pdf](#)
Importance: High

Mr. Bowers,

Attached is a formal notice regarding FPL's intent to retire Scherer Unit 4 with a planned retirement date of 12/31/2021. The original letter is also being sent to you via registered US Postal Service mail per contract requirements for notices. Please feel free to contact me or Scott Brown for any additional questions on this matter.

Regards,
Sean Miller

Sean Miller | Senior Director, Energy Marketing & Trading
Florida Power & Light
Office: 561-691-7128
Cell: 561-319-2820
sean.miller@fpl.com





BY REGISTERED AND ELECTRONIC MAIL

September 9, 2020

Mr. Paul Bowers
President
Georgia Power Company
333 Piedmont Avenue
Atlanta, Georgia 30308

Re: Retirement of Plant Robert W. Scherer Unit No. 4

Dear Mr. Bowers:

PAUL:

By this letter, Florida Power & Light Company ("FPL") hereby provides notice of FPL's intention to retire its; (i) seventy-six and thirty-six hundredths percent (76.36%) undivided ownership interest in "Scherer Unit No. 4", (ii) thirty-eighty and eighteen hundredths percent (38.18%) in the "Plant Scherer Additional Unit Common Facilities", and (iii) nineteen and nine hundredths percent (19.09%) of the "Plant Scherer Common Facilities," each as defined in that certain Plant Robert Scherer Unit Number Four Amended and Restated Purchase and Ownership Participation Agreement among Georgia Power Company ("GPC"), FPL and JEA, dated as of December 31, 1990.

The retirement date for FPL's interests in each of Scherer Unit No. 4, the Additional Unit Common Facilities and the Plant Scherer Common Facilities shall be December 31, 2021.

We look forward to working with you as we wind down the operation of Unit No. 4. If you have any questions about this, please feel free to reach out to Scott Brown by email at Scott.Brown@FPL.com or by phone at 904-665-8798.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Eric Silagy', is written over a horizontal line.

Eric Silagy, President
Florida Power & Light Company

cc: Allen Reaves, Southern Company
John Thomas, Dalton Utilities
Steve Jackson, Municipal Electric Authority of Georgia
Ricky Erixton, JEA
Carmine Priore, Gulf Power Corporation
Tom Broad, Florida Power & Light Company
Lori Holt, Oglethorpe Power Corporation

Florida Power & Light Company

700 Universe Boulevard, Juno Beach, FL 33408

EXECUTION VERSION

SCHERER UNIT 4
RETIREMENT AGREEMENT
by and between
FLORIDA POWER & LIGHT COMPANY
and
JEA

Dated as of November 24, 2020

IN WITNESS WHEREOF, this Agreement has been duly executed and delivered by the duly authorized officer of each Party hereto as of the date first above written.

FORM APPROVED

JEA

By: 

Office of General Counsel

By: 

Name: PAUL E. MCELROY

Title: INTERIM MANAGING DIRECTOR / CEO

FLORIDA POWER & LIGHT COMPANY

By: 

Name: ERIC SILAGY

Title: PRESIDENT : CEO



20210015.El Staff Hearing Exhibits 00441

From: [Sheinkin, Adam](#)
To: [Orfano, Joseph E. - Treasurer](#); [Brooks, Jody L. \(OGC\)](#)
Cc: [Forrest, Sam](#); [Miller, Sean A](#); [Gerrish, Timothy](#)
Subject: FPL Signatures
Date: Tuesday, November 24, 2020 8:02:42 PM
Attachments: [image001.jpg](#)

Joe & Jody,

In the attached, please find the fully executed versions of the PPA and the Retirement Agreement.

We will begin preparing complied execution sets.

Thank you,

Adam



www.fpl.com

Adam Sheinkin | Senior Attorney

Tel: 561.304.5918 | Cell: 646.207.8536 | Fax: 561.691.7305

adam.sheinkin@nexteraenergy.com

20210015.El Staff Hearing Exhibits 00442

From: [Pinkstaff, Larry G. - Dir Energy Project Mgmt & Joint Assets](#)
To: [Brown, Scott E](#); [Kipp, James R. - Sr Dir Generation](#); [Miller, Sean A](#)
Subject: FW: Retirement of Plant Robert W. Scherer Unit No. 4
Date: Friday, September 11, 2020 3:30:46 PM
Attachments: [image001.jpg](#)
[image002.jpg](#)
[image003.jpg](#)
[image004.jpg](#)
[image005.jpg](#)
[Georgia Power Company.pdf](#)

Caution - External Email (pinklg@jea.com)

[Report This Email](#) [Tips](#)

FYI

From: Jones, Madricka L. - Executive Staff Assistant <joneml@jea.com> **On Behalf Of** McElroy, Paul E. - Interim Chief Executive Officer & Managing Director
Sent: Friday, September 11, 2020 3:04 PM
To: 'Wpbowers@southernco.com' <Wpbowers@southernco.com>; 'rareaves@southernco.com' <rareaves@southernco.com>; 'jthomas@dutil.com' <jthomas@dutil.com>; 'sjackson@meagpower.org' <sjackson@meagpower.org>; 'carmine.priore@nexteraenergy.com' <carmine.priore@nexteraenergy.com>; 'Thomas.Broad@nexteraenergy.com' <Thomas.Broad@nexteraenergy.com>; 'lori.holt@opc.com' <lori.holt@opc.com>; Erixton, Ricky D. - Interim General Manager Electric Systems <ErixRD@jea.com>
Subject: Retirement of Plant Robert W. Scherer Unit No. 4

Good afternoon,

Please see the attached formal letter concerning the retirement of Plant Robert W. Scherer Unit No. 4. Feel free to contact me if you have any questions.

Regards,

Paul McElroy
Interim Managing Director/CEO
21 West Church Street
Jacksonville, FL 32202
904-665-4396 Office
904-234-9507 Mobile



20210015.El Staff Hearing Exhibits 00443

From: [Orfano, Joseph E. - Interim Chief Financial Officer](#)
To: [Miller, Sean A](#)
Subject: RE: Cooperation Agreement Draft - For Your Review
Date: Wednesday, July 15, 2020 3:22:03 PM
Attachments: [image003.jpg](#)
[image001.jpg](#)
[image002.png](#)

Caution - Suspicious External Email (orfaje@jea.com)

[Report This Email](#) [Why is this email suspicious?](#) [Tips](#)

Sean:

I am going to run this back by our Chief Legal Officer, Jody Brooks. She had previously reviewed the June 16th draft from Matt that was included in our June 26th Special Board meeting. Upon Jody's sign off, I believe we're good to go.

Thanks,

Joe Orfano
Treasurer

Direct: (904) 665-4541

Mobile: (904) 677-1873

Fax: (904) 665-8334

From: Miller, Sean A <Sean.A.Miller@fpl.com>
Sent: Wednesday, July 15, 2020 2:41 PM
To: Orfano, Joseph E. - Interim Chief Financial Officer <orfaje@jea.com>
Subject: FW: Cooperation Agreement Draft - For Your Review

[External Email - Exercise caution. DO NOT open attachments or click links from unknown senders or unexpected email.]

Joe,

In our discussion on Monday, we also discussed getting the attached

Cooperation Agreement executed. From the dialogue below it looks like JEA had requested some changes, which were made in the attached version and sent to you on June 16th. From FPL's perspective, we are ready to execute the agreement as-is (obviously with a \$ figure entered for the "Consummation Payment"). Are there any additional changes requested by JEA? What are the next steps to get this executed from your perspective?

Thanks,
Sean

Sean Miller | Senior Director, Energy Marketing & Trading
Florida Power & Light
Office: 561-691-7128
Cell: 561-319-2820
sean.miller@fpl.com



From: Pawlowski, Matt <MATT.PAWLOWSKI@nexteraenergy.com>
Sent: Tuesday, June 16, 2020 3:50 PM
To: Orfano, Joseph E. - Interim Chief Financial Officer <orfaje@jea.com>
Cc: Forrest, Sam <Sam.Forrest@fpl.com>
Subject: RE: Cooperation Agreement Draft - For Your Review

Joe – With draft watermark attached.

Matt Pawlowski
Executive Director – Business Management
NextEra Energy Resources, LLC

From: Pawlowski, Matt
Sent: Tuesday, June 16, 2020 3:00 PM
To: 'Orfano, Joseph E. - Interim Chief Financial Officer' <orfaje@jea.com>
Cc: Forrest, Sam <Sam.Forrest@fpl.com>
Subject: Cooperation Agreement Draft - For Your Review

Joe – Attached is a draft of the Cooperation Agreement with our changes based on your last draft. Take a look and let us know if you have questions.

Matt Pawlowski
Executive Director – Business Management

20210015.El Staff Hearing Exhibits 00445

NextEra Energy Resources, LLC
700 Universe Blvd Juno Beach, FL 33408
Matt.Pawlowski@nexteraenergy.com
561-691-7564 Office
561-302-0605 Cell

From: [Miller, Sean A](#)
To: [Orfano, Joseph E. - Interim Chief Financial Officer](#)
Subject: RE: Cooperation Agreement Draft - For Your Review
Attachments: [image003.jpg](#)
[image004.png](#)
[image006.jpg](#)
[image008.jpg](#)
[image012.png](#)

Joe,

Can you give me a status update on the cooperation agreement? Has Jody been able to review and sign off? Our guidance from Brian was to get this executed by the end of the month (tomorrow).

The other small changes to the gas and power term sheets have been made and shared with you as well, with the exception of Randy's request to try to incorporate the monthly gas pricing into the PPA. It is more complex than Randy envisioned because the language he proposed was for a physical gas transaction, not a power purchase agreement with daily dispatch rights. I'm not saying we won't be able to accommodate it ultimately, but I would ask that this topic be handled in the next turn of the actual power purchase contract. Randy admits that the daily vs. monthly purchasing issue isn't a significant financial concern (as an indication, executing monthly swing swaps as an alternate way to achieve the same result would have a nominal cost of \$50k per year). So what I'm suggesting is that the gas and power term sheets should be good as-is to attach to the executed Cooperation Agreement.

Let me know if you would like to get on a call with the attorney's if Jody has any remaining issues with the agreements.

Thank you,
Sean

Sean Miller | Senior Director, Energy Marketing & Trading
Florida Power & Light
Office: 561-691-7128
Cell: 561-319-2820
sean.miller@fpl.com



From: Orfano, Joseph E. - Interim Chief Financial Officer <orfaje@jea.com>

Sent: Wednesday, July 15, 2020 3:20 PM

To: Miller, Sean A <Sean.A.Miller@fpl.com>

Subject: RE: Cooperation Agreement Draft - For Your Review

Caution - Suspicious External Email (orfaje@jea.com)

[Report This Email](#) [Why is this email suspicious?](#) [Tips](#)

Sean:

I am going to run this back by our Chief Legal Officer, Jody Brooks. She had previously reviewed the June 16th draft from Matt that was included in our June 26th Special Board meeting. Upon Jody's sign off, I believe we're good to go.

Thanks,

Joe Orfano

Treasurer

Direct: (904) 665-4541

Mobile: (904) 677-1873

Fax: (904) 665-8334



From: Miller, Sean A <Sean.A.Miller@fpl.com>

Sent: Wednesday, July 15, 2020 2:41 PM

To: Orfano, Joseph E. - Interim Chief Financial Officer <orfaje@jea.com>

Subject: FW: Cooperation Agreement Draft - For Your Review

[External Email - Exercise caution. DO NOT open attachments or click links from unknown senders or unexpected email.]

Joe,

In our discussion on Monday, we also discussed getting the attached Cooperation Agreement executed. From the dialogue below it looks like JEA had requested some changes, which were made in the attached version and sent to you on June 16th. From FPL's perspective, we are ready to execute the agreement as-is (obviously with a \$ figure entered for the "Consummation Payment"). Are there any additional changes requested by JEA? What are the next steps to get this executed from your perspective?

Thanks,
Sean

Sean Miller | Senior Director, Energy Marketing & Trading
Florida Power & Light
Office: 561-691-7128
Cell: 561-319-2820
sean.miller@fpl.com



From: Pawlowski, Matt <MATT.PAWLOWSKI@nexteraenergy.com>
Sent: Tuesday, June 16, 2020 3:50 PM
To: Orfano, Joseph E. - Interim Chief Financial Officer <orfaje@jea.com>
Cc: Forrest, Sam <Sam.Forrest@fpl.com>
Subject: RE: Cooperation Agreement Draft - For Your Review

Joe – With draft watermark attached.

Matt Pawlowski
Executive Director – Business Management
NextEra Energy Resources, LLC

From: Pawlowski, Matt
Sent: Tuesday, June 16, 2020 3:00 PM
To: 'Orfano, Joseph E. - Interim Chief Financial Officer' <orfaje@jea.com>
Cc: Forrest, Sam <Sam.Forrest@fpl.com>
Subject: Cooperation Agreement Draft - For Your Review

Joe – Attached is a draft of the Cooperation Agreement with our changes based on your last draft. Take a look and let us know if you have questions.

20210015.El Staff Hearing Exhibits 00449

Matt Pawlowski
Executive Director – Business Management
NextEra Energy Resources, LLC
700 Universe Blvd Juno Beach, FL 33408
Matt.Pawlowski@nexteraenergy.com
561-691-7564 Office
561-302-0605 Cell

20210015.El Staff Hearing Exhibits 00450

From: [Miller, Sean A](#)
To: [Orfano, Joseph E. - Treasurer](#)
Cc: [Forrest, Sam](#); [McElroy, Paul E. - Interim Chief Executive Officer & Managing Di](#); [Brooks, Jody L. \(OGC\)](#); [Sheinkin, Adam](#)
Subject: RE: Cooperation Agreement signatures
Attachments: [image002.jpg](#)
[image007.png](#)
[image004.png](#)
[image006.jpg](#)
[image010.jpg](#)

Thank you Joe.

Separately there are also some retirement notices that we have been working on drafts of with Larry Pinkstaff. These may be ready to sign and send on a coordinated date by mid next week also.

Sean

Sean Miller | Senior Director, Energy Marketing & Trading
Florida Power & Light
Office: 561-691-7128
Cell: 561-319-2820
sean.miller@fpl.com



From: Orfano, Joseph E. - Treasurer <orfaje@jea.com>
Sent: Thursday, September 3, 2020 4:32 PM
To: Miller, Sean A <Sean.A.Miller@fpl.com>
Cc: Forrest, Sam <Sam.Forrest@fpl.com>; McElroy, Paul E. - Interim Chief Executive Officer & Managing Di <McElPE@jea.com>; Brooks, Jody L. (OGC) <broojl@jea.com>
Subject: RE: Cooperation Agreement signatures

Caution - External Email (orfaje@jea.com)

[Report This Email](#) [Tips](#)

Sean:

Attached are our executed signature pages. We are proceeding to work through the draft PPA and gas hedge documents and I will provide a status update mid next week.

Regards,

Joe Orfano

Treasurer

Direct: (904) 665-4541

Mobile: (904) 677-1873

Fax: (904) 665-8334



From: Miller, Sean A <Sean.A.Miller@fpl.com>
Sent: Wednesday, August 26, 2020 4:02 PM
To: Orfano, Joseph E. - Treasurer <orfaje@jea.com>
Cc: Forrest, Sam <Sam.Forrest@fpl.com>
Subject: Cooperation Agreement signatures

[External Email - Exercise caution. DO NOT open attachments or click links from unknown senders or unexpected email.]

Joe,

Attached is the Cooperation Agreement executed by FPL, as well as the clean version of the gas hedge term sheet from NextEra Energy Marketing included as a reference. Redacted versions are also attached. Could you shepherd these for full execution by Paul? Please ask him to execute both the un-redacted and redacted versions and send us back copies of the fully-executed versions.

Statement of Confidentiality

The payment and pricing information provided in this Cooperation Agreement and included Term Sheets convey important details about FPL system costs and non-public energy market data that are considered confidential Trade Secret information and are thereby exempt from disclosure as public records according to § 287.057(1)(c), Fla. Stat. In the event of a public records request that would require the provision of these documents, the redacted versions should be provided.

Thank you,
Sean

Sean Miller | Senior Director, Energy Marketing & Trading
Florida Power & Light
Office: 561-691-7128
Cell: 561-319-2820
sean.miller@fpl.com



20210015.EI Staff Hearing Exhibits 00453

From: [Orfano, Joseph E. - Interim Chief Financial Officer](#)
To: [Forrest, Sam](#); [Pawlowski, Matt](#)
Subject: Scherer Board Package Posted Online
Date: Thursday, June 25, 2020 11:04:03 AM
Attachments: [image001.jpg](#)
[image002.jpg](#)

Caution - External Email (orfaje@jea.com)

[Report This Email Tips](#)

Sam/Matt:

The Plant Scherer Board package has been posted on jea.com at the following link:

[file:///C:/Users/orfaje/Downloads/2020.06.26%20Special%20Board%20Meeting%20Agenda%20and%20Package%20\(1\).pdf](file:///C:/Users/orfaje/Downloads/2020.06.26%20Special%20Board%20Meeting%20Agenda%20and%20Package%20(1).pdf)

I very much appreciate both of your considerable efforts in getting us to this point!

Regards,

Joe Orfano
Treasurer

Direct: (904) 665-4541

Mobile: (904) 677-1873

Fax: (904) 665-8334