

ORIGINAL

Timolyn Henry

**From:** Jim Tait [jimtait@comcast.net]  
**Sent:** Tuesday, July 19, 2005 4:43 PM  
**To:** Filings@psc.state.fl.us  
**Subject:** Discovery in Consolidated Docket Nos. 040660-EG & 040029-EG  
**Attachments:** Petitioner's Second Set of Interrogatories to FPL 7-19.doc; Petitioner's Second Set of Doc Requests to FPL 7-19-05.doc

Attached are Petitioners' Second Set of Interrogatories and Document Requests.  
 Files: Petitioner's Second Set of Doc Requests (#14-27) to FPL 7-19-05 (64.5 KB)  
 Petitioner's Second Set of Interrogatories (#19-43) to FPL 7-19-05 (64.5 KB)

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FDSC-COMMISSION CLERK

ORIGINAL

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for approval of )  
modifications to BuildSmart Program )  
by Florida Power & Light Company )  
\_\_\_\_\_ )

Docket Nos. 040660-EG & 040029-EG  
Consolidated

Dated: July 19, 2005

COMPLIANCE DATA SERVICES, INC.'S ("Calcs-Plus")  
FIRST SET OF INTERROGATORIES TO  
FLORIDA POWER & LIGHT COMPANY ("FPL")  
(NOS. 19-43)

COMPLIANCE DATA SERVICES, INC. ("Calcs-Plus") pursuant to Rule 1.340, Florida Rules of Civil Procedure, hereby propounds the following interrogatories on Florida Power & Light Company ("FPL"), and requests that they be answered separately, fully and under oath within thirty (30) days.

**DEFINITIONS**

1. "Calcs Plus" means Compliance Data Services, Inc., Dennis J. Stroer and Jon F. Klongerbo, who individually and collectively filed the November 12, 2004, and the amended December 29, 2004, protest in Docket No. 040660-EG.
2. "You," "yours" and/or "yourselves" means Florida Power & Light Company ("FPL"), and any attorney, employee, agent, representative or other person acting or purporting to act on the behalf of FPL, including all persons who will offer testimony on behalf of FPL in this proceeding.
3. "Person" or "persons" means all natural persons and entities, including but not limited to: corporations, companies, partnerships, limited partnerships, joint ventures, trusts, estates, associations, public agencies, departments, bureaus or boards.

4. "Protest" shall mean the protest of approval of modifications to FPL's BuildSmart Plan filed by Calcs-Plus, Dennis J. Stroer and Jon F. Klongerbo on November 12, 2005, and amended on December 29, 2004, in Docket No. 040660-EG.
5. "Document or documents" means "documents" as defined in Rule 1.350 of the Florida Rules of Civil Procedure. In addition, the words "document" or "documents" shall mean any writing, recording, computer-stored information, or photograph in your actual or constructive possession, custody, care or control, which pertain directly or indirectly, in whole or in part, either to any of the subjects listed below or to any other matter relevant to the issues in this action, or which are themselves listed below as specific documents, including, but not limited to: correspondence, memoranda, notes, messages, diaries, minutes, books, reports, charts, ledgers, invoices, computer printouts, computer discs, microfilms, video tapes or tape recordings.
6. "FEECA" means the Florida Energy Efficiency Conservation Act.
7. "FPSC" or "Commission" shall mean Florida Public Service Commission."
8. "FPL" means Florida Power & Light Company.
9. "Identify" shall mean: (1) when used with respect to a person, to state the person's full name, present or last known business address; and present or last known employer and position; (2) when used in respect to a document, to describe the document by character (e.g., letter, report, memorandum, etc.), author, date, and to state its present location and custodian; (3) when used with respect to an oral communication, to identify the persons making and receiving the communication, the approximate date of and time of the communication, and a summary of its content or substance.

10. “Petitioners” shall mean Calcs-Plus, Dennis J. Stroer and Jon F. Klongerbo, whether individually or collectively.
11. “Principals” shall mean Dennis J. Stroer and Jon F. Klongerbo.
12. “Witness” means any person, including but not limited to expert witnesses, whom you intend to call to testify in this proceeding.

### **INSTRUCTIONS**

13. If any of the following interrogatories cannot be answered in full after exercising due diligence to secure the information, please so state and answer to the extent possible, specifying your inability to answer the remainder, and state whatever information you have concerning the unanswered portion. If your answer is qualified in any respect, please set forth the details of such qualifications.
14. If you object to fully identifying a document or oral communication because of a privilege, you must nevertheless provide the following information, unless divulging the information would disclose the privileged information:
  - a. the nature of the privilege claimed (including work product);
  - b. the date of the document or oral communication;
  - c. if a document; its type (correspondence, memorandum, facsimile etc.), custodian, location, and such other information sufficient to identify the document for a subpoena duces tecum or a document request, including where appropriate the author, the addressee, and, if not apparent, the relationship between the author and addressee;

- d. if an oral communication; the place where it was made, the names of the persons present while it was made, and, if not apparent, the relationship of the persons present to the declarant; and
- e. the general subject matter of the document or the oral communication.
15. If you object to all or part of any interrogatory and refuse to answer that part, state your objection, identify the part to which you are objecting, and answer the remaining portion of the interrogatory.
16. Whenever an interrogatory calls for information which is not available to you in the form requested, but is available in another form, or can be obtained at least in part from other data in your possession, so state and either supply the information requested in the form in which it is available, or supply the data from which the information requested can be obtained.
17. The singular shall include the plural and vice versa; the terms “and” and “or” shall be both conjunctive and disjunctive; and the term “including” means “including without limitation.”
18. These interrogatories shall be answered under oath by you or through your agent who is qualified to answer and who shall be fully identified, with said answers being served as provided pursuant to the Florida Rules of Civil Procedure or order of the Commission.

Respectfully submitted this 19<sup>th</sup> day of July, 2005.

\s\ William J. Tait, Jr.  
William J. Tait, Jr.  
FL BAR No. 0125081  
1061 Windwood Way  
Tallahassee, Florida 32311  
Telephone: (850) 878-0500  
Facsimile: (850) 942-5890  
e-mail: jimtait@comcast.net

**CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that a true and correct copy of the foregoing has been furnished electronically and via U.S. Mail this 15<sup>th</sup> day of July, 2005, to the following:

Martha Carter Brown\*  
Adrienne Vining\*  
Office of the General Counsel  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399-0850

Natalie F. Smith, Esquire\*  
Florida Power & Light Company  
700 Universe Boulevard  
Juno Beach, FL 33408  
Telephone: (561) 691-7207  
Facsimile: (561) 691-7135

By: s/William J. Tait, Jr.  
William J. Tait, Jr.  
Fla. Bar No. 0125081

## INTERROGATORIES

19. Please identify any Witness(es) you intend to have testify in this proceeding in relation to the Residential Conservation Service Program and state the subject matter of each such Witness's testimony.
20. With respect to each and every Witness identified in your responses to Interrogatory No. 1 above, please state the following:
  - a. The Witness's business address;
  - b. The Witness's qualifications;
  - c. The scope of the Witness's employment or retention in the pending matter;
  - d. The Witness's general litigation experience, including the percentage of work performed for regulatory bodies or public counsel;
  - e. Identify each proceeding, regulatory or other, in the last five years in which the witness has offered testimony on the same topic or on a topic similar to the topic on which the Witness is offering testimony in this proceeding;
  - f. Identify each proceeding, regulatory or other, in the last five years in which the Witness has offered testimony on any topic other than that referred to in 2(e) above.
  - g. Identify all texts, treatises or textbooks, or other materials referred to and/or relied upon by the Witness in the course of preparing his or her testimony in this proceeding.
  - h. Identify all documents, other materials or information reviewed by the Witness, whether or not referred to or relied upon, in the course of preparing his or her testimony in this proceeding, including but not limited to identifying by bates number all FPL documents reviewed by the Witness.
21. Identify and describe in detail the various processes used in FPL's Residential Conservation Service Program including the various phases of development for energy audits, and as operated during the period immediately prior to, and during, 2004.
  - a. The process used to identify and qualify participants in the program;
  - b. The services provided by FPL to program participants;
  - c. Any charges associated with the program which were to be paid by any participant or entity other than FPL;

- d. The method by which each home's energy efficiency was measured;
  - e. The process used, if any, to monitor and measure the energy efficiency impact of the homes built within the program at any time the program was in effect;
  - f. The process by which FPL and FPSC would monitor the results and impact of the program.
22. Identify and describe in detail the number of participating homeowners by year within any categories of homes identified and the type of audit or other services provided.
23. Please list, by year and zip code location, for the last five (5) years, the number of homes served by the Residential Conservation Services program and any program related information provided for such homes, including size, type, energy efficiency measures recommended and adopted.
24. Please provide amounts expended for the Residential Conservation Services program for each year over the past five (5) years and indicate the amount spent in the various categories kept by FPL for accounting purposes;
25. Please provide detail for the amount expended for advertising in the following categories:
- a. Salaries and expenses for FPL employees;
  - b. Expenses for production costs, type of production and who received the payments and amounts of annual payments for each recipient;
  - c. Purchases of airtime and who received the payments and amounts of annual payments for each recipient;
  - d. Expenses related to printed materials other than production costs and who received the payments and amounts of annual payments for each recipient; and
  - e. Any other costs with any cost greater than 5% of the annual amount spent identified as to type of cost, who received the payments and amount of annual payments for each recipient.
26. Please provide the detail of each type of audit offered, the cost to FPL per audit, and any royalties or other payments made and to whom.
27. Please list any and all sources of business referrals to FPL's Residential Conservation Services program for the past three years.
28. Please list any and all professional organizations or associations with which employees in the Residential Conservation Services program, including any administrators, are affiliated or are members.
29. Please list any and all state certifications (licenses) that any employee of FPL's Residential Conservation Services program has and indicate the nature of the employee's



work. If licensed as a rater pursuant to Chapter 551, Florida Statutes, please indicate the number of ratings performed by the employee each year for the past 5 years.

30. Please provide the number of homes actually certified by FPL over the life of the program, by year, that were in the following categories: bronze, silver and gold.
31. Please provide the number of homes projected to be certified by FPL for the next five years, by year, that will be in the following categories: prescriptive (<10% e-ratio) and flexible (<20% e-ratio).
32. Please provide number of builders and homes per builder for each of the past 5 years that received the following services: Basic Service Offering; Premium Service Offering; and Permit Service Offering.
33. Please note how many homes in each category under question 30, received a bronze, silver or gold certification, or no certification.
34. Please provide a detailed description of BuildSmart activities including builder education, energy performance analyses and recommendations, and energy efficient measure installation.
35. Please provide FPL's "measurable commitment" that was recognized in its Energy Star Outstanding Achievement Award in 2004 and provide quantitative details on the increased builder awareness and participation in the Energy Star® program that resulted from FPL's efforts.
36. Please provide details on market penetration in the new home construction market for the BuildSmart program, including any analysis of the size of the market for each year since its system-wide launch in October 1997 and the number of homes, by year, participating in the program.
37. Please provide the number of builders, and homes per builder, along with average e-ratio score (or medallions awarded) for each of the previous five (5) years for the following builder types who have participated in the BuildSmart program: custom builders (>84 homes per year) and production builders (building 84 or <84 homes per year).
38. In table 3 of the Direct testimony of Daniel J. Haywood, filed on July 15, 2005, (Appendix DJH-3), projected demand and energy savings for the BuildSmart program was presented by year. Please provide a breakdown as to the savings projected in each of the two categories to be used by the modified program: prescriptive and flexible.
39. FPL projects between 75,000-100,000 participants per year in its Residential Conservation Services program. Please give the actual number of participants for each of the five (5) past years. Please provide the average savings recommended to the participants in the program.

40. Please provide the number of customers participating in an energy audit for each of the past five (5) year in the following categories: walk-through audit, computer-generated Class A audit and customer-assisted audit. In the category of customer-assisted audit please provide a breakdown of the number of audits that were done by telephone, internet or mail-in.
41. Please tell us what distinguishes a "walk-through" audit from a "computer-generated Class A audit."
42. Please tell us how many participants in the audit program participated in one or more residential conservation incentive programs.
43. How many audits recommended consideration of non-electric energy efficiency measures?

I HEREBY CERTIFY that I am an authorized representative of Florida Power & Light Company, and that the answers to these Interrogatories are true and correct.

By: \_\_\_\_\_

Title: \_\_\_\_\_

STATE OF FLORIDA            )  
   ) ss:  
 COUNTY OF                    )

I HEREBY CERTIFY that on this \_\_\_\_ day of \_\_\_\_\_, 2005, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared \_\_\_\_\_, who is personally known to me or who has produced \_\_\_\_\_ as identification and who did take an oath, and he/she acknowledged before me that he/she executed the foregoing answers to interrogatories as his/her free act and deed, that the statements contained therein are true and correct, and that said answers are given under oath.

IN WITNESS WHEREOF, I have hereunto set my hand and seal in the County and State aforesaid as of this \_\_\_\_ day of \_\_\_\_\_, 2005

Notary Public, State of Florida