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**HAND DELIVERED**

February 18, 2009

Thomas S. Burack, Commissioner  
NH Department of Environmental Services  
Chairman, NH Site Evaluation Committee  
29 Hazen Drive  
Concord, NH 03302-0095

Re: SEC Docket No. 2008-05 - *Motion of Florida Power & Light Company for a Declaratory Ruling Regarding the Proposed Reliability Upgrade of the Seabrook Transmission Substation*

Dear Chairman Burack:

On Behalf of Florida Power & Light Company ("FPL"), as a follow-up to my letter of January 29, 2009, I am filing with the New Hampshire Site Evaluation Committee an original and 15 copies of further supporting written documentation referred to in the *Order Granting Motion for Declaratory Ruling Regarding Seabrook Transmission Substation Reliability Upgrade* issued by the Site Evaluation Committee on December 17, 2008 in the above-captioned matter regarding FPL's proposed reliability upgrade of the Seabrook Transmission Substation ("Reliability Upgrade Project"). The documentation included with this letter supplements what we filed on January 29, 2009, and includes the following:

- A copy of the January 30, 2009 order of the New Hampshire Public Utilities Commission, Order No. 24,935, Order *Nisi* Approving Petition – this is the order approving the financing petition for the Reliability Upgrade Project – the order takes effect on February 20, 2009 – by the terms of the order, responses to the order had to have been filed by February 13, 2009 and any requests for hearing by February 16, 2009 – undersigned counsel checked with the PUC and as of February 17, 2009, which is beyond the comment period under the Nisi Order, and they did not have any responses to the order or requests for a hearing - a copy of the affidavit of publication provided to the PUC to show that FPL has complied with the terms of the PUC Order is also enclosed;

- A copy of the town of Seabrook building permit for the Reliability Upgrade Project issued on February 17, 2009; and
- EPA's January 29, 2009 authorization for dewatering discharges under the NPDES Dewatering General Permit (in response to the Notice of Intent, a copy of which was previously filed with this Committee).

As required in the Order, copies of this letter and the enclosures are being provided to Michael J. Iacopino, Counsel to the Committee. FPL believes that it has now satisfied all of the requirements of the December 17, 2008 Order and therefore respectfully requests that Counsel to the Committee certify that all of the documents have been received and provide a copy of such certification to the Applicant. According to the terms of the order, construction may commence without further order after Counsel to the Committee has certified receipt. FPL would respectfully request that it receive the certification by February 23, 2009, or no later than February 25, 2009, so that it can maintain the construction schedule which it provided to the Committee.

Please let me know if you have any questions. I have included an extra copy of the cover letter so that it may be date stamped as received and returned to me. FPL greatly appreciates the Committee's assistance in addressing this matter.

Sincerely,



Douglas L. Patch

cc. Michael J. Iacopino, Counsel to the Site Evaluation Committee  
Gunnar Birgisson, FPL

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encs

STATE OF NEW HAMPSHIRE  
PUBLIC UTILITIES COMMISSION

DE 08-164

FLORIDA POWER & LIGHT COMPANY

**Petition for Approval of Financing for Seabrook Transmission Substation Upgrade**

**Order *Nisi* Approving Petition**

**ORDER NO. 24,935**

**January 30, 2009**

On December 22, 2008, Florida Power & Light Company (FPL) filed a petition requesting approval of financing for certain planned improvements at its Seabrook, New Hampshire transmission substation. With the petition, FPL filed a motion for confidential treatment and an E-22 form. FPL, through Florida Power & Light-New England Division (FPL-NED) owns and operates the transmission substation located on the grounds of the Seabrook nuclear power plant in Seabrook, New Hampshire. FPL-NED is a separate division of FPL created for the purpose of keeping the Seabrook transmission substation operationally and financially independent from FPL's other utility operations.

FPL made its filing pursuant to the terms of a settlement agreement approved by the Commission in Docket No. DE 03-186, *Florida Power & Light Company*, Order No. 24,321, 89 NH PUC 267 (May 7, 2004). In that docket, FPL Energy Seabrook, LLC transferred its 88.23% ownership interest in Seabrook substation to FPL-NED. In that settlement FPL agreed, along with other provisions: 1) to be subject to all laws and regulations applicable to the construction, operation and use of the Seabrook transmission substation pursuant to RSA 374-A:7, II(b) (which addresses the authority of the Commission to regulate foreign utilities owning electric power facilities in New Hampshire), and 2) with respect to any financing of FPL-NED's

interest in the Seabrook substation, to be subject to the provisions of RSA 369 and other applicable regulatory laws of New Hampshire, unless FPL or FPL-NED files with the Commission a certification by another state or federal regulatory agency indicating that it has general supervision over FPL or FPL-NED, as set forth in RSA 374-A:7, II(c). The E-22 form was filed in conformance with the first provision noted above and in accordance with N.H. Code Admin. Rule Puc 308.07. FPL requested confidential treatment for the contents of a current balance sheet and income statement for FPL-NED adjusted for the financing as required by Puc 308.12.

With its petition, FPL filed the testimony of Kathy Beilhart, Assistant Treasurer of the FPL Group, Inc., FPL and FPL Group Capital, Inc. (FPL Group Capital), addressing the details of the financing, and William C. Locke, Jr., Manager of Transmission Services for FPL, describing the planned upgrades to the Seabrook substation to be funded by the proposed financing. FPL Group Capital, a wholly-owned subsidiary of FPL Group, Inc., holds the capital stock of or has equity interests in FPL Group's operating subsidiaries other than FPL and provides funding for those subsidiaries.

According to the petition, FPL Group Capital has agreed to make loans through a line of credit agreement to FPL in an aggregate principal amount outstanding at any one time not to exceed \$36 million. The loans are to be payable on demand with the funds to be used to acquire goods, equipment, fixtures and other property for use in connection with the Seabrook transmission substation. In its filing, FPL anticipates that it will require cash in varying amounts through 2011, with the bulk of the cash required (approximately \$22.7 million) during calendar year 2009 to upgrade the substation.

FPL stated that the interest rate for the loans will be based on FPL Group Capital's weighted average cost of debt calculated on a monthly basis, with interest payable on the first day of each calendar quarter. With the exception of the asset additions of FPL-NED financed with the loan proceeds, the loans will be non-recourse to FPL and all of its assets. To obtain the financing, FPL said it will need to perfect a security interest in the new assets, obtain any necessary mortgage or other security document, and make the appropriate UCC filings or mortgage recordings. FPL estimates the cost of the financing as \$40,000 based on the closing costs, including the costs and expenses of FPL and FPL Group Capital in connection with the preparation, execution and delivery of the Line of Credit Agreement and related documents. FPL said that it is also responsible for any of FPL Group Capital's post-closing costs and expenses in connection with the administration or enforcement of the loans or recovering, protecting or enforcing its interest in the collateral.

With respect to the use of the funds, FPL-NED stated that it needs to complete a reliability upgrade to the 28-year old transmission substation to ensure its continued reliability for the New England power grid. In its petition, FPL described a number of equipment failures that occurred during the last two years and resulted in more than 26 days of unplanned substation outages. Due to those outages, the Seabrook Station nuclear plant was unavailable during those outages. According to FPL, although equipment failures have been remedied, certain improvements to the transmission substation are necessary to reduce the risk of unplanned outages and other malfunctions and to provide greater ability to perform future maintenance and upgrades without the need for a generator outage.

As stated in the petition, the planned improvements include relocating the reserve auxiliary transformers (RATs) to a dedicated terminal position. FPL said the RATs are now

directly connected to bus No. 2, which poses reliability concerns and operational limitations. Further, according to FPL, the work will include relocating the generation step-up (GSU) transformer connections from their current position – where they share a breaker-and-a-half bay with the Seabrook-Scobie 345 kilovolt transmission line – to a dedicated double breaker bay. FPL also plans to install two replacement and three new gas insulated substation breakers. FPL indicated that the upgrades will improve the performance of a substation that: 1) is an integral and critical part of the New England power grid; and 2) is the interconnection to the electric grid for the largest base load electric generating plant in New England.

FPL plans to conduct the construction work in two phases and has scheduled the timing of the first phase of the work to coincide with a scheduled October 2009 refueling outage for the Seabrook Station nuclear plant. To accommodate this schedule, FPL said that the foundation work must begin by March 1, 2009 to allow the structural and electrical installation to begin by June 1, 2009. According to FPL, the cutover from the old to the new configuration and equipment will begin with reconnection of the RATs during the October 2009 outage. The timing of the second phase of the project, involving the reconfiguration of the GSU and installation of the remaining two new breakers, will be performed coincident with the next scheduled Seabrook plant refueling outage in April 2011.

According to FPL, the co-owners of the remaining 11.77 percent interest in the substation – Massachusetts Municipal Wholesale Electric Company, Taunton Municipal Lighting Plant, and Hudson Light & Power Department – will reimburse FPL for their shares of the costs related to the upgrade project. FPL will request monthly funding from those co-owners based on the monthly cash flow projections related to the project. With respect to the remainder of its costs, FPL-NED plans to seek recovery through its Regional Network Service (RNS) rates for any of

the new or upgraded facilities considered Pool Transmission Facilities (PTF). For those facilities not considered PTF, FPL-NED will recover the related costs from its one local transmission customer, FPLE Seabrook, LLC, through a combination of direct assignment charges and Local Network Service (LNS) rates pursuant to Schedule 21-FPL-NED of the Independent System Operator-New England (ISO-NE) tariff.

In its motion for confidential treatment, FPL asserts that the balance sheet and income statement (Exhibits 5 and 6, respectively) have not been provided to the Federal Energy Regulatory Commission (FERC), with respect to FPL-NED, and that the information will not be available to the public until FPL-NED files with FERC its 2008 Annual Report of a Major Electric Utility (Form 1) in April 2009. According to FPL, the balance sheet and income statement contain sensitive commercial information which, if disclosed, could cause harm to FPL-NED and the project. Further, FPL stated that since the Commission does not regulate any rates charged by FPL, the information is arguably not relevant to the Commission's consideration of the financing petition. Notwithstanding its position on the relevance of this information, FPL said it filed the information in compliance with the requirements set forth in the Commission's administrative rules on electric service.

Staff filed its recommendation on January 27, 2009. Staff noted that this proceeding differs from a typical financing petition in that such petitions are usually received from a Commission-regulated distribution utility, with resulting implications to the utility's capital structure, cost of capital and, therefore, revenue requirements. In this case, Staff pointed out that while there are the same implications to FPL-NED's cost of service, the resulting revenue requirements and customer rates fall under the purview of the FERC because FPL-NED is a transmission utility. While FPL-NED is a public utility under New Hampshire law, it is a

foreign public utility subject to limited regulation by the Commission. Staff observed that FPL made its filing pursuant to the terms of the settlement agreement approved in Docket No. DE 03-186 and in accordance with RSA 369 and RSA 374-A:7. Pursuant to RSA 374-A:7, II(c), FPL could have been exempt from the requirements of RSA 369 related to the proposed financing if it had filed a certification from a regulatory agency with general regulatory jurisdiction over FPL's financing that either approved or did not object to the financing proposed in FPL's petition. Staff noted that, because FPL did not submit such a certification, FPL was required to make the instant filing with the Commission, hence warranting Staff's review.

Having reviewed the specifics of the proposed financing, including the proposed uses of the funds, Staff opined that the terms and conditions of the line of credit agreement and the security agreement appear reasonable. In summary, Staff recommended approval of the petition through an order *nisi* with a *nisi* period appropriate to accommodate the requested timelines set forth in FPL's petition. In addition, Staff recommended the Commission grant FPL's motion for confidential treatment for FPL-NED's balance sheet and income statement included in the filing. Staff said whether or not the information is relevant, as suggested by FPL, is immaterial to the Commission's decision on FPL's motion. Based on its review of the information for which FPL requested confidential treatment, Staff noted that the information has not been disclosed elsewhere and could be deemed commercially sensitive. Given the fact that the information would be publicly disclosed when FPL-NED files its 2008 FERC Form 1, Staff recommended that the Commission grant confidential treatment to the balance sheet and income statement until the April 2009 FERC filing.

Pursuant to the settlement agreement approved in Docket No. DE 03-186 and RSA 374-A:7 and based on the information contained in the filing and Staff's recommendation, we



approve the proposed financing as in the public good on a *nisi* basis in order to provide any interested party the opportunity to submit comments or to request a hearing.

Next, we address FPL's motions for confidential treatment. The Right-to-Know law provides each citizen the right to inspect public records in the possession of the Commission. RSA 91-A:4, I. RSA 91-A:5, IV, however, exempts from disclosure certain "confidential, commercial, or financial information." In order to rule on the motions, we have made an *in camera* review of the material which FPL asserts is confidential.

FPL seeks protective treatment of FPL-NED's balance sheet and current income statement from disclosure. FPL asserts that this information is sensitive commercial information and is not disclosed publicly until FPL-NED files its FERC Form 1 in April 2009. According to FPL, the disclosure of this information could cause harm to FPL-NED and the project to upgrade the Seabrook substation. In addition, FPL only requests confidential treatment until such time as FPL-NED files its FERC Form 1.

Inasmuch as disclosure in this instance could negatively affect FPL-NED and the Seabrook substation upgrades, and in light of the fact that the information will be publicly disclosed in FPL-NED's April 2009 FERC Form 1 filing, we do not find the public's interest in review of the financial, commercially sensitive information sufficient to outweigh the need for FPL-NED to maintain the confidentiality of this information. *See Union Leader Corp. v. New Hampshire Housing Finance Authority*, 142 N.H. 540 (1997) (describing applicable balancing test). Therefore, we grant the motion for confidential treatment, but only until such time as FPL-NED makes its FERC Form 1 filing for calendar year 2008. Consistent with past practice, this determination is subject to the ongoing authority of the Commission, on its own motion or

on the motion of Staff, any party or other member of the public, to reconsider in light of RSA 91-A, should circumstances warrant.

**Based upon the foregoing, it is hereby**

**ORDERED *NISI***, that subject to the effective date below, the petition of Florida Power & Light Company for approval of financing to support the Seabrook transmission substation upgrade as set forth in its December 22, 2008 filing is hereby GRANTED; and it is

**FURTHER ORDERED**, that Florida Power & Light Company's motion for confidential treatment is hereby GRANTED as described above; and it is

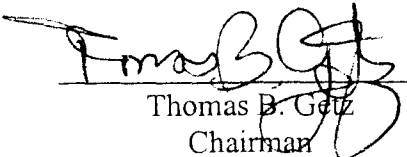
**FURTHER ORDERED**, that the Petitioner shall cause a copy of this Order *Nisi* to be published once in a statewide newspaper of general circulation or of circulation in those portions of the state where operations are conducted, such publication to be no later than February 6, 2009 and to be documented by affidavit filed with this office on or before February 20, 2009; and it is

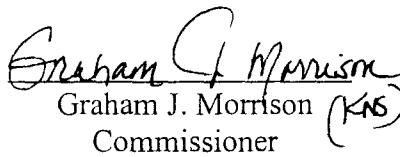
**FURTHER ORDERED**, that all persons interested in responding to this Order *Nisi* be notified that they may submit their comments or file a written request for a hearing which states the reason and basis for a hearing no later than February 13, 2009 for the Commission's consideration; and it is

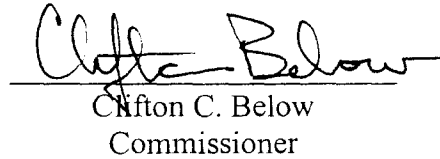
**FURTHER ORDERED**, that any party interested in responding to such comments or request for hearing shall do so no later than February 16, 2009; and it is

**FURTHER ORDERED**, that this Order *Nisi* shall be effective February 20, 2009, unless the Petitioner fails to satisfy the publication obligation set forth above or the Commission provides otherwise in a supplemental order issued prior to the effective date.

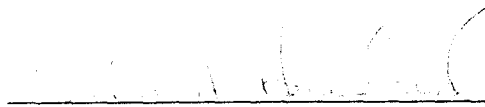
By order of the Public Utilities Commission of New Hampshire this thirtieth day of  
January, 2009.

  
Thomas B. Getz  
Chairman

  
Graham J. Morrison (KAS)  
Commissioner

  
Clifton C. Below  
Commissioner

Attested by:

  
Debra A. Howland  
Executive Director



Judith A. Fairclough  
(Of Counsel)  
Maureen D. Smith  
(Of Counsel)

**HAND DELIVERED**

February 13, 2009

NHPUC FEB13'09 PM 2:53

William L. Chapman  
George W. Roussos  
Howard M. Moffett  
James E. Morris  
John A. Malmberg  
Martha Van Oot  
Douglas L. Patch  
James P. Bassett  
Emily Gray Rice  
Steven L. Winer  
Peter F. Burger  
Lisa Snow Wade  
Susan S. Geiger  
Richard Y. Uchida  
Jennifer A. Eber  
Jeffrey C. Spear  
Connie Boyles Lane  
Todd C. Fahey  
Vera B. Buck  
James F. Laboe  
Robert S. Carey  
John M. Zaremba  
Courtney Curran Vore  
Justin M. Boothby  
Heidi S. Cole  
Jeremy D. Eggleton  
Rachel A. Goldwasser  
Joshua M. Pantesco

Debra A. Howland, Executive Director & Secretary  
New Hampshire Public Utilities Commission  
21 South Fruit St., Suite 10  
Concord, NH 03301-2429

Re: DE 08-164, *Florida Power & Light Company Petition for Approval  
of Financing for Seabrook Transmission Substation Upgrade*

Dear Ms. Howland:

Enclosed is an affidavit of publication of Order No. 24,935, the Order issued in the above-captioned docket. The Order required the Petitioner to cause a copy of the Order to be published no later than February 6, 2009 and to document the publication by filing an affidavit on or before February 20, 2009. This letter and the enclosed affidavit are being filed to demonstrate compliance with the requirement in the Order.

We have included an extra copy of the cover letter so that it can be date stamped and returned to us for our records. Thank you for your attention to this matter.

Sincerely,

  
Douglas L. Patch

Enclosure

537640\_1.DOC

Judith A. Fairclough  
(Of Counsel)  
Maureen D. Smith  
(Of Counsel)

**HAND DELIVERED**

February 13, 2009

Debra A. Howland, Executive Director & Secretary  
New Hampshire Public Utilities Commission  
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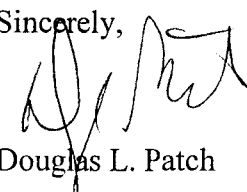
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Rachel A. Goldwasser  
Joshua M. Pantesco

I hereby certify that the foregoing notice was published in The Union Leader and/or New Hampshire Sunday News, newspapers printed at Manchester, N.H., by the Union Leader Corporation on the following dates, Viz: ..... 2/14/09 .....

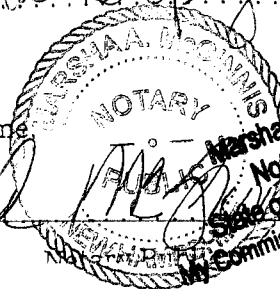
(Signed) *Chantal Duprey*.....

UNION LEADER CORPORATION

State of New Hampshire,  
Hillsborough, SS. (Dated) ..... 2/12/09 .....

Subscribed and sworn to by the said ..... *Chantal Duprey* .....

Before me  
*Marsha A McGinnis*



*Marsha A McGinnis*  
Notary Public  
State of New Hampshire  
My Commission Expires 04/19/2011

### Legal Notice

STATE OF NEW HAMPSHIRE  
PUBLIC UTILITIES COMMISSION  
DE 08-164  
FLORIDA POWER & LIGHT COMPANY  
Petition for Approval of Financing  
for Seabrook Transmission  
Substation Upgrade  
Order Nisi Approving Petition  
ORDER NO. 24,935  
January 30, 2009

On December 22, 2008, Florida Power & Light Company (FPL) filed a petition requesting approval of financing for certain planned improvements at its Seabrook, New Hampshire transmission substation. With the petition, FPL filed a motion for confidential treatment and an E-22 form. FPL, through Florida Power & Light-New England Division (FPL-NED) owns and operates the transmission substation located on the grounds of the Seabrook nuclear power plant in Seabrook, New Hampshire. FPL-NED is a separate division of FPL created for the purpose of keeping the Seabrook transmission substation operationally and financially independent from FPL's other utility operations.

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As stated in the petition, the planned improvements include relocating the reserve for calendar year 2009. Consistent with past practice, this determination is subject to the planning authority of the Commission.

Having reviewed the specifics of the proposed financing, including the proposed uses of the funds, Staff opined that the terms and conditions of the line of credit agreement and the security agreement appear reasonable. In summary, Staff recommended approval of the petition through an order nisi with a nisi period appropriate to accommodate the requested timelines set forth in FPL's petition. In addition, Staff recommended the Commission grant FPL's motion for confidential treatment for FPL-NED's balance sheet and income statement included in the filing. Staff said whether or not the information is relevant, as suggested by FPL, is immaterial to the Commission's decision on FPL's motion. Based on its review of the information for which FPL requested confidential treatment, Staff noted that the information has not been disclosed elsewhere and could be deemed commercially sensitive. Given the fact that the information would be publicly disclosed when FPL-NED files its 2008 FERC Form 1, Staff recommended that the Commission grant confidential treatment to the balance sheet and income statement until the April 2009 FERC filing.

Pursuant to the settlement agreement approved in Docket No. DE 03-186 and RSA 374-A:7 and based on the information contained in the filing and Staff's recommendation, we approve the proposed financing as in the public good on a nisi basis in order to provide any interested party the opportunity to submit comments or to request a hearing.

Next, we address FPL's motions for confidential treatment. The Right-to-Know law provides each citizen the right to inspect public records in the possession of the Commission. RSA 91-A:1, RSA 91-A:5 IV, however, exempts from disclosure certain "confidential, commercial, or financial information." In order to rule on the motions, we

have made an in camera review of the material which FPL asserts is confidential.

FPL seeks protective treatment of FPL-NED's balance sheet and current income statement from disclosure. FPL asserts that this information is sensitive commercial information and is not disclosed publicly until FPL-NED files its FERC Form 1 in April 2009. According to FPL, the disclosure of this information could cause harm to FPL-NED and the project to upgrade the Seabrook substation. In addition, FPL only requests confidential treatment until such time as FPL-NED files its FERC Form 1.

Inasmuch as disclosure in this instance could negatively affect FPL-NED and the Seabrook substation upgrades, and in light of the fact that the information will be publicly disclosed in FPL-NED's April 2009 FERC Form 1 filing, we do not find the public's interest in review of the financial, commercially sensitive information sufficient to outweigh the need for FPL-NED to maintain the confidentiality of this information. See Union Leader Corp. v. New Hampshire Housing Finance Authority, 142 N.H. 540 (1997) (describing applicable balancing test). Therefore, we grant the motion for confidential treatment, but only until such time as FPL-NED makes its FERC Form 1 filing for calendar year 2009. Consistent with past practice, this determination is subject to the planning authority of the Commission.



with its petition, FPL filed the testimony of Kathy Bellbart, Assistant Treasurer of the FPL Group, Inc., FPL and FPL Group Capital, Inc. (FPL Group Capital), addressing the details of the financing, and William C. Locke, Jr., Manager of Transmission Services for FPL, describing the planned upgrades to the Seabrook substation to be funded by the proposed financing. FPL Group Capital, a wholly-owned subsidiary of FPL Group, Inc., holds the capital stock of or has equity interests in FPL Group's operating subsidiaries other than FPL and provides funding for those subsidiaries.

According to the petition, FPL Group Capital has agreed to make loans through a line of credit agreement to FPL in an aggregate principal amount outstanding at any one time not to exceed \$36 million. The loans are to be payable on demand with the funds to be used to acquire goods, equipment, fixtures and other property for use in connection with the Seabrook transmission substation. In its filing, FPL anticipates that it will require cash in varying amounts through 2011, with the bulk of the cash required (approximately \$22.7 million) during calendar year 2009 to upgrade the substation.

FPL stated that the interest rate for the loans will be based on FPL Group Capital's weighted average cost of debt calculated on a monthly basis, with interest payable on the first day of each calendar quarter. With the exception of the asset additions of FPL-NED financed with the loan proceeds, the loans will be non-recourse to FPL and all its assets. To obtain the financing, FPL will need to perfect a security interest in the new assets, obtain any necessary mortgage or other security document, and make the appropriate UCC filings or mortgage recordings. FPL estimates the cost of financing as \$40,000 based on the close costs, including the costs and expenses of FPL and FPL Group Capital in connection with the preparation, execution and delivery of the Line of Credit Agreement and related documents. FPL said that it is also responsible for any of FPL Group Capital's post-closing costs and expenses in connection with administration or enforcement of the loans or recovering, protecting or enforcing interest in the collateral. With respect to the use of the funds, FPL-NED stated that it needs to complete a substation upgrade to the 28-year old transmission substation to ensure its continued

reliability. Having reviewed the specifics of the proposed financing, including the proposed uses of the funds, Staff opined that the terms and conditions of the line of credit agreement and the security agreement appear reasonable. In summary, Staff recommended approval of the petition through an order nisi with a nisi period appropriate to accommodate the requested timelines set forth in FPL's petition. In addition, Staff recommended the Commission grant FPL's motion for confidential treatment of FPL-NED's balance sheet and income statement included in the filing. Staff said whether or not the information is relevant as requested by FPL is immaterial to the Commission's decision. Staff's motion is based on a review of the information for which FPL requested confidential treatment. Staff noted that the information has not been disclosed elsewhere and could be deemed commercially sensitive. Given the fact that the information would be publicly disclosed when FPL-NED files its 2008 FERC Form 1, Staff recommended that the Commission grant confidential treatment to the balance sheet and income statement until the April 2009 FERC filing.

Pursuant to the settlement agreement approved in Docket No. DE 03-186 and RSA 374-A:7 and based on the information contained in the filing and Staff's recommendation, we approve the proposed financing as requested to provide any interested party the opportunity to submit comments or to request a hearing.

Next, we address FPL's motions for confidential treatment. The Right-to-Know law provides each citizen the right to inspect public records in the possession of the Commission. RSA 91-A:4, 1. RSA 91-A:5, IV, however, exempts from disclosure certain "confidential, commercial, or financial information." In order to rule on the motions, we have made an in camera review of the material which FPL asserts is confidential.

FPL seeks protective treatment of FPL-NED's balance sheet and current income statement from disclosure. FPL asserts that this information is sensitive commercial information and is not disclosed publicly until FPL-NED files its FERC Form 1 in April 2009. According to FPL, the disclosure of this information could cause harm to FPL-NED and the project to upgrade the Seabrook substation. In addition, FPL only requests confidential treatment until such time as FPL-NED files its FERC Form 1.

reliability for the New England power grid. In its petition, FPL described a number of equipment failures that occurred during the last two years and resulted in more than 26 days of unplanned substation outages. Due to those outages, the Seabrook Station nuclear plant was unavailable during those outages. According to FPL, although equipment failures have been remedied, certain improvements to the transmission substation are necessary to reduce the risk of unplanned outages and other malfunctions and to provide greater ability to perform future maintenance and upgrades without the need for a generator outage.

As stated in the petition, the planned improvements include relocating the reserve auxiliary transformers (RATs) to a dedicated terminal position. FPL said the RATs are now directly connected to bus No. 2, which poses reliability concerns and operational limitations. Further, according to FPL, the work will include relocating the generation step-up (GSU) transformer connections from their current position - where they share a breaker-and-a-half bay with the Seabrook-Scoble 345 kilovolt transmission line - to a dedicated double breaker bay. FPL also plans to install two replacement and three new gas insulated substation breakers. FPL indicated that the upgrades will improve the performance of a substation that: 1) is an integral and critical part of the New England power grid; and 2) is the interconnection to the electric grid for the largest base load electric generating plant in New England.

FPL plans to conduct the construction work in two phases and has scheduled the timing of the first phase of the work to coincide with a scheduled October 2009 refueling outage for the Seabrook Station nuclear plant. To accommodate this schedule, FPL said that the foundation work must begin by March 1, 2009 to allow the structural and electrical installation to begin by June 1, 2009. According to FPL, the cutover from the old to the new configuration and equipment will begin with reconnection of the RATs during the October 2009 outage. The timing of the second phase of the project, involving the reconfiguration of the GSU and installation of the remaining two new breakers, will be performed coincident with the next scheduled Seabrook plant refueling outage in April 2011.

According to FPL, the co-owners of the remaining 11.77 percent interest in the substation - Massachusetts Municipal Wholesale Electric Company, Taunton Municipal Lighting Plant, and Hudson Light & Power Department - will reimburse FPL for their shares of the costs related to the upgrade project. FPL will request monthly funding from those co-owners based on the monthly cash flow projections related to the project. With respect to the remainder of its costs, FPL-NED plans to seek recovery through its Regional Network Service (RNS) rates for any of the new or upgraded facilities considered Pool Transmission Facilities (PTF). For those facilities not considered PTF, FPL-

inasmuch as disclosure in this instance could negatively affect FPL-NED and the Seabrook substation upgrades, and in light of the fact that the information will be publicly disclosed in FPL-NED's April 2009 FERC Form 1 filing, we do not find the public's interest in review of the financial, commercially sensitive information sufficient to outweigh the need for FPL-NED to maintain the confidentiality of this information. See Union Leader Corp. v. New Hampshire Housing Finance Authority, 142 N.H. 540 (1997) (describing applicable balancing test). Therefore, we grant the motion for confidential treatment, but only until such time as FPL-NED makes its FERC Form 1 filing for calendar year 2008. Consistent with past practice, this determination is subject to the ongoing authority of the Commission, on its own motion or on the motion of Staff, any party or other member of the public, to reconsider in light of RSA 91-A, should circumstances warrant.

**Based upon the foregoing, it is hereby ORDERED NISI**, that subject to the effective date below, the petition of Florida Power & Light Company for approval of financing to support the Seabrook transmission substation upgrade as set forth in its December 22, 2008 filing is hereby GRANTED; and it is

**FURTHER ORDERED**, that Florida Power & Light Company's motion for confidential treatment is hereby GRANTED as described above; and it is

**FURTHER ORDERED**, that the Petitioner shall cause a copy of this Order Nisi to be published once in a statewide newspaper of general circulation or of circulation in those portions of the state where operations are conducted, such publication to be no later than February 6, 2009 and to be documented by affidavit filed with this office on or before February 20, 2009; and it is

**FURTHER ORDERED**, that all persons interested in responding to this Order Nisi be notified that they may submit their comments or file a written request for a hearing which states the reason and basis for a hearing no later than February 13, 2009 for the Commission's consideration; and it is

**FURTHER ORDERED**, that any party interested in responding to such comments or request for hearing shall do so no later than February 16, 2009; and it is

**FURTHER ORDERED**, that this Order Nisi shall be effective February 20, 2009, unless the Petitioner fails to satisfy the publication obligation set forth above or the Commission provides otherwise in a supplemental order issued prior to the effective date.

By order of the Public Utilities Commission of New Hampshire this thirtieth day of January, 2009.

Thomas B. Getz, Chairman  
Graham J. Morrison, Commissioner  
Clifton C. Below, Commissioner  
Attested by: Debra A. Howland  
Executive Director

(UL - Feb. 4)

**Town of Seabrook**  
**Building Permit**  
Office of Code Enforcement  
99 Lafayette Road  
Seabrook, NH 03874  
603-474-3871

**Permit Number**  
2009-00009  
**Date of Issue**  
2/17/2009  
**Expiration Date**  
8/16/2009

**Owner:** FPL ENERGY SEABROOK LLC PROPERTY TAX DEPT - CTX/JB  
**Applicant:** FPL ENERGY SEABROOK LLC PROPERTY TAX DEPT - CTX/JB  
**Location of Work:** 626 LAFAYETTE RD  
(No. and Street) (Unit or Building)  
**Description of Work:** SWITCHYARD UPGRADES

**ZONING DATA:** District: Map\Lot: 8-52

**REMARKS:**

**CONTACT THE BUILDING OFFICE 24 HOURS IN ADVANCE OF NEEDED INSPECTIONS - SCHEDULING OF INSPECTIONS NEEDS TO BE MADE BETWEEN THE HOURS OF 8AM AND 4PM.**

**Section R109- Inspections Required:**

Per the requirements of the International Residential Code the following inspections are required. Per R109.3 Inspection requests. It shall be the duty of the person doing the work authorized by the permit to notify the building official that such work is ready for inspection.

- > Location inspection- Check setback requirements of Article VI- Dimensional Requirements
- > R 109.1 Types of Inspections. For on-site construction, from time to time the building official, upon notification from the permit holder or his agent, shall make or cause to be made any necessary inspections
- > R109.1.1- Foundation Inspection  
Footings with steel in place before concrete is poured  
Foundation wall with steel in place prior to concrete being placed  
Foundation with waterproofing and drains in place (and run to daylight with filter fabric- not impacting abutters with runoff)
- > R109.1.2- Plumbing, mechanical, gas and electrical systems inspection- lines pressurized when required. Nail plates in place prior to requesting inspection  
Fire stopping- No installation shall be allowed until building is weather tight
- > R109.1.3- Floodplain Inspections
- > R109.1.4- Frame and masonry inspection  
Insulation inspection with required vapor barrier
- > R109.1.5- Other inspections. In addition to the called inspections above, the building department may make or require any other inspection to ascertain compliance with this code and other laws enforced by the building department.
- > Driveway approved by Department of public works
- > R109.1.5.1- Fire-resistance-rated construction inspection
- > R109.1.6 Final Inspection  
Certificate of Occupancy checklist signed off by all required parties
  - Final Occupancy Certificate issued prior to occupancy of structure (911 street number posted)

<b>Permit Holder:</b> FPL ENERGY SEABROOK LLC PROPERTY TAX DEPT - CTX/JB (Taking Responsibility for the Work)
<b>Company/Affiliation:</b> Owner <b>Job Site Phone Number:</b>

<b>Constr Cost:</b> \$24,278,436 <b>Permit Fee:</b> \$121,400.00 <b>Check No.:</b> 1301183 <b>Cash:</b> \$0.00
--

**The Permit Card Shall be Posted and Visible From the Street During Construction**

 Code Official	2/17/09 Date
--	-----------------

Town of Seabrook  
**Building Permit**

Office of Code Enforcement  
99 Lafayette Road  
Seabrook, NH 03874  
603-474-3871

**Permit Number**  
2009-00009  
**Date of Issue**  
2/17/2009  
**Expiration Date**  
8/16/2009

**Owner:** FPL ENERGY SEABROOK LLC PROPERTY TAX DEPT - CTX/JB

**Applicant:** FPL ENERGY SEABROOK LLC PROPERTY TAX DEPT - CTX/JB

**Location of Work:** 626 LAFAYETTE RD  
(No. and Street) (Unit or Building)

**HOLDER OF THIS PERMIT SHALL BUILD TO THE FOLLOWING CODES:**

- INTERNATIONAL BUILDING CODE 2006
- INTERNATIONAL PLUMBING CODE 2006
- INTERNATIONAL MECHANICAL CODE 2006
- INTERNATIONAL ENERGY CONSERVATION CODE 2006
- INTERNATIONAL RESIDENTIAL CODE 2006
- NATHIONAL ELECTRICAL CODE 2008

**AS ADOPTED BY THE STATE OF NEW HAMPSHIRE**

The person accepting this permit agrees to conform in all respects with the terms of all existing ordinances and statutes of the Town of Seabrook and the State of New Hampshire relevant to the construction permitted hereby and acknowledges that it may be necessary to obtain other permits as required by said ordinances and statutes, including but not to the exclusion of other permits, such permits as are required by the State of New Hampshire for plumbing, electricity, landfill, and sanitation.

<b>Permit Holder:</b> FPL ENERGY SEABROOK LLC PROPERTY TAX DEPT - CTX/JB (Taking Responsibility for the Work)	
<b>Company/Affiliation:</b> Owner	<b>Job Site Phone Number:</b>
<b>Constr Cost:</b> \$24,278,436	<b>Permit Fee:</b> \$121,400.00 <b>Check No.:</b> 1301183 <b>Cash:</b> \$0.00
<b>The Permit Card Shall be Posted and Visible From the Street During Construction</b>	
<b>Code Official</b> _____	<b>Date</b> _____



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
Region 1  
1 Congress Street, Suite 1100  
BOSTON, MA 02114-2023

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

January 29, 2009

Mr. Al Legendre  
Principal Engineer  
Seabrook Station Gas Insulated Switchyard  
P.O. Box 300  
Seabrook, NH 03874

OPTIONAL FORM 99 (7-90)

FAX TRANSMITTAL

# of pages 2

To Maurreen Smith	From Olga Vergara
Dept./Agency vs. EPA	Phone # (617) 918-1519
Fax # (603) 223-9066	Fax #
NSN 7540-01-317-7368 5099-101 GENERAL SERVICES ADMINISTRATION	

RE: NPDES General Permit No. NHG070038 (Dewatering at Seabrook Station Switchyard, Seabrook, NH)

Dear Mr. Legendre:

Based on the review of your notice of intent ("NOI") for the Seabrook Station Gas Insulated Switchyard, the U.S. Environmental Protection Agency ("EPA") hereby authorizes the dewatering discharge resulting from the vertical expansion of an existing gas insulated switchyard at Seabrook Station in Seabrook, NH, in accordance with the provisions of the Dewatering General Permit ("DGP"). The National Pollutant Discharge Elimination System ("NPDES") DGP was issued pursuant to the Clean Water Act (the "Act"), as amended. Please see EPA's web page for the complete DGP at <http://www.epa.gov/region1/npdes/dewatering/html>. A hard copy can be requested by contacting one of the EPA contacts provided at the end of this letter. The DGP became effective on September 30, 2008 and was published in the Federal Register, Vol. 73, No. 195, October 7, 2008.

Your General Permit Number, which should be referenced on all correspondence, is indicated above. Your authorization to discharge is effective as of the date of this letter. The DGP and your authorization to discharge in accordance with the terms of the DGP expire on September 30, 2013, unless otherwise provided for in Part 6.2 of the DGP.

Your permitted discharge is to Browns River, a Class B waterbody as designated by the New Hampshire Department of Environmental Services. The facility must comply with all of the applicable requirements of the DGP, including effluent monitoring, narrative water quality standards, record keeping, and reporting requirements.

Also enclosed is a supply of Discharge Monitoring Report (DMR) forms to be used per your NPDES General Permit. Use this form to enter the facility data, reporting requirements and reported data for each month. If you use more than one page per reporting cycle, please enter all repetitious data, such as facility name, address, NPDES number, outfall and limits on each page. The DGP requires that you maintain a copy of these reports for each monitoring period on site. Please refer to your permit at the above web address for specific monitoring requirements.

You must notify EPA of project completion within 30 days of the permanent cessation of your discharge(s) authorized by the DGP. Please see Appendix VI Notice of Termination for instructions on submitting a Notice of Termination (NOT). NOTs should be sent to:

US Environmental Protection Agency  
Dewatering GP Processing  
Municipal Assistance Unit (CMU)  
One Congress Street, Suite 1100  
Boston, MA 02114-2023

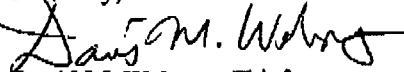
or electronically mailed to [GeneralPermit.Dewatering@epa.gov](mailto:GeneralPermit.Dewatering@epa.gov);  
or faxed to 617-918-0828.

After the termination date, your facility will no longer be subject to the terms and conditions of the DGP. Discharges to waters of the United States that occur without obtaining a NPDES permit violate Section 301 (a) of the Clean Water Act and render the discharger subject to the civil and/ or criminal enforcement provisions of Section 309 of the Clean Water Act.

If there is any discharge which contains contaminated wastewater, a Remediation General Permit (RGP) may be necessary. Please contact Victor Alvarez of our office at (617) 918-1572.

Should you have any questions relative to the General Permit program do not hesitate to contact Olga Vergara at 617-918-1519. Technical questions relative to your specific discharge(s) should be addressed to Sara Green at (617) 918-1574.

Sincerely,

  
David M. Webster, Chief  
Industrial Permits Branch  
Office of Ecosystem Protection

Enclosures

cc:

S. Willoughby, NH DES