

**THE STATE OF NEW HAMPSHIRE  
BEFORE THE  
NEW HAMPSHIRE  
PUBLIC UTILITIES COMMISSION**

**JOINT APPLICATION OF FLORIDA POWER & LIGHT COMPANY AND NEW  
HAMPSHIRE TRANSMISSION, LLC FOR APPROVAL OF TRANSFER OF ASSETS  
FROM FLORIDA POWER & LIGHT-NEW ENGLAND DIVISION TO NEW  
HAMPSHIRE TRANSMISSION, LLC OR, IN THE ALTERNATIVE, FOR A  
DETERMINATION THAT THE CORPORATE RESTRUCTURING IS EXEMPT FROM  
APPROVAL REQUIREMENTS**

Docket No. \_\_\_\_\_ \ \_\_\_\_\_

**MARCH 1, 2010**

## **I. INTRODUCTION**

Florida Power & Light Company ("FPL") and New Hampshire Transmission, LLC ("NHT") (jointly the "Parties") have negotiated and will enter into an Asset Transfer and Assignment of Rights Agreement ("Transfer Agreement") to initiate a corporate restructuring of FPL that entails transferring the transmission substation located on the grounds of the Seabrook Nuclear Generating Station in Seabrook, New Hampshire, described in more detail below and hereinafter referred to as "Seabrook Substation", from FPL to NHT. A copy of the unexecuted Transfer Agreement, in a form substantially similar to what the Parties expect to execute, is attached hereto as Exhibit A. FPL and NHT (collectively, "Joint Applicants"), hereby request approval of the transfer of the Seabrook Substation from FPL to NHT pursuant to RSA 374:30. In the alternative, FPL and NHT request a determination pursuant to RSA 369:8, II that the planned restructuring of FPL is exempt from any requirement to obtain approval from the New Hampshire Public Utilities Commission ("Commission" or "NHPUC"). This request is supported by the prefiled testimony of William C. Locke, Manager of Transmission Services for FPL ("Locke Testimony"), attached hereto as Exhibit B.

The Seabrook Substation is a Pool Transmission Facility under the Tariff of the ISO New England, Inc. ("ISO-NE"), a part of the New England Bulk Power System, and one of the more critical substations in New England. The Seabrook Substation interconnects the 1,318 MW Seabrook Nuclear Generating Station, the largest single electric generation resource in New England, with the New England electric grid. In addition, the Seabrook Substation connects three major 345kV transmission lines: the Seabrook to Ward Hill/Tewsbury 394 Line, the Seabrook to Scobie 363 Line, and the Seabrook to Timber Swamp/Newington 369 Line. The Seabrook Substation facilities are comprised of a 345 kV Open-Air Termination Yard (where the three 345 kV transmission lines convert from an open-air design to an SF6 Bus-enclosed design),

approximately 900' of SF6 Bus-enclosed 345 kV transmission lines, and the Seabrook Substation (345 kV SF6 Gas Insulated Switchgear (GIS) Substation).

As explained more fully below, the transfer of the Seabrook Substation from FPL to NHT will not adversely affect the rates, terms, service, or operation of the Seabrook Substation. In addition, the Transfer Agreement addresses the Settlement Agreement dated April 16, 2004 by and between New Hampshire Public Utilities Commission, FPL, FPL Energy Seabrook, Public Service Company of New Hampshire, Office of Consumer Advocate, New Hampshire Electric Cooperative, Inc., and the Staff of the Commission ("Settlement Agreement"). That Settlement Agreement was approved by the Commission in *Re Florida Power and Light Company*, Order No. 24,258, 89 NH PUC 267 (2004), thereby making FPL a public utility in New Hampshire for the purpose of owning and operating the transmission substation in Seabrook, New Hampshire. A copy of the Settlement Agreement is attached as Exhibit C. Under the Transfer Agreement, NHT will assume the duties, obligations and responsibilities of FPL under the Settlement Agreement approved by the Commission.

The corporate restructuring is in the public interest, as it preserves the existing arrangements for operations of the Seabrook Substation, but transfers its ownership to a new utility within the FPL Group corporate family. This will make for a more directed ownership structure for the Seabrook Substation, as the Seabrook Substation will no longer be owned by a utility that otherwise has transmission assets only in Florida, and provide for continued regulation pertaining to the Seabrook Substation by the Commission. The corporate restructuring will be transparent and seamless, and cause no adverse effect, for the customers of NHT or other ratepayers in the region.

## **II. THE PARTIES**

### **A. Florida Power & Light Company**

FPL is a Florida corporation with headquarters at 700 Universe Boulevard, Juno Beach, Florida, 33408, and is a wholly-owned direct subsidiary of FPL Group, Inc. ("FPL Group"). FPL is one of the largest rate-regulated electric utilities in the nation, serving approximately 4.5 million customer accounts along the eastern seaboard and southern portion of Florida. FPL is a subsidiary of FPL Group, Inc. A more detailed description of FPL can be found at <http://www.fplgroup.com/>.

FPL currently owns 88.22889 % of the Seabrook Substation, which is the only transmission asset that FPL owns outside Florida. The remainder of the substation is owned by Massachusetts Municipal Wholesale Electric Company (11.59340%), Taunton Municipal Lighting Plant (0.10034%), and the Hudson Light and Power Department (0.07737%) (the "Co-owners"). The same parties, in the same ownership percentages, own the Seabrook Nuclear Station, except that the 88.22889 % share is owned by NextEra Energy Seabrook, LLC ("NextEra Seabrook") (f/k/a FPL Energy Seabrook, LLC) rather than FPL.

FPL is a public utility in New Hampshire pursuant to the Commission's 2004 Order cited above. Under the Settlement Agreement approved by the Commission, so long as FPL's operations in New Hampshire are limited to owning and operating the Seabrook Substation, the Commission's regulatory oversight is limited as set forth in the Settlement Agreement. The overall intent of the provisions in the Settlement Agreement was to recognize that FPL would be subject to the rights and responsibilities of a foreign electric utility as specified in RSA 374-A:7.

**B. New Hampshire Transmission, LLC**

NHT is a Delaware Limited Liability Company that is registered to conduct business in New Hampshire. NHT was founded specifically to own the Seabrook Substation. NHT is a wholly-owned subsidiary of U.S. Transmission Holdings, LLC ("USTH"), which in turn is a wholly-owned subsidiary of FPL Group Resources, LLC ("FPL Group Resources"). FPL Group Resources is a wholly-owned subsidiary of FPL Group Capital Inc. ("FPL Group Capital"), which in turn is a wholly-owned subsidiary of FPL Group.

FPL Group Capital also owns NextEra Energy Resources, LLC ("NextEra") (f/k/a FPL Energy, LLC). See Exhibit D, showing the ownership structure of these companies. NextEra was formed in 1998 to aggregate FPL Group's existing merchant power businesses. Through its subsidiaries, NextEra owns, develops, constructs, manages and operates independent power projects that sell energy, capacity, and ancillary services in a number of domestic electricity markets outside of Florida. Through its subsidiaries, NextEra indirectly owns and operates generating facilities that total over 18,000 MW in net generating capacity in 26 states and Canada, including approximately 2,800 MW of generation in the ISO-NE market.

**C. Designated Contacts**

**FPL Contacts:**

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Manager, Transmission Services  
Florida Power & Light Company  
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Miami, FL 33134

**NHT Contacts:**

Edward F. Tancer  
President  
U.S. Transmission Holdings, LLC  
700 Universe Blvd.  
Jupiter Beach, FL 33408

### **III. THE PLANNED CORPORATE RESTRUCTURING**

Consistent with the Settlement Agreement and Order No. 24,258, FPL owns and operates the Seabrook Substation as a public utility in New Hampshire, through its operating division FPL-New England Division ("FPL-NED"). FPL operates the Seabrook Substation on behalf of all of the owners, and the proposed intra-corporate reorganization does not affect the co-owners' ownership interests in the Seabrook Substation. The regional facilities associated with the Seabrook Substation are under the operational control of ISO-NE and are subject to the ISO-NE open access transmission tariff ("OATT") that is under the jurisdiction of the Federal Energy Regulatory Commission ("FERC"). FPL-NED also has a Local Network Service Tariff that is under FERC's jurisdiction. FPL-NED's only customer under its Local Network Service Tariff is NextEra Energy Seabrook, LLC. While the Seabrook Substation is owned by FPL, this is the only transmission asset that FPL owns outside Florida, and as a result it falls under a different regulatory scheme than FPL's other transmission assets. To accurately reflect the costs and revenues for the Seabrook Substation, FPL maintains separate accounting books and records for FPL-NED as if FPL-NED were a separate entity, including listing separate costs for FPL-NED in the FERC Form 1.

FPL and NHT have negotiated and will enter into the Transfer Agreement. The Transfer Agreement provides that NHT will assume ownership of the Seabrook Substation, as well as all the rights and obligations of FPL pertaining to the facility. Provided that all regulatory approvals are received in time, the parties plan to complete the transfer on or about June 1, 2010. NHT will then be a regulated utility in New Hampshire.

The transfer is being undertaken to place the Seabrook Substation in a better location within the FPL Group corporate family. After the transfer, the Seabrook Substation will be

owned by NHT, which is a subsidiary of USTH, and FPL will no longer own any transmission assets outside Florida. USTH is a new transmission holding company that will own traditional rate regulated transmission companies and assets located outside of Florida, including NHT (as well as certain transmission assets in Texas). The formation of USTH allows for consolidation of the ownership of affiliated transmission assets outside Florida under a dedicated corporate holding company structure that is outside of NextEra and can comply with all conduct related requirements (*e.g.*, FERC Standards of Conduct, affiliate restrictions and cross-subsidization rules). See Exhibit D. This will simplify management of these assets, streamline regulatory matters, and provide a framework for ownership of future regulated transmission assets outside Florida.

Transferring the Seabrook Substation from FPL to USTH also ends the unusual situation of FPL, a public utility in Florida, owning transmission assets outside Florida. At the time of the prior asset transfer to FPL in 2004, the Company was restricted from having an affiliate own the Seabrook Substation under the requirements of the Public Utility Holding Company Act of 1935, which has since been repealed.<sup>1</sup> The transfer should make for more straightforward regulation of the facility's operations by all of the regulatory commissions, including the NHPUC, as NHT will be a stand-alone New England Utility and Transmission Owner. In addition, the Florida Public Service Commission has indicated that it prefers that FPL engage in a transaction such as this so that FPL no longer owns the Seabrook Substation.

As a result of the transfer, NHT will be regulated by the Commission in the same manner as FPL has been with respect to the Seabrook Substation, including payment of applicable taxes

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<sup>1</sup> The Public Utility Holding Company Act of 1935 required electric utility affiliates that were not otherwise exempt companies to be integrated. This requirement was repealed under the Public Utility Holding Company Act of 2005.

and assessments, and assumption of all legal rights, responsibilities, and obligations of FPL for the Seabrook Substation. The corporate restructuring will not impede the Commission's ability to perform its regulate, consistent with the Settlement Agreement, the ownership and operations of the Seabrook Substation, as the only change resulting from the transfer is what entity will own the facilities.

#### **IV. THE SETTLEMENT AGREEMENT**

Under the Transfer Agreement, NHT fully assumes all rights, duties, obligations and responsibilities of FPL under the Settlement Agreement. In the Settlement Agreement, FPL agreed to various provisions, including a provision requiring obtaining Commission approval under RSA 374:30 before transferring assets to another entity. As more fully explained below, NHT is financially capable of assuming such duties, obligations and responsibilities of FPL under the Settlement Agreement, and stands ready to do so.

#### **V. REQUEST FOR APPROVAL OF THE TRANSFER OF ASSETS FROM FPL TO NHT UNDER RSA 374:30**

##### **A. Standard of Review**

Joint Applicants request that the Commission approve the planned corporate restructuring under the standards of review for RSA 374:30, which provides in pertinent part:

Any public utility may transfer or lease its franchise, works or system, or any part of such franchise, works or system, exercised or located in this state, or contract for the operation of its works and system located in this state, when the commission shall find that it will be for the public good and shall make an order assenting thereto, but not otherwise.

The Commission indicated in *Re Eastern Utilities Associates*, Order No. 20,094, 76 NH PUC 236, 252 (1991) that the "no net harm" test, articulated as the public good standard by the New Hampshire Supreme Court in *Grafton County Electric Light and Power Co. v. State*, 77 NH 539 (1915), is the standard to be applied to a proposed merger or acquisition. In *Re Eastern Utilities Associates*, the Commission stated "it is not rational to prohibit the conveyance of



securities if the proposed transaction is otherwise lawful and customers are not harmed thereby.” *Re Eastern Utilities Associates*, 76 NH PUC at 253. “In essence, the ‘no net harm’ test requires approval of a proposed transaction if the public interest is not adversely affected.” *Re New England Electric System*, Order No. 23,308, 84 NH PUC 502, 509-511 (1999), quoting *Re CCI Telecommunications of N.H., Inc.*, Order No. 22,395, 81 NH PUC 844, 845 (1996).

In making “public good” determinations under RSA 374:30 and other statutes governing asset and franchise transfers, “the Commission has a longstanding practice of evaluating the managerial, financial and technical ability of the proposed transferee to operate a public utility.” *Re Atkinson Area Waste Water Recycling Co.*, Order No. 24, 817, 93 NH PUC 2, 4 (2008). The fundamental issue concerns the financial capacity of the transferee to assume the transferor’s responsibilities, given the terms of the proposed transactions and the transferee’s likelihood of future success. Managerial and technical capacity, in turn, will have an impact on how successful the transferee is both financially and operationally. Financial soundness depends on the transferee’s access to the technological and professional resources it needs to discharge its obligations fully as a public utility. *Re Verizon New England, Inc.*, Order No. 24, 823, 93 NH PUC 24, 49 (2008).

**B. There is No Adverse Effect to the Public from the Corporate Restructuring**

The proposed corporate restructuring will have “no adverse effect” on competition or service in this state. FPL, as a public utility, has a very small, limited purpose and presence in New Hampshire; it has no retail users of electricity as its customers. FPL only owns and operates the Seabrook Substation. The corporate restructuring does not change this overall impact – it only shifts the responsibilities of FPL to its affiliate NHT. FPL and NHT do not anticipate that there will be any rate impact from the transfer of the Seabrook Substation from

FPL-NED to NHT. The Transfer Agreement provides that NHT assumes all of FPL's obligations and responsibilities relating to the Seabrook Substation, including those in the Settlement Agreement and those in the Commission's Order No. 24,935 dated January 30, 2009 in Docket DE 08-164 approving certain financial arrangements of FPL. In the end, there will be just one FPL corporate family entity owning transmission facilities in New Hampshire, thus having no effect on the concentration of transmission, with no change in service because the rates will be unaffected as a result of the restructuring. Thus, the Joint Applicants have shown that the corporate restructuring has "no adverse effect."

**C. NHT Will Have the Necessary Managerial, Financial, and Technological Abilities to Own and Operate the Seabrook Substation**

NHT will have the needed managerial, financial and technical ability to own and operate the Seabrook Substation consistent with the requirements of the Commission. NHT has sound leadership, a skilled and trained work force, past experience in operations of this facility, and plans for a smooth transition from FPL to NHT.

The President of NHT, as well as USTH is Edward F. Tancer, who until recently served as the Senior Vice President for Governmental Affairs for FPL and the General Counsel for FPL Group. Based on Mr. Tancer's experience and knowledge of legal and regulatory matters, he is well-qualified to assume overall responsibility for NHT's operations. See Mr. Tancer's professional qualifications, attached as Exhibit E.

Mr. Tancer's overall management of NHT will benefit from the continuity in administration and operations of the Seabrook Substation. Overall responsibility for operations of the Seabrook Substation currently rests with FPL, through FPL-NED. As described by Mr. Locke, FPL-NED and NextEra Seabrook are parties to an Operation, Maintenance and Administrative Agreement ("OM&A Agreement") which defines the Parties' respective duties

with respect to management, operation and maintenance of the Seabrook Substation. Locke Testimony at 4. A copy of the OM&A Agreement is being marked as Exhibit F and is being submitted along with a request for confidential treatment in accordance with Admin. Rule Puc 203.08. Under the OM&A Agreement, NextEra Seabrook maintenance personnel, or contractors retained by NextEra Seabrook, perform most of the operations and maintenance and related functions at the Seabrook Substation. This arrangement provides for optimal coordination between the two companies, with the NextEra Seabrook operations and maintenance personnel augmented by FPL's transmission and substation personnel, under the direction and supervision of NextEra's Nuclear Area Manager and the Seabrook Substation Administrative Manager. In addition, FPL-NED has a full-time liaison person at Seabrook Substation to ensure appropriate coordination and communication with the Seabrook Nuclear Station.

As described by Mr. Locke, the transfer of the Seabrook Substation from FPL-NED to NHT will not functionally change how the substation is operated. Locke Testimony at 6-7. As part of the transfer, the OM&A Agreement will be amended and assigned from FPL to NHT. Under the amended OM&A Agreement, NHT will contract with FPL to perform various functions related to the Seabrook Substation. This arrangement helps ensure that FPL or NextEra Seabrook (or their contractors) will continue to perform operations and maintenance and related functions. NHT will enter into an agreement with FPL to continue providing the services it is providing today under the OM&A Agreement. In addition, FPL will continue providing other administrative functions related to the Seabrook Substation, which allows for continuity in administrative matters. Overall, the only material difference between operations of the Seabrook Substation under FPL and NHT is that there will be new executive oversight of the facilities due to its ownership by NHT.

Through the amended OM&A Agreement, all of FPL's technical expertise pertaining to the Seabrook Substation will continue to be available. Operating and maintaining the Seabrook Substation requires technical expertise in several areas, including with respect to SF6 gas management, high voltage breaker design and maintenance, transformer design and maintenance, switches, arresters, coupling capacitor voltage transformers, line traps, metering, and protection and control design and maintenance, along with overall compliance with the reliability requirements of the North American Electric Reliability Corporation and the guidelines of the Northeast Power Coordinating Council. FPL and NextEra Seabrook possess this expertise and the related experience, and through the OM&A Agreement, NHT will have access to the technical expertise required to operate and maintain the Seabrook Substation. Locke Testimony at 9.

NHT will have the necessary financial resources to own, operate and maintain the Seabrook Substation. First, since NHT will succeed to the rights of FPL as an owner of the Seabrook Substation, NHT will have the right to collect revenues from transmission customers, consistent with the ISO-NE Tariff and applicable rate schedules. Second, NHT is an indirect, wholly-owned subsidiary of FPL Group Capital. As of December 31, 2009 FPL Group Capital had a senior unsecured credit rating of "A2" from Moody's, "A-" from Standard & Poor's and "A" from Fitch. As of December 31, 2009, FPL Group Capital had total assets of \$21.6 billion, with a total net available liquidity of \$2.4 billion. FPL Group Capital currently has a Line of Credit Agreement with FPL pursuant to which FPL Group Capital has made loans to FPL to finance the construction by FPL of certain upgrades at the Seabrook Substation. NHT will assume this loan when it acquires the Seabrook Substation from FPL. FPL Group Capital has a security interest in the Seabrook Substation assets to secure the Seabrook Substation asset loans,

and this security interest will remain in place when NHT acquires the Seabrook Substation. The combination of NHT's collection of revenues from transmission customers, and the financial strength of its parent companies provides NHT with the necessary financial resources to own, operate and maintain the Seabrook Substation. Locke Testimony at 8.

**D. Related Governmental Filings**

The corporate restructuring will be reviewed by FERC under Section 203 of the Federal Power Act to ensure that it will be consistent with the public interest. FPL expects to submit the Section 203 filing with FERC within 30 days, requesting approval in time to consummate the transfer on or about June 1, 2010. FPL and NHT will provide notification to the Commission of the outcome of the FERC proceeding.

**E. Request for Expedited New Hampshire Review**

Because NHT will have a limited presence in New Hampshire and because the subsidiaries of FPL doing business in New Hampshire will continue to operate in the same manner as FPL (through FPL-NED) did prior to the corporate restructuring, the Joint Applicants respectfully request that the Commission expedite its review of this Joint Application.

**VI. REQUEST FOR DETERMINATION THAT THE CORPORATE RESTRUCTURING IS EXEMPT FROM THE APPROVAL REQUIREMENTS PURSUANT TO RSA 369:8**

**A. RSA 374:33 Approval**

In many instances, the Commission has the power to approve a utility's corporate restructuring under RSA 374:33, which provides: "No public utility or public utility holding company as defined in section 2(a)(7)(A) of the Public Utility Holding Company Act of 1935 shall directly or indirectly acquire more than 10 percent, or more than the ownership level which triggers reporting requirements . . . whichever is less, of the stocks or bonds of any other public

utility or public utility holding company incorporated in or doing business in this state, unless the commission finds that such acquisition is lawful, proper and in the public interest.”

**B. The Settlement Agreement Specifies RSA 374:30 Approval**

In 2004, the Commission recognized through its approval of the Settlement Agreement that FPL was not a typical utility under the New Hampshire regulatory scheme. FPL’s rates are not governed by the Commission, but by FERC, and FPL has no retail customers in New Hampshire. For this and other reasons, the parties to the Settlement Agreement, including the Commission and FPL, agreed on page 4 of the Settlement Agreement that any transfer of assets from FPL would be governed not by RSA 374:33, but by RSA 374:30, which provides:

Any public utility may transfer or lease its franchise, works or system, or any part of such franchise, works or system, exercised or located in this state, or contract for the operation of its works and system located in this state, when the commission shall find that it will be for the public good and shall make an order assenting thereto, but not otherwise. The commission may, by general order, authorize a public utility to transfer to another public utility a part interest in poles and their appurtenances for the purpose of joint use by such public utilities.

As a result, approval under RSA 374:33 is not required for the corporate restructuring of FPL.

**C. Under RSA 369:8,II No Approval is Required**

Furthermore, RSA 369:8, II provides that “approval of the commission shall not be required” for a corporate restructuring, including those involving parent companies, if the public utility files “a detailed written representation . . . that the transaction will not have an adverse effect on rates, terms, service, or operation of the public utility within the state.” RSA 369:8, II provides an independent basis for a determination that no Commission approval is required.

**D. No Adverse Effect or No Net Harm Test**

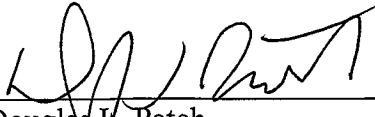
The corporate restructuring of FPL that entails the transfer of the Seabrook Substation to NHT will not have an adverse effect on rates, terms, service or operation of the Seabrook

Substation. The transition to NHT from FPL will be seamless from the perspective of the only Local Network Service customer served by the Seabrook Substation – NextEra Seabrook. This inquiry is the same as the “no net harm” test discussed in Section V of this Joint Application. See, *Re New England Electric System*, Order No. 23,308, 84 NH PUC 502, 510 and 516 (1999). “In essence, the ‘no net harm’ test requires approval of a proposed transaction if the public interest is not affected”. *Re CCI Telecommunications of NH, Inc.*, Order No. 22,395, 87 NH PUC 844, 845 (1996). In its analysis, the Commission assesses the benefits and risks of the proposed transaction, and determines what the overall effect of the transaction on the public interest. Viewing the proposed transaction from a public-interest perspective, the Commission approves the transaction if the effect from this perspective is at worst neutral. *Re New England Electric System*, 84 NH PUC 511. For the reasons set forth in Section V above, the proposed FPL/NHT corporate restructuring satisfies the conditions for an exemption from Commission approval under RSA 369:8, II (a).

## **VII. CONCLUSION**


Wherefore, the Joint Applicants respectfully request that the Commission pursuant to RSA 374:30 promptly approve this Joint Application as being for the public good and grant any other relief deemed necessary and appropriate to effectuate the Agreement and Plan of Corporate Restructuring. In the alternative, the Joint Applicants request that the Commission rule that the corporate restructuring of FPL and NHT is exempt from the Commission’s approval authority under RSA 369:8.

Respectfully submitted,

  
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*Counsel for Florida Power & Light  
Company*

Respectfully submitted,

  
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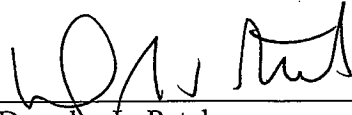
*Counsel for New Hampshire Transmission, LLC*

Dated: March 1, 2010



# **CERTIFICATE OF SERVICE**

I hereby certify that a copy of this Joint Application has been sent by email to the parties to the Settlement Agreement in DE 03-186 on this 1st day of March, 2010.



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Douglas L. Patch


**THE STATE OF NEW HAMPSHIRE  
BEFORE THE NEW HAMPSHIRE PUBLIC UTILITIES COMMISSION**

Joint Application of )  
 )  
Florida Power & Light Company )  
and )  
New Hampshire Transmission, LLC )  
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For approval of the transfer of assets from )  
FPL to NHT, or, in the alternative, for a )  
determination that the corporate )  
restructuring involving FPL and NHT is )  
exempt from approval requirements )  
\_\_\_\_\_ )


Docket No. \_\_\_\_\_

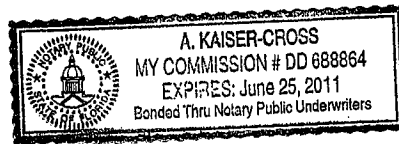
**VERIFICATION**

I, Edward F. Tancer, being duly sworn according to law, depose and say that I am the President of New Hampshire Transmission, LLC; that I am authorized to and do make this affidavit for it; and that the facts set forth in the foregoing Joint Application are true and correct to the best of my knowledge, information, and belief.

  
\_\_\_\_\_

Sworn and subscribed before me  
this 26th day of February, 2010.

  
Notary Public



**THE STATE OF NEW HAMPSHIRE  
BEFORE THE NEW HAMPSHIRE PUBLIC UTILITIES COMMISSION**

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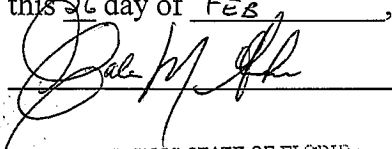
Docket No. \_\_\_\_\_

VERIFICATION

I, William C. Locke, being duly sworn according to law, depose and say that I am  
the MANAGER, TRANSMISSION SERVICES of Florida Power & Light Company; that I am  
authorized to and do make this affidavit for it; and that the facts set forth in the foregoing Joint  
Application are true and correct to the best of my knowledge, information, and belief.

William C. Locke

Sworn and subscribed before me  
this 26 day of FEB, 2010.

  
\_\_\_\_\_  
NOTARY PUBLIC-STATE OF FLORIDA  
Carlos M. Abreu  
Commission #DD723943  
Expires: OCT. 10, 2011  
BONDED THRU ATLANTIC BONDING CO., INC.