

Eric Fryson

From: Greene, Angela [agreene@ngn-tally.com]
Sent: Friday, June 01, 2012 3:24 PM
To: Filings@psc.state.fl.us
Cc: Garner, Bill; Armstrong, Brian; Caroline Klancke; Keino Young; Martha Brown; Kelly.jr@leg.state.fl.us; mcglothlin.joseph@leg.state.fl.us; Rehwinkel.charles@leg.state.fl.us; Christensen.Patty@leg.state.fl.us; Noriega.tarik@leg.state.fl.us; Merchant.Tricia@leg.state.fl.us; danlarsen@bellsouth.net; Wade.litchfield@fpl.com; wiseman@andrewskurth.com; msundback@andrewsk.com; lpurdy@andrewskurth.com; wrappolt@andrewskurth.com; priplej@andrewskurth.com; jwhendricks@sti2.com; vkaufman@moylelaw.com; jmoyle@moylelaw.com; saporito3@gmail.com; schef@gbwlegal.com; jlavie@gbwlegal.com; Karen.white@tyndall.af.mil; CMilsted@aarp.org; Ken.hoffman@fpl.com; rpjrb@yahoo.com; lscoles@radeylaw.com; sclark@radeylaw.com
Subject: Docket No. 120015-EI

Attachments: Pinecrest Petition to Intervene in FPL Rate Case.pdf

A. Person responsible for this electronic filing:

William C. Garner, Esq.

Brian P. Armstrong, Esq.

Nabors, Giblin & Nickerson, P.A.

1500 Mahan Drive, Suite 200

Tallahassee, FL 32308

Telephone: (850) 224-4070

Facsimile: (850) 224-4073

E-Mail: bgarner@ngnlaw.com

E-Mail: barmstrong@ngnlaw.com

B. Docket No.: 120015-EI

In re: Petition for Increase in Rates by Florida Power & Light Company

C. Document is being filed on behalf of the Village of Pinecrest

D. There are a total of 6 pages in the attached document

E. The document attached for electronic filing is Village of Pinecrest's *Petition to Intervene of the Village of Pinecrest, Florida*

Angela Greene

Legal Assistant for Brian P. Armstrong

& William C. Garner

Nabors, Giblin & Nickerson, P.A.

1500 Mahan Drive, Suite 200

Tallahassee, FL 32303

Telephone: (850) 224-4070

Facsimile: (850) 224-4073

Parties
updated
6/1/12
-am

DOCUMENT NUMBER DATE

03571 JUN-1 12

FPSC-COMMISSION CLERK

6/1/2012

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Petition for Increase in Rates by)
Florida Power & Light Company)
_____)

DOCKET NO.: 120015-EI
FILED: June 1, 2012

PETITION TO INTERVENE OF THE VILLAGE OF PINECREST, FLORIDA

The Village of Pinecrest, Florida ("Village"), pursuant to Chapter 120, Florida Statutes, and Rules 25-22.039 and 28-106.205, Florida Administrative Code ("F.A.C."), by and through its undersigned counsel, hereby files this Petition requesting that the Florida Public Service Commission ("Commission") authorize the Village's intervention in the above styled proceeding, concerning the rate increase proposed by Florida Power & Light Company ("FPL"). In further support of this Petition, the Village states as follows:

1. The name, address, and telephone number of Petitioner, the Village of Pinecrest, Florida, are as follows:

Village of Pinecrest
12645 Pinecrest Parkway
Pinecrest, FL 33156
Telephone: (305) 234-2121

2. All pleadings, orders and correspondence should be directed to Petitioner's representatives as follows:

William C. Garner, Esq.
Brian P. Armstrong, Esq
Nabors, Giblin & Nickerson, P.A.
1500 Mahan Drive, Suite 200
Tallahassee, Florida 32308
Telephone: (850) 224-4070
Facsimile: (850) 224-4073
E-Mail: bgarner@ngnlaw.com
E-Mail: barmstrong@ngnlaw.com

RECEIVED AT 10:04 AM - DATE
03571 JUN-1 2012
FPSC-COMMISSION CLERK

with a courtesy copy to:

Cynthia A. Everett, Esq.
Village Attorney
Dadeland Square
7700 N. Kendall Dr. Ste. 703
Miami, FL 33156-7591
Telephone: (305) 598-4454
E-Mail: cae@caeverett.com

3. The agency affected by this Petition to Intervene is:

Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

4. In this docket the Commission will decide whether to approve FPL's request for an increase in its base rates. The Village is located in Miami-Dade County, Florida, and is a customer of FPL. The Village currently pays a substantial amount of money to FPL for electric service, and this proceeding will determine the rates that the City is required to pay to FPL for electric service starting in January 2013.

5. To intervene the Village must show that its substantial interests will be affected by this proceeding. See Section 120.569, Florida Statutes (2012). To show its substantial interests will be affected, the Village must show that it will suffer an actual and immediate injury against which the proceeding is designed to protect. Ameristeel Corp. v. Clark, 691 So. 2d 473 (Fla. 1997); Agrico Chemical So. v. Dept of Environmental Regulation, 406 So. 2d 478 (Fla. 2d DCA 1981).

6. As a customer of FPL, the Village's interests will be actually and immediately affected by changes to FPL's rates. If a rate increase is approved, the Village's cost for electricity will rise. The proceeding is designed to set new rates for FPL and to ensure that those rates are fair, just, reasonable, and non-discriminatory. The Village is entitled to participate in

this proceeding to protect its interests in receiving electricity at a fair, just, reasonable, and non-discriminatory rate.

7. Additionally, a substantial number of the Village's residents and businesses, if not all, will also bear the burden of higher rates for electricity provided by FPL if the Commission authorizes the proposed rate increases. The Village, whose responsibility it is to protect the health, safety and welfare of its residents and businesses, also has standing to intervene on their behalf in the discharge of this responsibility.

8. Disputed Issues of Material Fact. The Village believes that the disputed issues of material fact in this proceeding will include, but will not necessarily be limited to, the issues listed below. The Village expects that numerous additional, specific issues will be identified and developed as this docket progresses, and the Village reserves the right to raise additional issues in accordance with the Commission's rules and the Order Establishing Procedure in this case.

Issue: Is the requested rate increase fair, just, reasonable and non-discriminatory?

Issue: What are the appropriate jurisdictional values of FPL's Plant in Service, Accumulated Depreciation, and Rate Base for setting FPL's rates in this docket?

Issue: What is the appropriate used and useful level of FPL's Plant in Service?

Issue: What are the appropriate jurisdictional values of FPL's operation and maintenance expenses for setting FPL's rates in this docket?

Issue: What is the appropriate capital structure for FPL for the purpose of setting FPL's rates in this docket?

Issue: Is the requested return on equity reasonable for the purpose of setting FPL's rates in this docket?

Issue: Is the proposed test year appropriate for rate-setting purposes?

Issue: What are the appropriate depreciation rates?

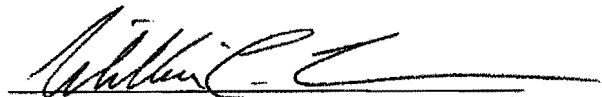
Issue: Is FPL's proposed rate design appropriate and reasonable?

Issue: Is FPL's proposed base rate adjustment formula regarding the application of the Commission's Nuclear Cost Recovery Rule appropriate?

9. Statement of Ultimate Facts Alleged. It is FPL's burden to prove that it is entitled to the rate increase requested. The Village is a customer of FPL and is entitled to intervene to ensure that its costs for electricity are based on fair, just, reasonable, and non-discriminatory rates.

10. Relief Requested. The Village respectfully requests that its Petition to Intervene be granted, and that thereafter all parties to this proceeding be required to serve on the Village's counsel copies of all documents filed with the Clerk of the Public Service Commission.

Respectfully Submitted,



William C. Garner
Florida Bar No. 577189
Brian P. Armstrong
Florida Bar No. 888575
Nabors, Giblin & Nickerson, P.A.
1500 Mahan Drive, Suite 200
Tallahassee, Florida 32308
(850) 224-4070 Telephone
(850) 224-4073 Facsimile

Attorneys for the Village of Pinecrest

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by electronic mail, and where indicated U.S. Mail, to the service list below, on this 1st day of June, 2012:

Caroline Klancke, Esq.
Keino Young, Esq.
Martha Brown, Esq.
Office of the General Counsel
Florida Public Service Commission
Division of Legal Services
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850
cklancke@psc.state.fl.us
kyoung@psc.state.fl.us
mbrown@psc.state.fl.us
VIA U.S. MAIL ALSO

R. Wade Litchfield, Esq.
Vice President and General Counsel
John T. Butler, Esq.
Assistant General Counsel-Regulatory
Jordan A. White, Esq., Senior Attorney
Maria J. Moncada, Esq., Principal Attorney
Florida Power & Light Company
700 Universe Blvd.
Juno Beach, FL 33408-0420
Wade.litchfield@fpl.com
VIA U.S. MAIL ALSO

J.R. Kelly, Public Counsel
Joseph A. McGlothlin, Assoc. Public Counsel
Office of Public Counsel
c/o The Florida Legislature
111 W. Madison Street, Room 812
Tallahassee, FL 32399-1400
Kelly.jr@leg.state.fl.us
mcglotthlin.joseph@leg.state.fl.us
Rehwinkel.charles@leg.state.fl.us
Christensen.Patty@leg.state.fl.us
Noriega.tarik@leg.state.fl.us
Merchant.Tricia@leg.state.fl.us
VIA U.S. MAIL ALSO

Kenneth L. Wiseman, Esq.
Mark F. Sundback, Esq.
Lisa M. Purdy, Esq.
William M. Rappolt, Esq.
J. Peter Ripley, Esq.
Andrews Kurth LLP
1350 I Street, NW, Suite 1100
Washington, DC 20005
kwiseman@andrewskurth.com
msundback@andrewsk.com
lpurdy@andrewskurth.com
wrappolt@andrewskurth.com
pripley@andrewskurth.com
VIA U.S. MAIL ALSO

Daniel R. and Alexandria Larson
16933 W. Harlena Drive
Loxahatchee, FL 33470
danlarson@bellsouth.net
VIA U.S. MAIL ALSO

John W. Hendricks
367 S. Shore Drive
Sarasota, FL 34234
jwhendricks@sti2.com
VIA U.S. MAIL ALSO

Vicki Gordon Kaufman, Esq.
Jon C. Moyle, Jr., Esq.
The Moyle Law Firm
118 N. Gadsden Street
Tallahassee, FL 32301
vkaufman@moylelaw.com
jmoyle@moylelaw.com
VIA U.S. MAIL ALSO

Thomas Saporito
177 US Hwy 1N, Unit 212
Tequesta, FL 33468
saporito3@gmail.com
VIA U.S. MAIL ALSO

Robert Scheffel Wright, Esq.
John T. LaVia, III, Esq.
Gardner, Bist, Wiener, Wadsworth, Bowden,
Bush, Dee, LaVia & Wright, P.A.
1399 Thomaswood Drive
Tallahassee, FL 32308
schef@gbwlegal.com
jlavia@gbwlegal.com
VIA U.S. MAIL ALSO

Karen White
Christopher Thompson
Federal Executive Agencies
c/o AFLOA/JACL-ULFSC
139 Barnes Drive, Suite 1
Tyndall Air Force Base, FL 32403
Karen.white@tyndall.af.mil

Charles Milsted
Associate State Director
200 W. College Avenue
Tallahassee, FL 32301
CMilsted@aarp.org

Ken Hoffman
R. Wade Litchfield
Florida Power & Light Company
215 S. Monroe Street, Suite 810
Tallahassee, FL 32301-1858
Ken.hoffman@fpl.com

Robert H. Smith
11340 Heron Bay Blvd., #2523
Coral Springs, FL 33076
rjrb@yahoo.com

Susan F. Clark, Esq.
Lisa C. Scoles, Esq.
Radey Thomas Yon & Clark, P.A.
301 S. Bronough Street
Suite 200
Tallahassee, FL 32301
lscoles@radeylaw.com
sclark@radeylaw.com


ATTORNEY