

case, and accordingly, the FRF is entitled to intervene to protect its members' substantial interests in receiving safe, adequate, and reliable electric service at the lowest possible cost, i.e., at fair, just, and reasonable rates. In further support of its Petition to Intervene, the Florida Retail Federation states as follows.

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

Florida Retail Federation
227 South Adams Street
Tallahassee, Florida 32301
Telephone (850) 222-4082
Telecopier (850) 226-4082.

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

Robert Scheffel Wright
John T. LaVia, III
Gardner, Bist, Bowden, Bush, Dee, LaVia & Wright, P.A.
1300 Thomaswood Drive
Tallahassee, Florida 32308
Telephone (850) 385-0070
Facsimile (850) 385-5416.

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

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

4. The Florida Retail Federation is an established association of more than 8,000 members in Florida. Many of the FRF's members are retail electric customers of FPL; these members purchase electricity from FPL pursuant to several different FPL

rate schedules. The FRF's members require adequate, reasonably priced electricity in order to conduct their businesses consistently with the needs of their customers and ownership.

5. Statement of Affected Interests. In this docket, the Commission will decide whether to approve FPL's request for a general rate increase. FPL initiated this docket by filing a Test Year Notification on January 15, 2016, and subsequently filed its Petition for Base Rate Increase ("Petition") and Minimum Filing Requirements ("MFRs") on March 15, 2016. Through its Petition, FPL requests the Commission's authorization to increase its base rates as follows: (a) by \$866 million effective January 1, 2017; (b) by \$262 million effective January 1, 2018; and (c) by \$209 million to be effective on the commercial in-service date of FPL's planned Okeechobee Clean Energy Center, which FPL asserts will be on June 1, 2019. Thus, FPL seeks the Commission's approval of base rate increases totaling \$1.337 Billion over the next three years. Accordingly, in this case, the Commission will necessarily have to decide whether any rate increases are justified, and if so, the Commission will also have to approve the rates and charges that would enable FPL to recover any authorized increase in FPL's base rate revenues. As the representative of its many members who are FPL retail customers, the Florida Retail Federation's and its members' substantial interests will be affected by any action that the Commission

takes in this docket.

6. The FRF's substantial interests are of sufficient immediacy to entitle it to participate in the proceeding and are the type of interests that the proceeding is designed to protect. To participate as a party in this proceeding, an intervenor must demonstrate that its substantial interests will be affected by the proceeding. Specifically, the intervenor must demonstrate that it will suffer a sufficiently immediate injury in fact that is of the type the proceeding is designed to protect. Ameristeel Corp. v. Clark, 691 So. 2d 473 (Fla. 1997); Agrico Chemical Co. v. Department of Environmental Regulation, 406 So.2d 478 (Fla. 2d DCA 1981), rev. denied, 415 So. 2d 1359 (Fla. 1982). Here, the FRF is the representative of a large number of its members who are retail electric customers of FPL, and these members' substantial interests will be directly affected by the Commission's decisions regarding FPL's retail electric rates. Thus, the interests that the FRF seeks to protect are of sufficient immediacy to warrant intervention, and its members' interests in having the Commission set rates for FPL that are fair, just, reasonable, and not unduly discriminatory are exactly the interests that this proceeding is designed to protect. This is a general rate case, and the FRF seeks to protect its members' substantial interests as they will be affected by the Commission's decisions determining FPL's rates.

7. Associational Standing. Under Florida law, to establish standing as an association representing its members' substantial interests, an association such as the Florida Retail Federation must demonstrate three things:

- a. that a substantial number of its members, although not necessarily a majority, are substantially affected by the agency's decisions;
- b. that the intervention by the association is within the association's general scope of interest and activity;
and
- c. that the relief requested is of a type appropriate for an association to obtain on behalf of its members.

Florida Home Builders Ass'n v. Dep't of Labor and Employment Security, 412 So. 2d 351, 353-54 (Fla. 1982). The FRF satisfies all of these "associational standing" requirements. A substantial number of the FRF's more than 8,000 members are located in FPL's service area and receive their electric service from FPL, for which they are charged FPL's applicable retail rates. The FRF exists to represent its members' interests in a number of venues, including the Florida Public Service Commission: indeed, the FRF was an intervenor in FPL's general rate case in 2005 and a signatory to the Stipulation and Settlement that resolved the issues in that docket, as well as a party to Docket No. 080677-EI and to the Stipulation and

Settlement that the Commission approved in 2011 after the Commission had earlier (by Order No. PSC-10-0153-FOF-EI, issued on March 17, 2010) decided the revenue requirements and rate issues in the case. The FRF was also a party to FPL's last rate case, PSC Docket No. 120015-EI, although the Federation did not participate in the settlement in that docket. Finally, the relief requested -- intervention and the lowest rates consistent with applicable laws and rules -- is across-the-board relief that will apply to all of the FRF's members in the same way, according to the retail rate schedules under which they receive service; therefore, the requested relief is of the type that is appropriate for an association to obtain on behalf of its members.

8. Disputed Issues of Material Fact. The FRF believes that the disputed issues of material fact in this proceeding will include the issues listed below, as well as many more specific issues of the type that are normally raised and litigated in general rate cases. Naturally, at this early point in this docket, the issues stated below are broad, general issues, and the FRF expects that, as in past rate cases, numerous additional, specific issues will be identified and developed as this docket progresses. (For example, in Docket No. 080677-EI, the Commission addressed approximately 175 individual issues.)

Issue: What are the appropriate jurisdictional values of FPL's

Plant in Service, Accumulated Depreciation, and Rate Base for setting FPL's rates to be effective as of January 1, 2017?

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

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

Issue: What is the appropriate rate of return on equity for FPL for the purpose of setting FPL's rates in this case?

Issue: What are the appropriate billing determinants to be used in setting FPL's rates in this case?

Issue: What are the appropriate rates to be charged by FPL for its services to each customer class?

The FRF reserves all rights to raise additional issues in accordance with the Commission's rules and the anticipated Order Establishing Procedure in this case.

9. Statement of Ultimate Facts Alleged. It is FPL's burden to prove that it is entitled to any rate increases, and to prove that requirement, FPL must prove that its existing rates and charges are not fair, just, and reasonable. A substantial number of the FRF's more than 8,000 members are FPL's retail customers, and accordingly, these customers' substantial

interests are subject to determination in this docket, and any rate increase will adversely affect those customers' interests. As the representative association of its members who are FPL customers, the FRF is entitled to intervene herein and entitled to a hearing as to the fair, just, and reasonable rates to be charged by FPL upon the expiration of the Revised Stipulation and Settlement filed on December 17, 2012 and approved by Commission Order No. 13-0023-S-EI.

10. Statutes and Rules That Entitle the Florida Retail Federation to Relief. The applicable statutes and rules that entitle the FRF to relief include, but are not limited to, Sections 120.569, 120.57(1), 366.04(1), 366.05(1), 366.06(1)&(2), and 366.07, Florida Statutes, and Rule 25-22.039 and Chapter 28-106, Florida Administrative Code.

11. Statement Explaining How the Facts Alleged By the Florida Retail Federation Entitle the FRF to the Relief Requested. Rules 25-22.039 and 28-106.205, F.A.C., provide that persons whose substantial interests are subject to determination in, or may be affected through, an agency proceeding are entitled to intervene in such proceeding. A substantial number of the FRF's more than 8,000 members are FPL's retail customers, and accordingly, their substantial interests are subject to determination in and will be affected by the Commission's decisions in this docket. Accordingly, as the representative

association of its members who are FPL customers, the FRF is entitled to intervene herein. The above-cited sections of Chapter 366 relate to the Commission's jurisdiction over FPL's rates and the Commission's statutory mandate to ensure that FPL's rates are fair, just, and reasonable. The facts alleged here by the FRF demonstrate (a) that the Commission's decisions herein will have a significant impact on FPL's rates and charges, (b) that a substantial number of the FRF's members will be directly impacted by the Commission's decisions regarding FPL's rates and charges, and (c) accordingly, that these statutes provide the basis for the relief requested by the FRF in its Petition to Intervene.

CONCLUSION

The Florida Retail Federation is an established association that, consistent with its purposes and history of intervening in Commission proceedings to protect its members' interests, seeks to intervene in this general rate case docket to protect its members' substantial interests in having the Commission set rates for Florida Power & Light Company that are fair, just, reasonable, and not unduly discriminatory. The interests of the FRF's members that the FRF seeks to protect via its intervention and participation in this case are immediate and of the type to be protected by this proceeding.

RELIEF REQUESTED

WHEREFORE, the Florida Retail Federation respectfully requests the Florida Public Service Commission to enter its order GRANTING this Petition to Intervene and requiring that all parties to this proceeding serve copies of all pleadings, notices, and other documents on the FRF's representatives indicated in paragraphs 1 and 2 above.

Respectfully submitted this 26th day of April 2016.

A handwritten signature in blue ink that reads "Robert Scheffel Wright". The signature is written in a cursive style and is positioned above a horizontal line.

Robert Scheffel Wright
schef@gbwlegal.com

John T. LaVia, III
jlavia@gbwlegal.com

Gardner, Bist, Bowden, Bush, Dee,
LaVia & Wright, P.A.
1300 Thomaswood Drive
Tallahassee, Florida 32308
Telephone (850) 385-0070
Facsimile (850) 385-5416

Attorneys for the Florida Retail Federation

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was furnished to the following, by U.S. Mail, on this 26th day of April 2016.

Suzanne Brownless
Martha Barrera
Florida Public Service Commission
Division of Legal Services
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399
sbrownle@psc.state.fl.us
mbarrera@psc.state.fl.us

R. Wade Litchfield
John T. Butler
Florida Power & Light Company
215 South Monroe Street, Suite 810
Tallahassee, Florida 32301-1859
wade.litchfield@fpl.com
john.butler@fpl.com

J.R. Kelly
Patricia A. Christensen
Office of Public Counsel
c/o the Florida Legislature
111 West Madison Street, Room 812
Tallahassee, Florida 32399-1400
kelly.jr@leg.state.fl.us
christensen.patty@leg.state.fl.us

Jon Moyle, Jr./Karen A. Putnal
Moyle Law Firm
118 North Gadsden Street
Tallahassee, Florida 32301
jmoyle@moylelaw.com

Kenneth Wiseman/Mark Sundback
William Rappolt/Kevin Sigveland
Andrews Kurth LLP
1350 I Street NW, Suite 1100
Washington, DC 20005

Stephanie U. Roberts
Spilman Thomas & Battle, PLLC
110 Oakwood Drive, Suite 500
Winston-Salem, NC 27103
sroberts@spilmanlaw.com

Derrick Price Williamson
Spilman Thomas & Battle, PLLC
1100 Bent Creek Blvd., Ste 101
Mechanicsburg, PA 17050
dwilliamson@spilmanlaw.com

John B. Coffman
John B. Coffman, LLC
871 Tuxedo Boulevard
St. Louis, MO 63119-2044
john@johncoffman.net

Jack McRay, Advocacy Manager
AARP Florida
200 W. College Ave., #304
Tallahassee, FL 32301
jmcray@aarp.org



Attorney