

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition by Florida Power & Light Company
for Rate Unification and for Base Rate Increase

Docket No. 20210015-EI
Date: May 6, 2021

**FLORIDA POWER & LIGHT COMPANY'S RESPONSE TO
FLORIDIANS AGAINST INCREASED RATES, INC.'S MOTION TO INTERVENE**

Florida Power & Light Company ("FPL"), pursuant to Rule 28-106.204(1), Florida Administrative Code, hereby responds to Floridians Against Increased Rates, Inc.'s ("FAIR") motion to intervene, filed on May 4, 2021. In support, FPL states:

1. On May 4, 2021, FAIR filed its motion to intervene in this matter. In that motion, FAIR alleges that it is a not for profit organization organized to advocate on behalf of Florida consumers for lower electric rates in Florida. FAIR also alleges that "the substantial majority of FAIR's members are retail customers of Florida Power and Light."

2. Upon review of FAIR's articles of incorporation (attached hereto), it appears that FAIR was created on March 16, 2021, within a week after FPL filed its direct testimony and MFRs, for the purpose of intervening in this proceeding. FAIR's principal place of business is Orlando, Florida at the Gray Robinson law firm and its directors and corporate officers live in Jacksonville and Tallahassee. Thus, it appears that FAIR is not an FPL customer, nor are its directors or officers. Additionally, while FAIR represents in its motion that its "membership is growing" (this is an entity that was created less than seven weeks ago), FAIR does not disclose the names of any of its members nor does it disclose how many members it has obtained in less than two months of existence.

3. Until FPL has the opportunity to test the allegations made in FAIR's motion to intervene through discovery, FPL objects to FAIR's intervention in this matter and reserves the right to conduct discovery and file appropriate motions and testimony addressing the evidentiary basis for FAIR's standing under Florida law should the Commission grant FAIR's motion.

4. Significantly, FAIR neither identifies any of its members whether individually or as a uniquely situated class of customers, nor attempts to indicate how its members' interests will not be adequately represented by the Office of Public Counsel or by other intervenors who have identified the customers or class of customers that they represent. At this point, FPL has only FAIR's unsupported and untested assertions that FAIR is a bona fide customer-driven association formed for the purpose of promoting legitimate customer-driven issues. Granting intervention on the basis of such bare allegations creates an open invitation for organizations or special interests to file interventions in proceedings for the asserted purpose of representing "customer" interests, yet able to shield themselves in the cloak of anonymity.

WHEREFORE, for the reasons expressed herein, FPL respectfully requests that the prehearing officer deny FAIR's petition to intervene. To the extent FAIR does have members that are FPL customers, those customers are adequately represented by the Office of Public Counsel in this proceeding. If the prehearing officer grants the motion to intervene, FPL requests the prehearing officer to explicitly confirm that FPL retains its right to conduct discovery and file

appropriate motions and testimony addressing the evidentiary basis for FAIR's standing under Florida law.

Respectfully submitted,

FLORIDA POWER & LIGHT COMPANY

By: /s/ R. Wade Litchfield

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CERTIFICATE OF SERVICE
20210015-EI

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished

by electronic mail this 6th day of May 2021 to the following parties:

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