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Subject: Electronic Filing / Dkt 120015-EI / FPL's Response to the Village of Pinecrest's Petition to Intervene

Attachments: 6.8.12 - FPL's Response to Pinecrest's Petition to Intervene.pdf

Electronic Filing

a. Person responsible for this electronic filing:

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b. Docket No. 120015 – EI
In re: Petition for rate increase by Florida Power & Light Company

c. The Document is being filed on behalf of Florida Power & Light Company.

d. There are a total of 3 pages

e. The document attached for electronic filing is Florida Power & Light Company's Response to the Village of Pinecrest's Petition To Intervene

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**BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION**

In re: Petition for rate increase by Florida
Power & Light Company

Docket No. 120015-EI
June 8, 2012

**FLORIDA POWER & LIGHT COMPANY'S RESPONSE
TO THE VILLAGE OF PINECREST'S PETITION TO INTERVENE**

Pursuant to section 366.093(3), Florida Statutes, and Rule 25-22.006(6)(c), Florida Administrative Code, Florida Power & Light Company ("FPL"), hereby responds to the Village of Pinecrest's ("Pinecrest") Petition To Intervene. FPL takes no position on whether the Commission should grant Pinecrest's Petition. However, based on public statements of Pinecrest officials described below, FPL reasonably believes that Pinecrest might attempt to interject issues that are not germane to the issues to be considered by the Commission. If Pinecrest's intervention is permitted, FPL would object to Pinecrest raising any issue or taking any position during the proceeding that is not directly relevant to the determination of FPL's base rates. FPL further states:

1. On June 1, 2012, Pinecrest petitioned to intervene in this docket involving FPL's petition for a base rate increase pursuant to Chapter 366, Florida Statutes. Pinecrest is represented by the law firm Nabors, Giblin & Nickerson P.A. ("NGN").

2. NGN also represents Pinecrest in two other proceedings against FPL. In one of those proceedings, Pinecrest opposes FPL's Site Certification Application with the Florida Department of Environmental Protection ("FDEP") for new transmission lines. FDEP Docket No. 09-003575EPP. In the other, Pinecrest submitted an amicus brief opposing FPL's position in the appeal currently pending before the Supreme Court of Florida involving the Commission's final order in the 2011 Nuclear Cost Recovery proceeding and the nuclear cost recovery statutes (Sections 366.93 and 403.519(4), Florida Statutes). Supreme Court Case No. SC11-2465; appeal from Commission Docket No. 110009-EI.

3. On May 31, 2012, Pinecrest's Village Council held a special meeting to adopt a resolution authorizing Pinecrest to intervene in FPL's rate case docket and to engage NGN as its legal counsel. During that meeting, Pinecrest's mayor reiterated Pinecrest's opposition to FPL's transmission line siting application.¹ Additionally, at least one neighboring city – South Miami – has recently indicated that it is interested in using intervention in FPL's rate case as a vehicle to address its objection to FPL's transmission line siting application. On June 5, 2012, South Miami approved a resolution to join Pinecrest's intervention efforts, subject to certain financial conditions.² South Miami, too, would be represented by NGN.³

4. FPL takes no position regarding whether Pinecrest's Petition To Intervene should be granted. Based on statements of Pinecrest's elected officials, FPL reasonably believes that Pinecrest's intervention is motivated substantially by its opposition to FPL's transmission line application and Pinecrest's related opposition to nuclear cost recovery. If the intervention is granted, FPL would object to any issues raised or positions taken by Pinecrest that are not directly relevant to the determination of FPL's base rates.

Respectfully submitted this 8th day of June 2012.

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¹ See video link at http://pinecrest.granicus.com/MediaPlayer.php?view_id=2&clip_id=194&meta_id=6361.

² See video link at http://southmiami.granicus.com/MediaPlayer.php?view_id=2&clip_id=200&meta_id=13106.

³ *Id.*

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished electronically this 8th day of June 2012, to the following:

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