

**Eric Fryson**

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**Sent:** Wednesday, August 15, 2012 11:20 PM  
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**Subject:** Docket No. 120015 Larry Nelson's Opposition to Joint Motion for Approval of Settlement Agreement

**Attachments:** OPPOSITION TO MOTION FOR SETTLEMENT.docx

## Electronic Filing:

a. The full name, address, telephone number, and e-mail address of the person responsible for the electronic filing.

Larry Nelson  
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b. The docket number and title if filed in an existing docket,

Docket No. 120015-EI, Florida Power & Light Company, Request for an increase in base rates.

c. The name of the party on whose behalf the document is filed.

The document is being filed on behalf of Larry Nelson.

d. The total number of pages in each attached document is 5 pages (One document).

e. A brief but complete description of each attached document.

Larry Nelson's Opposition to Joint Motion for Approval of Settlement Agreement.

Larry Nelson

DOCUMENT NUMBER - DATE

05628 AUG 16 2012

FPSC - COMMISSION CLERK

8/16/2012

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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

DOCKET NO. 120015-EI  
FILED: AUGUST 15, 2012

LARRY NELSON'S OPPOSITION TO JOINT MOTION FOR APPROVAL OF SETTLEMENT AGREEMENT

COMES NOW, Intervenor Larry Nelson and files LARRY NELSON'S OPPOSITION TO  
JOINT MOTION FOR APPROVAL OF SETTLEMENT AGREEMENT in the above-  
captioned matter and states as follows:

Florida Power and Light Company (FPL) along with the Florida Industrial Power Users Group (FIPUG), the South Florida Hospital and Healthcare Association (SFHHA) and the Federal Executive Agencies (FEA) (collectively "Signatories") have filed a Joint Motion for Approval of Settlement Agreement (Settlement) this date in the instant action for reasons alleged therein.

For the reasons stated below Larry Nelson opposes the Settlement and states as follows;

The record evidence in the instant action overwhelmingly shows that FPL's request for an increase in base rates is not warranted - but rather - that the Commission should order FPL to reduce its base rates by \$273-million dollars.

Instead, the Signatories to the proposed Settlement suggest that the Commission award FPL a \$378 million dollar increase effective January 1, 2013 - during an unparalleled dire economic time in the state of Florida and across the entire United States. Moreover, the Signatories further suggest that the Commission award FPL excess ROE profits of 10.70% with a range of (9.70% to 11.70%) - at a time when the yield of the 10-year treasury bill is approximately 1.7%.

The specific charges proposed by FPL in this rate case that Larry Nelson has opposed throughout these proceedings are still in the proposed settlement, namely:

DOCUMENT NUMBER-DATE

05628 AUG 16 2012

FPSC-COMMISSION CLERK

1. The \$5.00 late payment charge, which increases revenues to FPL by \$31 million over the existing 18% per year late charge (1.5% per month) is not only in the settlement, but is now proposed to be \$6.00. This puts the lie to FPL's claim that it is merely an incentive to encourage on time payments and shows it for what it is, a greedy money grab on "gotcha" fees that serves only to enhance FPL's bottom line in the most regressive way imaginable: at the expense of the poorest FPL customers struggling to get part or all of their FPL payment together to keep the lights on.
2. The proposed new returned payment fee is still proposed to raise an additional \$2 million and is still asserted to be in accordance with §68.065, Florida Statutes. Except that it is not in accordance at all with §68.065. Larry Nelson would have no complaint if FPL actually wanted to comply with §68.065 and send out the required demand for payment "by certified or registered mail, evidenced by return receipt, or by first-class mail, evidenced by an affidavit of service of mail" with 30 days to pay, instead of just appropriating the rights under the statute without any of the obligations.
3. The monthly "customer charge" is still proposed to be raised by \$54 million to \$7.00 without any real scrutiny of the shaky claims behind it.

In addition, the manner in which this is put forth is offensive. The press release by FPL before other parties were informed of the proposed settlement is offensive. The claims in the FPL press release that FEA, FIPUG and SFHHA are "key customer groups" and "major advocacy organizations" in combination with "All parties to the proposed agreement said it would benefit Florida's consumers" gives the misleading and false impression that FEA, FIPUG and SFHHA are consumer advocacy groups when they are not. The consumer advocacy groups, OPC and FRF, are not part of the settlement, let alone the actual individual consumers that are Intervenors.

Larry Nelson contends that §366.82(10) which states " The commission ***shall also*** consider the performance of each utility pursuant to ss. 366.80-366.85 and 403.519 ***when establishing rates*** for those utilities over which the commission has ratesetting authority." (emphasis added) clearly applies to rate cases and not merely to ECCR proceedings as has been ruled in this proceeding. While Intervenor Nelson has chosen not to appeal this ruling to the full panel (a decision Mr. Nelson regrets), Intervenor Saporito has so chosen, and therefore this is not a dead issue in this case and can therefore still be part of a settlement.

Therefore, Intervenor Nelson proposes the following changes to the Settlement proposal:

1. ROE to be 10% midpoint, which of course allows FPL to hit the 11% top of the range.
2. No changes to existing late charge or customer charge.
3. RS-1 Customer charge to be \$6.35.
4. FPL drops its contention that meter aggregation of net metering energy credits somehow constitutes conjunctive billing, and FPL allows net metering credits from solar panels installed on separately metered duplexes, triplexes, and fourplexes to be credited to all of the meters on such premises instead of just one. This could be done by the regulatory framework for an "experimental rate" or by any other means.

Intervenor Nelson would be supportive of a settlement along these lines and is supportive of a suspension of the technical hearing in order to try to arrive at a settlement that OPC and FRF can support.

Submitted this 15th day of August, 2012.

/s Larry Nelson  
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**CERTIFICATE OF SERVICE**

**Docket No. 120015-EI**

I HEREBY CERTIFY that a true and correct copy of LARRY NELSON'S OPPOSITION TO JOINT

MOTION FOR APPROVAL OF SETTLEMENT AGREEMENT has been furnished by electronic mail this 15th

day of August 2012, to the following:

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s/ Larry Nelson

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Larry Nelson