

BEFORE THE STATE OF FLORIDA
FLORIDA PUBLIC SERVICE COMMISSION (FL PSC)

BETH M. GORDON,
ARLENE BELL AND FREDDIE BELL,
MIAN J. MATVEJS, and GERTRUDE C.
DICKINSON

DOC. 06488-13, 10/28/2013, PAA
ORDER PSC-13-0505-PAA-EI
ON FPL'S PROPOSED
SABAL TRAIL TRANSMISSION, LLC

Petitioners/ Interested Parties,

v.

SABAL TRAIL TRANSMISSION, LLC and
FLORIDA POWER AND LIGHT,

Respondents.

PETITIONERS' RESPONSE TO FP&L'S MOTION TO DISMISS

Comes now the Petitioners, and files this Response to FP&L'S Motion to Dismiss, and state as follows:

1. FP&L has made a lack of standing argument with regard to the Petitioner's Petition, filed November 15th, 2013. It has moved to dismiss the Petition filed by the above Petitioners, because FL&L claims the above-named Petitioners are not "customers" of FP&L, and so have no legal standing to file a petition to this public service commission. The Motion to Dismiss claims that "The Landowners do not allege that they are customers of FPL, and FPL's records confirm that they are not. Therefore, they have no economic stake in whether or not the natural gas transportation costs are recovered through FPL's Fuel Clause."

2. On the contrary, one need not be a customer of FP&L to demonstrate standing in this proceeding. Page 16 of Order 13-0505 states in pertinent part, that a “person whose *substantial interests* are affected by the action proposed by this order may file a petition for a formal proceeding . . . by the close of business on November 18, 2013.” The Petitioners did so by November 15th, 2013. There is nothing in the Order that requires “substantial interest” to be solely economic, or limited to customers of FP&L.
3. Notably, the Florida Public Service Commission, on its own web site, sets forth its mission and function as follows: “The Florida Public Service Commission is committed to making sure that Florida's consumers receive some of their most essential services — electric, natural gas, telephone, water, and wastewater — *in a safe, reasonable, and reliable manner*. In doing so, *the PSC exercises regulatory authority over utilities* in one or more of three key areas: rate base/economic regulation; competitive market oversight; and *monitoring of safety, reliability, and service.*” (emphasis supplied) The “mission statement” that appears on the Commission’s web site is “To facilitate the efficient provision of *safe* and reliable utility services at fair prices.” (emphasis supplied)
4. The Petition more than demonstrates that the Petitioner/ Landowners through whose homes and land this 36 inch pipeline will travel, are very concerned about the safety record of one of SABAL TRAIL’S parent companies, SPECTRA ENERGY, the demonstrated past problems with SPECTRA ENERGY projects such as PCB usage and leakage, the special concerns regarding the Florida environment and Florida Statutes, and the issues related to the SABAL TRAIL project such as sinkholes (a safety concern), farmers burning fields (a safety concern), and mine blasting (a safety concern) as well as other safety concerns. In fact, the Petitioners detailed the past record of SPECTRA

ENERGY, FP&L's chosen partner for this project¹, including a past \$15-million penalty for improper toxic waste operations. The record fine is part of a settlement of civil charges brought against the company for discharging highly toxic PCBs— polychlorinated biphenyls—at 89 sites along a natural gas pipeline running from Texas to New Jersey costing an estimated \$400 million for cleanup activities. The Petitioners have more than demonstrated standing to file this Petition.

5. Petitioners have properly addressed their Petition to the Florida Public Service Commission, which by its very mission is “committed to making sure that Florida's consumers receive some of their most essential services — [including] natural gas,— *in a safe..... manner*” The Order at issue allows the SABAL TRAIL project to move forward, and Petitioners have set forth several substantial safety concerns- that directly affect them- in their Petition which ought to greatly concern this Commission, and of which this Commission may be unaware.
6. Respondent FP&L complains that because the Petitioners won't be paying FP&L bills that this means they have no substantial interest in this matter. Petitioners would rather be facing these FP&L customer bills, than facing the prospect of a 36 inch methane gas

¹ FP& L has claimed that SABAL TRAIL has been improperly named by Petitioners. However, Sabal Trail Transmission is a joint venture of Spectra Energy Corp and NextEra Energy - NextEra has three subsidiaries: NextEra Energy Resources (NER), Florida Power & Light (FPL), and FPL FiberNet. FP&L is the largest of the three subsidiaries that NextEra Energy Inc. owns. Clearly, Sabal Trail, though FP&L wishes to limit its liability and has formed a separate LLC, is partly owned by FP&L's parent company NextEra, although it has a separate corporate name and legal identity. FP&L wishes to apply to this Commission for SABAL TRAIL'S necessary orders, but wishes to insulate SABAL TRAIL, LLC, the actual company that will be building and operating this pipeline, from the very proceeding that is vital to its existence. This Commission must not countenance such a shell game.

pipeline, with a 1000 foot radius blast zone, on their properties, or perhaps a turbine or transmission station.

WHEREFORE, Petitioners pray that the Motion to Dismiss filed by FP&L is DENIED.

CERTIFICATE OF SERVICE

I hereby certify that the foregoing response was filed via the Commission's web portal, this 4th day of December, 2013, to the following addressee: The FL PSC, or FLORIDA PUBLIC SERVICE COMMISSION at "Office of the Commission Clerk, 2540 Shumard Oak Boulevard, Tallahassee, FL 32399-0850."

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