

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for approval of optional non-standard meter rider, by Florida Power & Light Company.

DOCKET NO.: 130223-EI

FILED: March 31, 2014

PETITION TO INTERVENE

Pursuant to sections 120.569 and 120.57(1), Florida Statutes and Rules 25-22.039 and 28-106.205, Florida Administrative Code, Mr. Daniel R. Larson and Mrs. Alexandria Larson (“Petitioners”), by and through undersigned counsel, hereby file this Petition to Intervene in the above captioned docket. In support thereof, the petitioners state as follows:

1. Name and address of the affected agency.

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

2. Name and address of the petitioners.

Mr. & Mrs. Daniel R. Larson
16933 W. Harlena Dr.
Loxahatchee, FL 33470

3. Service. All pleadings, motions, orders and other documents directed to the petitioners

should be served on:

Nathan A. Skop, Esq.
420 NW 50th Blvd.
Gainesville, FL 32607
Phone: (561) 222-7455
E-mail: n_skop@hotmail.com

4. Notice of Docket. Petitioners received notice of this docket by reviewing the above captioned docket on the Florida Public Service Commission (“Commission”) website.
5. Background. Since its inception in 1925, FPL has read customer meters in the course of providing reliable electric service to its customers. Historically, the cost of reading meters has been included in electric base rates. On March 17, 2010, the Commission issued Order No.: PSC-10-1053-FOF-EI (In re: Petition for increase in rates by Florida Power & Light Company; Docket 080677-EI) authorizing the recovery of costs for FPL’s Advanced Metering Infrastructure (“AMI”) program based upon the substantial projected savings presented by FPL witness Santos.¹ Table 13 of this Order summarized the FPL projected savings and expenses associated with the AMI program.² Witness Santos testified that beginning in 2013, the net O&M savings from the AMI program would exceed \$30 million annually.³ As of the most recent FPL rate case, the AMI savings projected by FPL in Table 13 had not materialized. On August 21, 2013, Florida Power & Light Company (“FPL”) filed a petition for approval of an optional Non-Standard Meter Rider (“NSMR”) tariff. The tariff would be available to customers who elect to keep their non-communicating meter in lieu of the standard communicating smart meter. On March 7, 2014, the Commission issued Order No.: PSC-14-0123-PCO-EI denying a request to suspend the NSMR tariff.
6. Statement of Substantial Interests. Petitioners are residential customers of FPL and served at the above listed address. Petitioners do not have a smart meter installed at their service address and desire to continue receiving electric service without a smart meter. On March 7, 2014, the Commission issued Order No.: PSC-14-0123-PCO-EI denying a

¹ See FPSC Order No.: PSC-10-1053-FOF-EI at 96-97.

² Id. at 95.

³ Id. at 96.

request to suspend FPL's optional Non-Standard Meter Rider ("NSMR") tariff. Petitioners' substantial interests are adversely affected by the Commission action and NSMR tariff because: (a) the tariff allows FPL to recover advanced costs for "assumed" site visits that FPL may not actually perform rather than charging site visits to individual customers when a site visit is actually required; (b) the tariff permits advanced cost recovery not specifically authorized under Florida law; (c) the tariff charges are duplicative; (d) the tariff charges are not fair, just, and reasonable; and (e) the tariff fails to account for the cost savings (including ROE) to FPL customers from not having to install a smart meter for those customers that opting-out under the NSMR tariff. Accordingly, Petitioners' have a substantial interest in the above captioned docket as Commission approval of FPL's optional NSMR tariff will unjustly increase their electric rates. Specifically, Petitioners' dispute the tariff charges identified in Attachment A to Commission Order No. PSC-14-0036-TRF-EI and FPL's amended NSMR tariff that FPL filed on January 17, 2014. Based upon the above, Petitioners hereby file this Petition to Intervene in the above captioned docket to protect to their substantial interests and due process rights in the proceeding.

7. Standing. Petitioners are residential electric customers of FPL. Moreover, the petitioners' substantial interests are of the type that this proceeding is designed to protect. See. Agrico Chemical Company v. Department of Environmental Regulation, 406 So.2d 478 (Fla. 2nd DCA 1981). The purpose of the proceeding is to evaluate FPL's optional NSMR tariff. The Petitioners have a substantial interest in the above captioned docket as Commission approval of the NSMR tariff will increase their electric rates. Accordingly,

the proceeding in the above captioned docket directly coincides with the substantial interests of the Petitioners to ensure that FPL rates are fair, just, and reasonable.

8. Petition to Intervene. Petitioners hereby request the Commission to grant the Petition to Intervene in the above captioned docket on the basis set forth in Paragraphs 1-7 above.
9. Disputed Issues of Material Fact. Disputed issues of material fact include, but are not limited to the following:
 - a. Whether the “assumed” site visit charge within the NSMR Enrollment Fee is fair, just and reasonable?
 - b. Whether the “assumed” site visit charge would be more appropriately billed to an individual customer when a site visit is actually required?
 - c. Whether the other costs included within the NSMR Enrollment Fee are duplicative to costs that are already included in base rates?
 - d. Whether other cost included within the NSMR Enrollment Fee are fair, just, and reasonable?
 - e. Whether the costs included within the NSMR Monthly Surcharge are duplicative to costs that are already included in base rates?
 - f. Whether the costs included within the NSMR Monthly Surcharge are fair, just, and reasonable?
10. Disputed Questions of Law. Disputed questions of law include, but are not limited to the following:

- a. Whether the Commission has the statutory authority under Florida law to grant the advanced cost recovery of “assumed” site visit charges that FPL may not actually perform within the Enrollment Fee portion of the NSMR tariff?

WHEREFORE, Petitioners respectfully request the Commission to enter an order granting the Petition to Intervene in the above captioned docket.

s/ Nathan A. Skop
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Counsel for Petitioners

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished to the parties of record indicated below via electronic mail on March 31, 2014:

s/ Nathan A. Skop
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