

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

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

---

DOCKET NO.: 160021-EI  
FILED: March 11, 2016

**FLORIDA INDUSTRIAL POWER USERS GROUP'S  
MOTION TO INTERVENE**

Pursuant to sections 120.569, 120.57, Florida Statutes, and rules 25-22.039, 28-106.201 and 28-106.205, Florida Administrative Code, the Florida Industrial Power Users Group (FIPUG), through its undersigned counsel, files its Motion to Intervene. In support thereof, FIPUG states the following:

1. Name and address of agency. The affected agency is the Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850.

2. Name and address of Petitioner. The name and address of the Petitioner is:

Florida Industrial Power Users Group  
c/o Moyle Law Firm, P.A.  
118 North Gadsden Street  
Tallahassee, Florida 32301  
Telephone: (850) 681-3828  
Facsimile: (850) 681-8788

3. Petitioner's representatives. Copies of all pleadings, notices and orders in this docket should be provided to:

Jon C. Moyle, Jr.  
Karen A. Putnal  
Moyle Law Firm, P.A.  
118 North Gadsden Street  
Tallahassee, Florida 32301  
Telephone: (850) 681-3828  
Facsimile: (850) 681-8788  
[jmoyle@moylelaw.com](mailto:jmoyle@moylelaw.com)  
[kputnal@moylelaw.com](mailto:kputnal@moylelaw.com)

4. Notice of docket. Petitioner received notice of this docket by an informal communication from Florida Power and Light Company (“FPL”) and a review of the Commission’s website.

5. Statement of Substantial Interests. FIPUG is an ad hoc association consisting of industrial users of electricity in Florida. The cost of electricity constitutes a significant portion of FIPUG members' overall costs of production. FIPUG members require adequate, reasonably-priced electricity in order to compete in their respective markets.

6. In this case, the Commission will consider Florida Power & Light Company’s (FPL) request for a general rate increase of approximately \$1.3 billion dollars. The amount of the increase approved, if any, as well as other rate case issues the Commission will consider, will affect many FIPUG members' substantial interests by increasing their costs of electricity, thus affecting their production costs, their competitive posture, and their levels of employment. Thus, as customers of FPL, these FIPUG’s members’ substantial interests will be affected in this docket.

7. FIPUG's 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 requests and determine if any of the requests have merit. Thus, the purpose of the proceeding coincides with FIPUG's substantial interests, which is to ensure that the rates its members receiving electrical service from FPL are just and reasonable.

8. Disputed Issues of Material Fact. Disputed issues of material fact include, but are not limited to, the following<sup>1</sup>:

- a. Is FPL's requested rate increase just and reasonable?
- b. Is FPL's proposed return on equity reasonable?
- c. What is the appropriate return on equity for FPL?
- d. What is the appropriate capital structure for FPL?
- e. What is the appropriate test year for FPL for the purpose of setting rates?
- f. What are the appropriate depreciation rates for FPL?

FIPUG reserves all rights to raise additional issues in accordance with the Commission's rules and the Order Establishing Procedure which will be issued in this case.

9. Disputed Legal Issues. Disputed legal issues include, but are not limited to, the following:

- a. Has FPL carried its burden to prove that it is entitled to rate relief?
- b. Has FPL carried its burden of proof as to the return on equity it has requested?

10. Statement of Ultimate Facts Alleged. Ultimate facts include, but are not limited to, the following:

- a. The rate increase FPL seeks is excessive and should not be approved as sought.

11. Rules and statutes justifying relief. The rules and statutes that entitle FIPUG to intervene and participate in this case include, but are not limited to:

- a. Section 120.569, Florida Statutes;
- b. Section 120.57, Florida Statutes;

---

<sup>1</sup> In a rate case, issues are generally delineated and refined in a number of issue identification meetings. Further, FIPUG anticipates that there will be additional numerous disputed issues of material fact which the Commission will be required to resolve and FIPUG reserves the right to raise additional issues.

- c. Section 366.04(1), Florida Statutes;
- d. Section 366.06, Florida Statutes;
- e. Rule 25-22.039, Florida Administrative Code;
- f. Rule 28-106.201, Florida Administrative Code;
- g. Rule 28-106.205, Florida Administrative Code.

12. Relief. FIPUG requests that it be permitted to intervene as a full party in this docket.

13. Position of FPL. The undersigned is authorized to represent that FPL does not oppose FIPUG's motion to Intervene.

**WHEREFORE,** FIPUG requests that the Commission enter an order allowing it to intervene and participate as a full party in this docket.

/s/ Jon C. Moyle  
Jon C. Moyle, Jr.  
Karen A. Putnal  
Moyle Law Firm, P.A.  
118 North Gadsden Street  
Tallahassee, Florida 32301  
Telephone: (850)681-3828  
Facsimile: (850)681-8788  
[jmoyle@moylelaw.com](mailto:jmoyle@moylelaw.com)  
[kputnal@moylelaw.com](mailto:kputnal@moylelaw.com)

Attorneys for Florida Industrial Power Users Group

**CERTIFICATE OF SERVICE**

I **HEREBY CERTIFY** that a true and correct copy of the foregoing Florida Industrial Power Users Group's Motion to Intervene has been furnished by electronic mail this 11th day of March, 2016, to the following:

Martha Barrera  
Suzanne Brownless  
Florida Public Service Commission  
2540 Shumard Oak Blvd., Room 110  
Tallahassee, FL 32399-0850  
[sbrownle@psc.state.fl.us](mailto:sbrownle@psc.state.fl.us)  
[mbarrera@psc.state.fl.us](mailto:mbarrera@psc.state.fl.us)

R. Wade Litchfield  
John T. Butler  
Maria J. Moncada  
Florida Power & Light Company  
700 Universe Boulevard  
Juno Beach, FL 33408  
[wade.litchfield@fpl.com](mailto:wade.litchfield@fpl.com)  
[john.butler@fpl.com](mailto:john.butler@fpl.com)  
[maria.moncada@fpl.com](mailto:maria.moncada@fpl.com)

Ken Hoffman  
Florida Power & Light Company  
215 South Monroe Street, Suite 810  
Tallahassee, Florida 32399-1400  
[Ken.hoffman@fpl.com](mailto:Ken.hoffman@fpl.com)

J.R. Kelly, Esq.  
Charles J. Rehwinkel  
John Truitt  
Patricia Christensen  
Office of Public Counsel  
111 West Madison Street, room 812  
Tallahassee, FL 32301  
[kelly.jr@leg.state.fl.us](mailto:kelly.jr@leg.state.fl.us)  
[rehwinkel.charles@leg.state.fl.us](mailto:rehwinkel.charles@leg.state.fl.us)  
[truitt.john@leg.state.fl.us](mailto:truitt.john@leg.state.fl.us)  
[Christensen.patty@leg.state.fl.us](mailto:Christensen.patty@leg.state.fl.us)

*/s/ Jon C. Moyle*  
\_\_\_\_\_  
Jon C. Moyle, Jr.