

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for modification of territorial order)
based on changed legal circumstances emanating)
from Article VIII, Section 2(c) of the Florida)
Constitution, by the Town of Indian River Shores)

Docket No. 160049-EU

Filed: March 22, 2016

FLORIDA POWER & LIGHT COMPANY'S PETITION TO INTERVENE

Florida Power & Light Company ("FPL"), pursuant to Chapters 120 and 366, Florida Statutes, and Rules 25-22.039 and 28-106.201, Florida Administrative Code, hereby petitions the presiding officer of the Florida Public Service Commission ("the Commission") in the above-referenced docket for leave to intervene. In support of this petition, FPL states as follows:

1. FPL is an investor-owned utility with headquarters at 700 Universe Boulevard, Juno Beach, Florida 33408, operating under the jurisdiction of the Commission pursuant to the provisions of Chapter 366, Florida Statutes.¹ FPL is a wholly-owned subsidiary of NextEra Energy, Inc., a registered holding company under the Federal Public Utility Holding Company Act and related regulations. FPL provides generation, transmission, and distribution service to more than 4.8 million retail customers.

2. Any pleading, motion, notice, order or other document required to be served upon FPL or filed by any party to this proceeding should be served upon the following individuals:

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¹ All references to Florida Statutes are to the 2015 Florida Statutes.

3. On March 4, 2016, the Town of Indian River Shores (the “Town”) petitioned the Commission for modification of the Commission’s order approving a territorial agreement between FPL and the City of Vero Beach (“Town’s Petition”). Rule 25-22.039, Florida Administrative Code, permits those with a substantial interest in a proceeding to petition the presiding officer for leave to intervene. Such petitions “must include allegations sufficient to demonstrate that the intervenor is entitled to participate in the proceeding as a matter of constitutional or statutory right or pursuant to Commission rule, or that the substantial interests of the intervenor are subject to determination or will be affected through the proceeding.” Rule 25-22.039, Fla. Admin. Code. FPL’s substantial interests are subject to determination in, and will be affected by, this proceeding as discussed further below.

FPL’s Substantial Interests

4. It is clear on the face of the Town’s Petition that FPL’s substantial interests will be determined by the Commission’s decision in this proceeding. The Town has requested a modification to the order approving FPL’s territorial agreement with the City of Vero Beach based on changed legal circumstances. The Town has specifically requested the Commission to augment FPL’s service area approved by that order by placing the entire Town within the electric service area of FPL (*see* Town’s Petition, p. 17, ¶ 46).² Additionally, FPL’s territorial agreements with the City of Vero Beach are attached as Composite Exhibit B to the Town’s Petition. Therefore, FPL’s substantial interests not only will be affected, but are “subject to determination” by the Commission in considering the relief requested by the Town.

² FPL agrees with the Town’s statement that FPL is “ready, willing and able” (Town’s Petition, p. 13, ¶ 36) to serve the additional portion of the Town if the Commission were to grant Petitioner’s request and assuming reasonable terms were reached for the acquisition of the City of Vero Beach’s electric facilities in that area.

Accordingly, FPL meets the requirements for intervention set forth in Rule 25-22.039, Florida Administrative Code.

Additional Statements Required by Rule 28-106.201(2), Fla. Admin. Code

5. In compliance with Rule 25-22.039 and Rule 28-106.201(2)(a), Fla. Admin. Code, FPL states that the agency affected is the Florida Public Service Commission, located at 2540 Shumard Oak Blvd, Tallahassee, FL 32399. Information required by paragraph (b) related to the identity of this petitioner is set forth above.

6. This case does not involve reversal or modification of an agency decision or an agency's proposed action; therefore, paragraph (c) and portions of paragraphs (e), (f) and (g) are not applicable to this Petition. FPL did not receive notice of any agency action. *See* Rule 28-106.201(2)(c), Fla. Admin. Code. There are not any specific facts that "warrant reversal or modification of the agency's proposed action," nor are there specific rules or statutes that FPL contends "require reversal or modification of the agency's proposed action." *See* Rule 28-106.201(2)(e) and (f), Fla. Admin. Code. Similarly, FPL cannot state "precisely the action [FPL] wishes the agency to take with respect to the agency's proposed action." *See* Rule 28-106.201(2)(g), Fla. Admin. Code.

7. The applicable requirements of paragraphs (e), (f), and (g) (ultimate facts alleged, how those facts relate to rules or statutes, and the relief requested) are met elsewhere in the body of this Petition to Intervene. In compliance with paragraph (d), FPL states that it is not known which, if any, of the issues of material fact set forth in FPL's Petition to Intervene (or the Town's Petition) may be disputed by others planning to participate in this proceeding.

WHEREFORE, FPL respectfully requests that its Petition to Intervene be granted.

Respectfully submitted this 22nd day of March, 2016.

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By: s/ Jessica A. Cano
Fla. Bar No. 0037372

**CERTIFICATE OF SERVICE
DOCKET NO. 160049-EU**

I HEREBY CERTIFY that a true and correct copy of FPL's Petition to Intervene was served electronically or via U.S. Mail* this 22nd day of March, 2016, to the following:

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