

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Petition for rate increase by Florida Power & Light Company	Docket No. 160021-EI
In re: Petition for approval of 2016-2018 storm hardening plan, by Florida Power & Light Company	Docket No. 160061-EI
In re: 2016 depreciation and dismantlement study by Florida Power & Light Company	Docket No. 160062-EI
In re: Petition for limited proceeding to modify and continue incentive mechanism by Florida Power & Light Company	Docket No. 160088-EI Filed: July 29, 2016

**FLORIDA POWER & LIGHT COMPANY'S  
RESPONSE IN OPPOSITION TO LARSONS' PETITION TO INTERVENE**

Pursuant to 28-106.204, Florida Administrative Code, Florida Power & Light Company ("FPL") hereby opposes to the Petition To Intervene filed by Mr. and Mrs. Daniel R. Larson (the "Larsons"). FPL states:

1. The Larsons filed a Petition To Intervene on July 22, 2016. In their Petition, the Larsons allege that they are residential electric customers of FPL and "have a substantial interest in [this proceeding] as Commission approval of the FPL rate case will increase their residential electric rates." (Larsons' Pet. ¶ 7). The Petition alleges no substantial interests that are specific to the Larsons.

2. The Larsons seek to address issues that are common to the complement of intervenors already participating in this proceeding. Specifically, the Larsons identify as disputed issues of material fact: the appropriate level of rate increase, return on equity ("ROE"), depreciation rates and capital structure are for FPL, as well as the appropriate test year for setting FPL's rates.

3. Generally speaking, the interests of residential customers such as the Larsons are already represented by the Office of Public Counsel (“OPC”). *See* § 350.0611, Fla. Stat. (providing that “[i]t shall be the duty of the Public Counsel to provide legal representation for the people of the state in proceedings before the commission”). In this proceeding, OPC has served on FPL 707 Interrogatories (including subparts) and 179 document requests, while filing 704 pages of prefiled testimony and exhibits addressing every primary issue in this rate case. In their petition, the Larsons allege no particular interest in this proceeding different from that of other residential customers of which FPL has more than 4.8 million.

4. OPC advocates on behalf of all FPL rate payers. Additionally, on May 4, 2016, the Commission authorized the intervention of AARP, an organization that represents the interest of the residential customer class specifically. AARP’s intervention notice states that it “advocate[s] on behalf of the residential electric customers of FP&L in order to ensure that their rates are no higher than a level that is just and reasonable.” (AARP Pet. ¶ 4). In this proceeding, AARP has served on FPL 172 (including subparts) Interrogatories and 48 document requests. In addition, AARP has filed 96 pages of prefiled testimony and exhibits.

5. Both OPC and AARP have filed extensive testimony addressing all of the issues identified by the Larsons: the level of FPL’s rate increase, ROE, depreciation rates and capital structure. OPC and AARP also filed testimony regarding the appropriate test year to be used to set FPL’s rates. Testimony filed by the Federal Executive Agencies and the Florida Industrial Power users Group also address these issues. No issue presented by the Larsons will go unaddressed if the Commission declines to grant their intervention. Nor do they provide any explanation or support for the assertion that their rights and interests cannot be adequately represented by OPC, AARP or any of the wide range of intervenors participating in this proceeding.

6. The Larsons both testified in the quality of service hearings in the City of West Palm Beach, which provided them a full opportunity to voice their concerns. The time for filing testimony in this docket has passed and the technical hearing will begin in just three weeks. Seeking leave to intervene this late in the process without any indication of a specialized purpose or interest practically speaking means that the Larsons will not be able to meaningfully participate. It well-established under rule 25-22.039, F.A.C. and recognized by the Courts that “[i]ntervenors take the case as they find it.” *Panda Energy Int’l v. Jacobs*, 813 So. 2d 46, 50 (Fla. 2002). There is no indication that intervention would result in any significant additional opportunity for the Larsons to voice their concerns.

7. Further, the Commission should scrutinize the potential for the escalation of costs and rate case expense and the unnecessary utilization of Commission time and resources that would result from participation by individual customers whose interests are already comprehensively represented by OPC, AARP or other intervenors.

8. In short, the Larsons offer nothing in their Petition which suggests that they would bring any relevant information or evidence to the Commission in this proceeding not raised or addressed by OPC, AARP or other intervenors. To the contrary, their petition may result in the waste of time and resources of the parties and the Commission by raising and debating duplicative issues. Allowing their intervention would needlessly increase the costs and complexity of this proceeding which, without the duplicative intervention of this putative intervenor, will include 16 witnesses over a two-week time period and will require the discipline of all parties to ensure the hearing is concluded as scheduled.

**WHEREFORE**, FPL respectfully requests that the Commission either deny the Larsons' petition to intervene or, if granted, to limit the Larsons' participation at hearing in a manner that is not redundant to or duplicative of the participation and input of existing Intervenors representing residential customer interests.

Respectfully submitted,

John T. Butler  
Assistant General Counsel - Regulatory  
john.butler@fpl.com  
Maria J. Moncada  
Senior Attorney  
maria.moncada@fpl.com  
Florida Power & Light Company  
700 Universe Boulevard  
Juno Beach, FL 33408  
Telephone: (561) 304-5795  
Facsimile: (561) 691-7135

By: s/ John T. Butler  
John T. Butler  
Florida Bar No. 283479

**CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that a true and correct copy of the foregoing has been furnished  
by electronic mail this 29th day of July 2016 to the following parties:

Suzanne Brownless  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-1400  
sbrownle@psc.state.fl.us  
**Office of the General Counsel  
Florida Public Service Commission**

Jon C. Moyle, Jr.  
Karen A. Putnal  
Moyle Law Firm, PA  
118 North Gadsden Street  
Tallahassee, FL 32301  
jmoyle@moylelaw.com  
kputnal@moylelaw.com  
**Attorneys for Florida Industrial  
Power Users Group**

Kenneth L. Wiseman  
Mark F. Sundback  
William M. Rappolt  
Kevin C. Siqveld  
Andrews Kurth LLP  
1350 I Street NW, Suite 1100  
Washington, D.C. 20005  
kwiseman@andrewskurth.com  
msundback@andrewskurth.com  
wrappolt@andrewskurth.com  
ksiqveld@andrewskurth.com  
**Attorneys for South Florida Hospital  
and Healthcare Association**

J. R. Kelly, Public Counsel  
Patricia A. Christensen, Lead Counsel  
Charles J. Rehwinkel  
Erik Sayler  
Tricia Merchant  
Stephanie Morse  
Office of Public Counsel  
c/o The Florida Legislature  
111 West Madison Street, Room 812  
Tallahassee, FL 32399-1400  
Kelly.jr@leg.state.fl.us  
Christensen.Patty@leg.state.fl.us  
Rehwinkel.Charles@leg.state.fl.us  
sayler.erik@leg.state.fl.us  
merchant.tricia@leg.state.fl.us  
morse.stephanie@leg.state.fl.us  
**Attorneys for the Citizens  
of the State of Florida**

Stephanie U. Roberts  
Spilman Thomas & Battle, PLLC  
110 Oakwood Drive, Suite 500  
Winston-Salem, NC 27103  
sroberts@spilmanlaw.com

Derrick P. Williamson  
Spilman Thomas & Battle, PLLC  
1100 Bent Creek Boulevard, Suite 101  
Mechanicsburg, PA 17050  
dwilliamson@spilmanlaw.com  
**Attorneys for Wal-Mart Stores East, LP and  
Sam's East, Inc. (Walmart)**

Federal Executive Agencies  
Thomas A. Jernigan  
AFCEC/JA-ULFSC  
139 Barnes Drive, Suite 1  
Tyndall Air Force Base, FL 32403  
Thomas.Jernigan.3@us.af.mil  
**Attorney for the Federal Executive  
Agencies**

Robert Scheffel Wright  
John T. Lavia, III  
Gardner, Bist, Bowden, Bush, Dee, LaVia  
& Wright, P.A.  
1300 Thomaswood Drive  
Tallahassee, FL 32308  
schef@gbwlegal.com  
jlavia@gbwlegal.com  
**Attorneys for the Florida Retail  
Federation**

Nathan A. Skop, Esq.  
420 NW 50th Blvd.  
Gainesville, FL 32607  
n\_skop@hotmail.com  
**Attorney for Mr. & Mrs. Larson**

Jack McRay, Advocacy Manager  
AARP Florida  
200 W. College Ave., #304  
Tallahassee, FL 32301  
jmcray@aarp.org

John B. Coffman  
John B. Coffman, LLC  
871 Tuxedo Blvd.  
St. Louis, MO 63119-2044  
john@johncoffman.net  
**Attorney for AARP**

Diana A. Csank  
Staff Attorney  
Sierra Club  
50 F St. NW, 8th Floor  
Washington, DC 20001  
diana.csank@sierraclub.org  
**Attorney for Sierra Club**

By: s/ John T. Butler  
John T. Butler  
Florida Bar No. 283479