

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for rate increase by Gulf) DOCKET NO. 160186-EI
Power Company)
_____)

**PETITION TO INTERVENE BY
THE LEAGUE OF WOMEN VOTERS OF FLORIDA**

Pursuant to sections 120.569, 120.57, Florida Statutes, and Rules 25-22.039 and 28-106.205, Florida Administrative Code, the League of Women Voters of Florida (“LWVF”), through its undersigned counsel, petitions for leave to intervene in the above captioned proceedings, and in support thereof states:

I. AGENCY AFFECTED

1. The name and address of the agency affected by this petition is

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

II. IDENTIFICATION OF THE INTERVENORS AND THEIR COUNSEL

2. The name and address of Petitioner is:

The League of Women Voters of Florida, Inc.
540 Beverly Court
Tallahassee, FL 32301
Telephone: (850) 224-2545

3. The name and address of counsel for Petitioners, authorized to receive all notices,

pleadings, and other communications in this docket is:

Bradley Marshall
Alisa Coe
Earthjustice
111 S. Martin Luther King Jr. Blvd.
Tallahassee, Florida 32301
(850) 681-0031 (tel)
(850) 681-0020 (fax)

bmarshall@earthjustice.org
acoe@earthjustice.org

III. RECEIPT OF NOTICE OF AGENCY'S PROPOSED ACTION

4. Petitioners received notice of the Florida Public Service Commission's ("Commission") action through Gulf Power Company's ("Gulf Power" or "GPC") petition for an increase in rates on the Commission's website, filed October 12, 2016.

IV. THE INTERVENOR'S SUBSTANTIAL INTERESTS

5. The League of Women Voters of Florida is a nonpartisan political organization formed under the laws of the state of Florida. The mission of LWVF, as reflected in its bylaws, is to encourage informed and active participation in government, work to increase understanding of major public policy issues, and influence public policy through education and advocacy. LWVF has fought since 1920 to improve our systems of government. LWVF is the original grassroots citizen network.

6. On behalf of its members, LWVF has launched a new affordable energy initiative. Part of the initiative is educating citizens and LWVF's members about the potential to reduce utility bills, including through conservation, and to increase the affordability of solar energy for LWVF's members and the citizens of the state of Florida. This initiative includes Gulf Power's service territory in Florida.

7. LWVF's members have lowered their utility bills through investments in the use of demand-side renewable energy systems, energy efficiency measures, and energy conservation. These measures directly and cost-effectively reduce the amount of fossil fuel consumed by existing non-renewable energy generation facilities and displace the need for new power plants, thereby reducing the overall electric system costs for customers who ultimately bear the costs of fuel, new power plants, and added infrastructure. These measures have also effectively lowered

the energy bills for many LWVF members. As ratepayers, LWVF's members are adversely affected by policies that make it harder to lower their power costs by reducing their consumption, such as the rate restructure proposed by Gulf Power Company in this proceeding. These interests are consistent with LWVF's mission on behalf of its members.

8. LWVF has hundreds of members in the service territory of Gulf Power. This constitutes a substantial number of members, and includes the League of Women Voters of the Pensacola Bay Area chapter, the League of Women Voters of Okaloosa County chapter, and the League of Women Voters of Bay County chapter.

V. STATEMENT OF AFFECTED INTERESTS

9. In the above-captioned proceeding, the Commission will determine whether to grant GPC's petition to raise its rates and whether to allow GPC to restructure residential rates. The proposed rate restructure would result in an unprecedented increase in fixed charges while lowering the energy charge. Such a rate increase and rate restructure would result in substantial bill increases to LWVF's members. LWVF's members in GPC's service territory have invested sums of money and support policies that support energy efficiency and other measures to lower their energy use and their bill. The proposed rate restructure raises the rates the most on the consumers that have saved the most energy, such as LWVF's members in GPC's service territory.

10. LWVF and its members advocate for and invest in cost-effective energy efficiency measures and support customer-sited renewable energy generation (rooftop solar). Such measures can meet electricity demand at a fraction of the cost of building new power plants. LWVF's members have an interest in ensuring that the Commission properly considers the true value of all conservation measures, including demand side renewable energy, in this rate

proceeding in setting fixed charges. Thus, the substantial interest of members of LWVF are affected in this case. The Commission's order will determine the rates LWVF's members pay in GPC's service territory, and may result in rates and a rate structure that would financially disadvantage LWVF members and discourage the use of energy-efficiency measures and demand side renewable energy to the detriment of LWVF's mission. The Commission's order could allow GPC to financially penalize LWVF members via high fixed charges after they have invested in energy-efficiency measures and demand side renewable energy to reduce their energy consumption and thus their energy bills. The Commission's order will directly affect the mission of LWVF members and its members' pecuniary interests.

11. These are the type of interests this proceeding is designed to protect because the purpose of this case coincides with the substantial interests of LWVF and its members. *Ameristeel Corp. v. Clark*, 691 So.2d 473 (Fla. 1997); *Agrico Chem. Co. v. Dep't of Envtl. Regulation*, 406 So.2d 478 (Fla. 2d DCA 1981); *Fla. Home Builders Ass'n v. Dep't of Labor & Emp't Sec.*, 412 So.2d 351, 353-54 (Fla. 1982).

12. LWVF is authorized by its bylaws to represent its interests and the interests of its members in legal actions, including a formal administrative action such as this proceeding. The subject matter of this docket is well within the scope of interest and activities of LWVF, and the relief requested is the type of relief appropriate for LWVF to receive on behalf of its members. Intervention will not unduly delay or prejudice the rights of other parties.

13. LWVF's intervention is timely and consistent with the Commission's Order Establishing Procedure. Rule 25-22.039, F.A.C.

VI. STATEMENT OF DISPUTED ISSUES OF FACT

14. Whether GPC's proposed residential rate restructure will discourage energy efficiency.
15. Whether GPC's proposed residential rate restructure will discourage demand side renewable generation like rooftop-solar.
16. Whether customers with demand side renewable generation are subsidized by other customers.
17. Whether customers who invest in energy efficiency and conservation measures are subsidized by other customers.
18. Whether customers using demand side renewable generation pay an equitable share of fixed costs and demand costs.
19. Whether customers who invest in energy efficiency and conservation measures pay an equitable share of fixed costs and demand costs.
20. Whether the decrease in need for additional grid infrastructure caused by energy efficiency and demand side renewable generation decreases fixed costs.
21. Whether GPC's proposed residential rate restructure equitably apportions fixed costs.
22. What the demand-related costs are in GPC's service territory.
23. Whether GPC's requested rate increase is fair, just, and reasonable.
24. Whether GPC's proposed residential rate restructure is fair, just, and reasonable.
25. Whether GPC's request to increase allowable return on equity is reasonable.
26. Whether GPC has proven any financial need for rate relief.
27. Whether GPC's projected revenues and forecasts are appropriate.

28. Whether the proposed changes to GPC's goals and measures under the Florida Energy Efficiency Conservation Act are appropriate.

VII. STATEMENT OF ULTIMATE FACT

29. LWVF cannot at this time provide a complete statement of ultimate facts to be proven because discovery has not been completed. LWVF's allegations of ultimate facts include, but are not limited to, whether GPC's proposed rate increase and rate restructure are unjust, unfair, unreasonable, and unjustly discriminatory in that they discriminate against and punish ratepayers who have invested in energy efficiency and demand-side renewable energy such as rooftop solar, in violation of state policy and law.

VIII. STATUTES AND RULES THAT REQUIRE THE RELIEF REQUESTED

30. The rules and statutes that entitle LWVF to intervene and participate in this case include, but are not limited to, the following:

- a. § 120.569, Fla. Stat.;
- b. § 120.57, Fla. Stat.;
- c. § 366.06, Fla. Stat.;
- d. §§366.80-.85, Fla. Stat.;
- e. R. 28-106.201, F.A.C.;
- f. R. 28-106.205, F.A.C; and
- g. R. 25-22.039, F.A.C.

IX. CONSULTATION WITH OTHER PARTIES

31. Pursuant to Rule 28-106.204(3), F.A.C., LWVF has conferred with all parties of record and the undersigned reports that the Office of Public Counsel and the Federal Executive Agencies take no position on the petition, and Gulf Power Company reserves its right to review the filed petition and will make its decision regarding a possible response after receiving the filing. Southern Alliance for Clean Energy supports the petition and is prepared to file jointly with the League of Women Voters of Florida.

X. RELIEF SOUGHT

32. WHEREFORE, the League of Women Voters of Florida respectfully requests that the Commission enter an order granting them leave to intervene in the above-styled docket as a full party, and further requests parties to provide the undersigned with all pleadings, testimony, evidence, and discovery filed in said dockets.

RESPECTFULLY SUBMITTED this 12th day of December, 2016.

/s/ Bradley Marshall
Florida Bar No. 0098008
bmarshall@earthjustice.org
Alisa Coe
Florida Bar No. 0010187
acoe@earthjustice.org
Earthjustice
111 S. Martin Luther King Jr. Blvd.
Tallahassee, Florida 32301
(850) 681-0031
(850) 681-0020 (facsimile)

*Counsel for Petitioner
The League of Women Voters of Florida*

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy and correct copy of the foregoing was served on this 12th day of December, 2016, via electronic mail on:

Biana Lherisson Kelley Corbari Stephanie Cuello Theresa Tan Florida Public Service Commission Office of the General Counsel 2540 Shumard Oak Boulevard Tallahassee, Florida 32399-0850 blheriss@psc.state.fl.us kcorbari@psc.state.fl.us scuello@psc.state.fl.us ltan@psc.state.fl.us	Thomas Jernigan Lanny Zieman Ebony Payton Andrew Unsicker Natalie Cepak 139 Barnes Dr., Suite 1 Tyndall Air Force Base, FL 32403 Thomas.Jernigan.3@us.af.mil Lanny.Zieman.1@us.af.mil Ebony.Payton.ctr@us.af.mil Andrew.Unsicker@us.af.mil Natalie.Cepak.2@us.af.mil
Jeffrey A. Stone Russell A. Badders Steven R. Griffin Beggs & Lane 501 Commendencia St. Pensacola, FL 32576-2950 jas@beggslane.com rab@beggslane.com srg@beggslane.com	J.R. Kelly Stephanie A. Morse Office of Public Counsel c/o The Florida Legislature 111 W. Madison Street, Room 812 Tallahassee, FL 32399-1400 kelly.jr@leg.state.fl.us morse.stephanie@leg.state.fl.us
Robert L. McGee, Jr. Gulf Power Company One Energy Place Pensacola, FL 32520-0780 rlmcgee@southernco.com	Charles A. Guyton Gunster, Yoakley & Stewart, P.A. 215 S. Monroe St., Suite 618 Tallahassee, FL 32301 cguyton@gunster.com
Jon C. Moyle, Jr. Karen A. Putnal Moyle Law Firm, P.A. 118 North Gadsden St. Tallahassee, FL 32301 jmoyle@moylelaw.com kputnal@moylelaw.com	

/s/ Bradley Marshall
Bradley Marshall, Attorney