

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

**In re: Review of Storm Protection Plan,  
pursuant to Rule 25-6.030, F.A.C., Florida  
Power & Light Company**

**DOCKET NO. 20220051**

**Filed: May 19, 2022**

**SOUTHERN ALLIANCE FOR CLEAN ENERGY'S  
PETITION TO INTERVENE**

Pursuant to Sections 120.569, 120.57, Florida Statutes, and Rule 28-106.205, Florida Administrative Code, Southern Alliance for Clean Energy (“SACE”), through its undersigned counsel, files its Petition 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:

Southern Alliance for Clean Energy  
P.O. Box 1842  
Knoxville, Tennessee 37901  
Telephone: (865) 637-6055

3. The name and address of counsel for Petitioner, authorized to receive all notices, pleadings, and other communications in this docket is:

George Cavros  
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120 E. Oakland Park Blvd., Suite 105  
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### **III. RECEIPT OF NOTICE OF AGENCY'S PROPOSED ACTION**

4. SACE received notice of the Florida Public Service Commission's ("Commission") action through the filing of the Florida Power and Light Company ("FPL") petition for approval of its 2023-2032 Storm Protection Plan ("Plan") in this docket on April 11, 2022.

### **IV. SACE'S SUBSTANTIAL INTERESTS**

5. SACE is a non-profit corporation organized under the laws of Tennessee and authorized to conduct operations in the State of Florida. The purpose of SACE, as explicitly stated in its bylaws, is to advocate for energy plans, policies, and systems that best serve the environmental, public health, and economic interest of communities in the Southeast, including Florida, and recovery of costs associated with such plans, policies and systems. SACE's guiding mission is to promote responsible and equitable energy choices to ensure clean, safe, and healthy communities throughout the Southeast, including Florida. SACE has staff working in Florida to advance energy choices that best serve the economic, environmental, and public health interests of all Floridians, including SACE members. There are a substantial number of SACE members, residing in FPL's service territory, over 200 members, who are ratepayers and dedicated to advancing SACE's purpose and mission. To further its purpose and mission, SACE has presented experts and provided technical testimony and comments at the Commission on: utility resource planning; utility rate structures; power plant need determinations; nuclear/environmental/conservation cost recovery; energy efficiency goals and programs; utility

emission profiles; solar policy design; and on other utility plans and programs. SACE has petitioned to intervene and been granted party status in numerous dockets regarding energy plans and programs that impact the economic interests of customers, including customer who are SACE members.<sup>1</sup>

## V. STATEMENT OF AFFECTED INTERESTS

6. The Commission's action in this docket will affect the rates that FPL customers will pay, including FPL customers that are SACE members. In its petition, FPL's seeks approval of a Plan with a number of storm protection programs, including new winterization programs - predicated on a new extreme winter peak demand forecast. If approved, the winterization programs' costs alone are projected to be approximately \$215 million. The costs of FPL's Plan, if approved in this docket, will be borne by FPL customers through their power bills, including FPL customers that are SACE members. Moreover, the decisions rendered in this docket related to system reliability will affect the health and safety of local communities in FPL's service territory and that of FPL customers, including FPL customer that are SACE members. As such, the this proceeding affects the substantial interests of SACE and its members.

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<sup>1</sup> Dockets include: In re: Petition for Rate Increase by Florida Power and Light Company: Docket No. 20210015; In re: Petition for approval of FPL SolarTogether program and tariff of Florida Power & Light Company: Docket No. 20200176-EI; In re: Petition for a limited proceeding to approve clean energy connection program and tariff and stipulation by Duke Energy Florida; In re: Commission Review of Numeric Conservation Goals: Docket Nos. 20190015, 16, 18, 19, 20, 21; In re: Environmental cost recovery clause: Docket No. 20140007, 20170007; In re: Nuclear Cost Recovery Clause: Docket Nos. 20090009-20170009; Petition for determination of need for Okeechobee Clean Energy Center Unit 1, by Florida Power & Light Company: Docket No. 150196; In re: Energy conservation cost recovery clause: Docket Nos. 20110002- 20140002; Request to opt-out of cost recovery for investor-owned electric utility energy efficiency programs by Wal-Mart Stores East, LP and Sam's East, Inc. and Florida Industrial Power Users Group: Docket No. 140226; Petition for determination of need for Citrus County Combined Cycle Power Plant, by Duke Energy Florida, Inc.: Docket No. 20140110; Commission review of numeric conservation goals- 2014: Docket Nos. 130199, 130200, 130201, 130202; Commission review of numeric conservation goals -2009: Docket Nos. 080407-13; Examination of the outage and replacement fuel/power costs associated with the CR3 steam generator replacement project, by Progress Energy Florida, Inc.: Docket No. 20100437-EI; and In re: Petition to determine need for Polk Unit 6 electrical power plant, by Tampa Electric Company: Docket No. 20070467-EI.

7. These are exactly the type of interests this proceeding is designed to protect for associations such as SACE. To establish standing as an association representing its members' substantial interests, an association such as SACE must demonstrate three things: (1) that a substantial number of its members are substantially affected by the agency's decisions; (2) that the intervention by the association is within the association's general scope of interest and activity; and (3) that the relief requested is of a type appropriate for an association to obtain on behalf of its members. *Florida Home Builders Association v. Department of Labor and Employment Security*, 412 So. 2d 351, 353-54 (Fla. 1982), and *Farmworker Rights Organization, Inc. v. Department of Health and Rehabilitative Services*, 417 So. 2d 753, 754 (Fla. 1st DCA 1982), which is based on the basic standing principles established in *Agrico Chemical Company v. Department of Environmental Regulation*, 406 So. 2d 478, 481-82 (Fla. 2d DCA 1981). SACE satisfies all of the associational standing requirements. First, a substantial number of the SACE's members are located in the FPL service territory and receive and are billed for electricity service. Therefore, SACE members will be directly and substantially affected economically from the proposed FPL Plan. Secondly, SACE, consistent with its bylaws, has a long history of representing its members' economic interests before the Commission – including most recently in the FPL base rate case where SACE was a signatory to a settlement agreement that resolved a number of issues, including transmission and distribution infrastructure improvement costs.<sup>2</sup> Moreover, the reliability issues in this case will affect SACE members' safety and health. Therefore, this proceeding is well within the scope of SACE's mission. Finally, the requested relief - intervention in this case - that substantially affects its members' economic, health and safety interests, is appropriate for SACE to seek on behalf its members.

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<sup>2</sup> See Order No. PSC-2021-0446-S-EI.

8. SACE is explicitly authorized by its bylaws to represent the interests of its members in legal actions, including formal administrative actions such as in this docket. The unique interests of SACE and its members cannot be adequately represented by any other party in this docket. This petition for intervention is timely and will not unduly delay or prejudice the rights of other parties.

#### **VI. STATEMENT OF DISPUTED ISSUES OF FACT**

SACE reserves the right to add additional issues in accordance with the Commission's rules and the Order Establishing Procedure.

- Whether the Plan's proposed winterization projects are necessary;
- To what extent the Plan is expected to reduce restoration costs and outage times associated with extreme weather events and enhance reliability;
- Whether the estimated costs and benefits to the utility and its customers of making the improvements proposed in the Plan is just, fair and reasonable;
- Whether the estimated annual rate impact resulting from implementation of the Plan during the first 3 years is fair, just and reasonable

#### **VII. STATEMENT OF ULTIMATE FACT**

SACE's allegations of ultimate facts include, but are not limited to: FPL's proposed 2023-2032 Plan projects must be necessary to address a legitimate reliability need, be cost effective, reasonable, and the increased rates associated with the Plan must be fair, just and reasonable.

#### **VIII. STATUTES AND RULES THAT REQUIRE THE RELIEF REQUESTED**

9. The rules and statutes that entitle SACE 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. §§ 366.96, Fla. Stat.; and
- d. R. 28-106.205, F.A.C.

**IX. CONFERRAL WITH OTHER PARTIES**

10. Pursuant to R. 28-106.204, F.A.C., SACE has reached out to confer with the counsel of FPL, OPC, and FIPUG, and can represent that OPC has no objection. SACE was not able to identify the FPL and FIPUG position by the time of this filing.

**X. RELIEF SOUGHT**

11. WHEREFORE, SACE respectfully requests that the Commission enter an order granting it 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 the docket.

RESPECTFULLY SUBMITTED this 19th day of May 2022

/s/ George Cavros  
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Southern Alliance for Clean Energy  
120 E. Oakland Park Blvd., Suite 105  
Fort Lauderdale, FL 33334  
(954) 295-5714

*Counsel for Petitioner  
Southern Alliance for Clean Energy*

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true copy and correct copy of the foregoing was served on  
this 19th day of May, 2022 via electronic mail on:

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*/s/ George Cavros*  
Attorney