

Diamond Williams

100077-EI

From: Rhonda Dulgar [rdulgar@yvlaw.net]
Sent: Monday, July 12, 2010 10:27 AM
To: John T. Butler; R. Wade Litchfield; J.R. Kelly; Joseph A. McGlothlin; Filings@psc.state.fl.us; Katherine Jackson; Lisa Bennett; Jay LaVia; Schef Wright
Subject: Electronic Filing - Docket 100077-EI
Attachments: 100077.PetitionToIntervene.7-12-10.pdf

a. Person responsible for this electronic filing:

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b. 100077-EI
In Re: Investigation of the Appropriateness of Affiliate Product Offerings to Florida Power & Light Customers.

c. Document being filed on behalf of The Manchester Group.

d. There are a total of 7 pages.

e. The document attached for electronic filing is Petition to Intervene of the Manchester Group, LLC.

(see attached file: 100077.PetitionToIntervene.7-12-10.pdf)

Thank you for your attention and assistance in this matter.

Rhonda Dulgar
Secretary to Jay LaVia
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7/12/2010

DOCUMENT NUMBER-DATE

05693 JUL 12 2010

FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Investigation of the Appropriateness)
Of Affiliate Product Offerings to Florida)
Power & Light Customers)
_____)

DOCKET NO. 100077-EI
Filed: July 12, 2010

PETITION TO INTERVENE OF THE MANCHESTER GROUP, LLC

The Manchester Group, LLC ("Manchester Group" or "Manchester"), pursuant to Rules 28-106.205 and 25-22.039, Florida Administrative Code ("F.A.C."), hereby petitions for leave to intervene in the above-styled docket. In summary, Manchester provides utility line warranty products and services to utility customers. As such, Manchester has an interest in any proceeding that involves providing warranty products to consumers, as the ultimate determination in this case could have an impact on its business and, more specifically, its opportunities in this market. Manchester, as a participant in the warranty market, also has experience that it believes may be helpful to a full review of the issues presented in this docket. The Manchester Group's substantial interests are subject to determination in this docket and Manchester is accordingly entitled to intervene.

PRODEDURAL BACKGROUND

1. The name, address, and telephone number of the Petitioner are as follows:

The Manchester Group, LLC
5020 Bradenton Avenue
Dublin, Ohio 43017
Telephone: (614) 734-2649
Facsimile: (614) 923-1010

2. All pleadings, orders, and correspondence should be directed to Petitioner's representatives as follows:

Robert Scheffel Wright, Attorney at Law
John T. LaVia, III, Attorney at Law
Young van Assenderp, P.A.
225 South Adams Street, Suite 200
Tallahassee, Florida 32301

Telephone: (850) 222-7206
Facsimile: (850) 561-6834

3. The agency affected by this Petition to Intervene is:

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

FACTUAL BACKGROUND

4. Petitioner, The Manchester Group, LLC, is an Ohio limited liability company, authorized to do business in Florida, with its principal place of business located in Dublin, Ohio. Manchester is in the business of providing utility line warranty products and services to utility customers, including warranty products that provide protection of customers' inside-the-home natural gas lines and electric lines, and protection of customers' inside-the-home and outside-the-home water and sewer lines.

5. The Florida Public Service Commission ("Commission" or "PSC") opened this docket to investigate the appropriateness of affiliate relationships between Florida Power & Light Company ("FPL") and its subsidiaries and affiliates, particularly FPL Energy Services, Inc. ("FPLES"). FPL is an investor-owned public utility subject to the Commission's plenary regulatory jurisdiction pursuant to Chapter 366, Florida Statutes. FPL and FPLES are Florida corporations; FPLES is an unregulated subsidiary of FPL's parent company, NextEra Energy, Inc., a Florida corporation known as FPL Group until a recent name change.

6. FPLES provides utility line warranty products and services to FPL's retail electric customers, and FPL collects customers' payments for these services through FPL's billing system. The products and services provided by FPLES are not subject to direct regulation by the Commission, e.g., regulation as to the pricing, terms, or conditions of the products and services sold by FPLES.

7. Manchester has, on several occasions, both verbally and in writing, asked FPL (the PSC-regulated public utility) to provide to Manchester the same business services, including billing and collection, that FPL provides to FPLES, on a fairly compensated, non-discriminatory basis, i.e., at the same pricing and on the same terms and conditions upon which FPL provides the billing and collection services for similar products to its affiliate, FPLES. FPL has not provided those services as of the date of this filing.

8. Manchester is concerned that an adverse ruling in this docket could have an impact on its ability to provide warranty products and services to consumers in the FPL service territory.

9. Providing utility line warranty products and services to customers, where customers have a meaningful choice among viable competitors as to whether to purchase such services, and if so, from whom to purchase them, is in the public interest. Providing the same business services, including billing and collection, will enable competitors, such as Manchester, to offer FPL's customers other protection options, allowing the free market to work to the advantage of FPL's customers.

MANCHESTER'S STANDING AND RELIEF SOUGHT

Statement of Affected Interests

10. In this docket, the Commission will consider issues relating to FPL's relationship with FPLES and to FPL's provision of business services including billing and collection to FPLES. The Commission may also consider whether FPL's providing such billing and collection services is appropriate at all, and whether utility line warranty products and services, considered generically, are beneficial to customers. In this context, it appears highly likely that the Commission will make decisions that will affect both the interests of FPL's customers and the interests of Manchester and other potential competitors of FPLES.

Standing to Intervene

11. Manchester's substantial interests are of sufficient immediacy to entitle it to participate in this open, Commission-initiated docket and are the type of interests that the proceeding is designed to protect. To participate as a party in this proceeding, an intervenor must demonstrate that its substantial interests will be affected by the proceeding. Specifically, the intervenor must demonstrate that it will suffer a sufficiently immediate injury in fact that is of the type the proceeding is designed to protect. Ameristeel Corp. v. Clark, 691 So. 2d 473 (Fla. 1997), Agrico Chemical Co. v. Department of Environmental Regulation, 406 So. 2d 478 (Fla. 2d DCA 1981), rev. denied, 415 So. 2d 135 (Fla. 1982). In this proceeding, Manchester is concerned that a Commission ruling in this proceeding could eliminate the ability of parties to bill warranty related products on the bill, which would be detrimental to Manchester's business opportunities in this market, as well as to consumers that would like competitive options on warranty products. Manchester believes that if access is provided to the utility bill to an affiliate or competitive company, then access should be provided to others on the same terms and conditions and in a non-discriminatory manner. If permitted to intervene Manchester would seek to have billing and related services provided by FPL on the same basis that FPL provides this service to its affiliated company. In this proceeding, the Commission will consider issues relating to the appropriateness of FPL's affiliate transactions, and it is reasonable to expect that the Commission will make decisions on such transactions that would remedy discrimination and otherwise promote the best interests of FPL's customers and the public interest generally. Decisions on these issues will determine Manchester's substantial interests in having non-discriminatory access to FPL's business services, including billing and collection, which

services would also be in the best interests of FPL's customers and in the public interest generally.

Disputed Issues of Material Fact

12. The Manchester Group believes that the relevant issues of material fact that the Commission should determine in this proceeding are as follows:

- a. Whether FPL should provide billing and collection services to Manchester and other potential providers of utility line warranty products and services, and similar services, on a compensated, non-discriminatory basis;
- b. Whether the provision of such services is in the best interests of FPL's customers and in the public interest generally; and
- c. What the appropriate pricing and other terms and conditions of the subject billing and collection services should be.

Statement of Ultimate Facts Alleged

13. The Manchester Group is entitled to intervene by the following facts.

- a. Manchester's substantial interests will be determined by the Commission's actions herein with regard to the continued provision of business services, including billing and collection, by FPL for utility line warranty products and services offered by FPLES and others, including Manchester.
- b. Manchester is a competent provider of utility line warranty products and services that is fully capable of providing such services to any FPL customers who would voluntarily choose to purchase them.
- c. Manchester has endeavored in good faith to obtain the desired business services, including billing and collection, from FPL through several communications with FPL and FPLES, but such access is not being provided.
- d. The non-discriminatory provision of business services, including billing and collection, for utility line warranty products and services to Manchester, FPLES, and any other potential providers of such services, is in the best interests of FPL's customers and in the public interest.
- e. The Commission should require FPL to provide the requested business services, including billing and collection, to Manchester, and to any other competent provider of such services, on fair, compensated, non-discriminatory terms and conditions that are comparable or identical to the

terms and conditions upon which FPL provides these services to its affiliate, FPLES.

Statutes and Rules that Entitle The Manchester Group, LLC to the Relief Requested

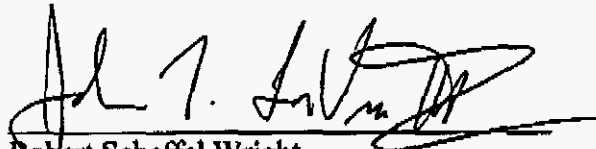
14. The applicable statutes and rules that entitle The Manchester Group, LLC to intervene in this docket include, but are not limited to, Chapter 120, Florida Statutes, and Rules 25-22.039 and 28-106.205, F.A.C.

CONCLUSION AND RELIEF REQUESTED

The Manchester Group's substantial interests will be determined by the Commission's actions herein, and accordingly, Manchester is entitled to intervene in this proceeding as prayed herein.

WHEREFORE, as explained in the foregoing Petition to Intervene, The Manchester Group, LLC respectfully asks the Commission to issue its order GRANTING this Petition to Intervene and requiring that all parties serve copies of all pleadings and other documents on Manchester's attorneys named above.

Respectfully submitted this 12th day of July, 2010.



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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by electronic delivery and U.S. Mail this 12th day of July, 2010, to the following:

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