

**Dorothy Menasco**

**From:** John Hendricks [jwhendricks@sti2.com]  
**Sent:** Tuesday, April 03, 2012 2:56 PM  
**To:** Filings@psc.state.fl.us  
**Subject:** Petition to Intervene 4-3-12

**Attachments:** Petition to Intervene 4-3-12.pdf

Please accept this electronic filing.

Thanks,  
- John Hendricks

- a. Filed by:
  - John W. Hendricks
  - 367 S Shore Dr
  - Sarasota, FL 34234
  - 941-685-0223
  - jwhendricks@sti2.com
- b. Docket Number & Title:
  - Docket No. 120015-EI
  - Petition for Increase in Rates by Florida Power & Light
- c. Filed on Behalf of:
  - John W. Hendricks
- d. Total Number of Pages:
  - Five Pages
- e. Brief Description:
  - Petition to Intervene

Parties list  
updated  
4/3/12  
- Dm

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FPSC-COMMISSION CLERK

4/3/2012

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In Re: Petition for Increase in Rates by )  
Florida Power & Light Company )  
\_\_\_\_\_ )

DOCKET NO. 120015-EI  
FILED: March 30, 2012

**PETITION TO INTERVENE**  
**JOHN W. HENDRICKS**

Pursuant to section 120.569, .57, Florida Statutes, and Rules 25-22.039, 28-106.201 and 28-106.205, Florida Administrative Code, the petitioner files a Petition to Intervene. In support thereof, petitioner states:

1. Name and address of agency affected:

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

2. Name and address of Petitioner:

John W. Hendricks  
367 S Shore Dr  
Sarasota, FL 34234  
Telephone: (941) 685-0223  
email: [jwhendricks@sti2.com](mailto:jwhendricks@sti2.com)

Copies of all pleadings, notices and orders in this docket should be provided to petitioner at the above location or email.

3. Notice of docket:

Petitioner received notice of this docket by review of the Commission's website.

4. Statement of Substantial Interests:

Petitioner is a customer of the Florida Power & Light company and has been a customer of the company for approximately ten years. The cost of electricity is a significant portion of the cost of operating a residence and office in Florida, particularly so because of the long air conditioning season and lack of other practical options for heating, hot water, etc. in our service area.

Like many customers of FPL, petitioner has seen significant loss of property value and difficult business and investment conditions in recent years. Even increases in rates and other utility charges that might have seemed less important in a more robust economy, would now create a substantial interest to intervene. Ratepayers should not be expected to accept even relatively small charges that are not clearly demonstrated to be fair and reasonable. To accept the argument that “it’s only a few dollars per month” would be taking a step onto the proverbial slippery slope.

Petitioner is also an electrical engineer with long experience in technology planning and decision analysis (outside the utility industry) who works with a venture capital group that makes early stage investments in Florida-based entrepreneurial companies. As we emerge from difficult economic times, a balanced approach to reigning in electricity costs and avoiding price shocks or service disruptions will be important for the success of these new businesses and the Florida workforce they will employ.

Petitioner is particularly concerned that the outcome of this FPL rate case could be unreasonably costly if the balance of interests, as determined by the rate case process, is embodied in a result that is economically inefficient. One objective of this intervention is to identify opportunities to nudge the dialogue toward more efficient choices (technically the Pareto Frontier) that represent the least costly way to achieve the agreed balance of interests. More constructive dialogue in this major rate case could set a positive example of utility regulation that delivers cost-efficient and reliable energy solutions that are just and reasonable for both the utility and its customers.

A preliminary review by petitioner of the public information available about the proposed rate changes suggests that there are a number of complex issues in this case that petitioner has a substantial interest in seeing explored and efficiently resolved.

The purpose of this proceeding is to determine the merits of the FPL rate proposals and petitioner's interests are to avoid any rate increase that is not just and reasonable, while not jeopardizing the utility's longer-term ability to provide quality service. Petitioner's interests are affected directly by FPL bills and the ongoing quality of service, and indirectly by their impact on entrepreneurial investments and Florida based suppliers. The financial and service impacts of the outcome of this rate case will likely continue to be felt for decades into the future.

Petitioner's substantial interests are of the type that this proceeding is designed to protect.

5. Disputed Issues of Material Fact:

Disputed issues of material fact include, but are not limited to the following:

- a. Is FPL's requested return on equity, depreciation and capital structure reasonable and just?
- b. Is the proposed ROE multiplier reasonable and justified?
- c. Are the requested rate increases due to inflation, increased weighted cost of capital, and the cumulative effect of the 2010 Rate Settlement reasonable and justified?
- d. Do the set of proposed changes constitute an efficient solution to the issues being addressed or could similar results be achieved at lower costs?

Petitioner reserves all rights to raise additional issues in accordance with the Commission's rules and procedure.

6. Disputed Legal Issues:

Disputed legal issues have not been identified at this time.

7. Statement of Ultimate Facts Alleged:

Ultimate facts alleged include, but are not limited to the following:

- a. The rate increases as requested by FPL have not been shown to be reasonable.

8. Rules and statutes justifying relief:

The rules and statutes that entitle petitioner to intervene and participate in this case include, but are not limited to:

- a. Section 120.569, Florida Statutes
- b. Section 120.57, Florida Statutes
- c. Section 366.04, Florida Statutes
- d. Section 366.06, Florida Statutes
- e. Rule 25-22.039, Florida Administrative Code
- f. Rule 28-106.201, Florida Administrative Code
- g. Rule 28-106.205, Florida Administrative Code

9. Relief:

Petitioner requests to be permitted to intervene as a full party in this docket.

WHEREFORE, John W. Hendricks requests that the Commission enters an order allowing him to participate as a full party in this docket.

s/ John W. Hendricks

John W. Hendricks  
367 S Shore Dr  
Sarasota, FL 34234  
(941) 685-0223  
[jwhendricks@sti2.com](mailto:jwhendricks@sti2.com)

## Certificate of Service

I HEREBY CERTIFY that a true and correct copy of the foregoing Petition to Intervene has been furnished by U.S. Mail and/or email on this 3rd day of April 2012, to the following:

Keino Young  
Florida Public Service Commission  
Division of Legal Services  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850

Karen White  
Federal Executive Agencies  
AFLOA/JACL-USFSF  
139 Barnes Drive, Suite 1  
Tyndall Air Force Base, FL 32403

Jennifer Crawford  
Florida Public Service Commission  
Division of Legal Services  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850

Linda A. Quick, President  
South Florida Hospital and  
Healthcare Association  
6030 Hollywood, FL 33024

J. R. Kelly  
Office of Public Counsel  
111 West Madison Street, Room 812  
Tallahassee, FL 32399

Robert Scheffel Wright  
John T. LaVia, III  
Gardner, Bist et al, P.A.  
1300 Thomaswood Drive  
Tallahassee, FL 32308

John T. Butler  
Florida Power & Light Company  
700 Universe Blvd.  
Juno Beach, FL 33408-0420

Kenneth Wiseman/Mark Sundback  
Andrews Kurth LLP  
13501 I Street NW, Suite 1100  
Washington, DC 20005

Vicki Kaufman/Jon Moyle, Jr.  
Keefe Anchors Gordon & Moyle  
118 North Gadsden Street  
Tallahassee, FL 32301

Charles Milsted  
Associate State Director  
200 West College Avenue  
Tallahassee, FL 32301

s/ John W. Hendricks

John W. Hendricks  
[jwhendricks@sti2.com](mailto:jwhendricks@sti2.com)