

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for declaratory statement or other)
relief regarding the expiration of the Vero Beach)
electric service franchise agreement, by the Board)
of County Commissioners, Indian River County,)
Florida)

Docket No. 140142-EM

Filed: August 14, 2014

FLORIDA POWER & LIGHT COMPANY'S MOTION TO INTERVENE

Florida Power & Light Company ("FPL"), pursuant to Chapters 120 and 366, Florida Statutes, and Rules 25-22.039 and 28-105.0027, Florida Administrative Code, hereby moves the presiding officer of the Florida Public Service Commission ("the Commission") in the above-referenced docket for leave to intervene. In support of this Motion, FPL states as follows:

1. FPL is a corporation with headquarters at 700 Universe Boulevard, Juno Beach, Florida 33408. FPL is an investor-owned utility operating under the jurisdiction of this Commission pursuant to the provisions of Chapter 366, Florida Statutes. FPL is a wholly-owned subsidiary of NextEra Energy, Inc., a registered holding company under the Federal Public Utility Holding Company Act and related regulations. FPL provides generation, transmission, and distribution service to approximately 4.7 million retail customers.

2. Any pleading, motion, notice, order or other document required to be served upon FPL or filed by any party to this proceeding should be served upon the following individuals:

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3. On July 21, 2014, the Board of County Commissioners of Indian River County, Florida (“Petitioner”) petitioned the Commission for a declaratory statement regarding the expiration of its franchise agreement with the City of Vero Beach. The petition was published in the Florida Administrative Register on July 24, 2014.

4. Rule 28-105.0027(1) permits persons whose substantial interests will be affected by the disposition of a declaratory statement to file a motion for leave to intervene within 21 days of publication in the Florida Administrative Register. Such movants must demonstrate that they are entitled to participate in the proceeding “as a matter of constitutional or statutory right or pursuant to agency rule, *or that the substantial interests of the intervenor are subject to determination or will be affected by the declaratory statement.*” Rule 28-105.0027(2)(c), Fla. Admin. Code (emphasis added).

FPL’s Substantial Interests

5. It is clear on the face of the Petitioner’s filing that FPL’s substantial interests will be immediately and directly affected by the declaratory statement. The Petitioner has requested a ruling on the validity of FPL’s territorial agreement with the City of Vero Beach upon expiration of the City of Vero Beach’s franchise agreement with Petitioner. In fact, the Petitioner has specifically requested the Commission to declare that “[o]nce the Franchise expires, the COVB-FPL territorial agreements and boundaries approved by the PSC will become invalid as void or voidable at least with respect to the Franchise Area.” *Petition for Declaratory Statement and Such Other Relief as May be Required*, Board of County Commissioners, Indian River County, p. 31 at ¶ 57d. FPL is mentioned by name in six other requested declarations, as well as elsewhere in the Petition for Declaratory Statement, and FPL’s territorial agreements with the City of Vero Beach are attached as exhibits to the Petition for Declaratory Statement.

FPL's substantial interests not only will be affected, but are "subject to determination," by the requested declaratory statement. Accordingly, FPL meets the requirements for intervention set forth in Rule 28-105.0027, Fla. Admin. Code.

Additional Statements Required by Rule 28-106.201(2), Fla. Admin. Code

6. In compliance with Rule 25-22.039 and Rule 28-106.201(2), Fla. Admin. Code, FPL states that the affected agency is the Florida Public Service Commission at 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399. *See* Rule 28-106.201(a), Fla. Admin. Code. FPL received notice of the petition via the Florida Administrative Register on July 24, 2014. *See* Rule 28-106.201(c), Fla. Admin. Code.

7. With respect to the Petition for Declaratory Statement, the ultimate facts alleged are contained in the Petitioner's filing. FPL is not aware of any disputed issues of material fact. However, there may be disputed issues of law that are stated as fact in the Petition for Declaratory Statement. *See* Rule 28-106.201(d) and (e), Fla. Admin. Code.

8. With respect to FPL's Motion to Intervene, the ultimate fact alleged is that FPL's substantial interests will be directly affected by the requested declaratory statement and the Commission's decision in this proceeding. *See* Rule 28-106.201(e), Fla. Admin. Code.

9. There is currently no proposed agency action. Accordingly, there are not any specific facts that "warrant reversal or modification of the agency's proposed action," nor are there specific rules or states that FPL contends "require reversal or modification of the agency's proposed action." *See* Rule 28-106.201(2)(e) and (f), Fla. Admin. Code. Similarly, FPL cannot state "precisely the action [FPL] wishes the agency to take with respect to the agency's proposed action." *See* Rule 28-106.201(2)(g), Fla. Admin. Code.

WHEREFORE, FPL respectfully requests that its Motion to Intervene be granted.

Respectfully submitted this 14th day of August, 2014.

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By: s/ Jessica A. Cano
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**CERTIFICATE OF SERVICE
DOCKET NO. 140142-EM**

I HEREBY CERTIFY that a true and correct copy of FPL's Motion to Intervene was served electronically this 14th day of August, 2014, to the following:

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