

In re: Petition by Florida Power & Light  
Company for Approval of FPL SolarTogether  
Program and Tariff

Docket No. 20190061

Filed: April 12, 2019

**FLORIDA POWER & LIGHT COMPANY'S RESPONSE TO THE  
FLORIDA INDUSTRIAL POWER USERS GROUP'S PETITION TO INTERVENE**

Florida Power & Light Company ("FPL") hereby responds to Florida Industrial Power Users Group's ("FIPUG") Petition To Intervene. As described below, FIPUG's Petition is premature and should therefore be denied. In support, FPL states:

1. On March 13, 2019, FPL filed its Petition for Approval of FPL SolarTogether<sup>SM</sup> Tariff and Program. On April 5, 2019, FIPUG filed a Petition To Intervene.

2. FIPUG's conferral statement (paragraph 18) misrepresents FPL's position. Specifically, FIPUG's Petition To Intervene represents that FPL takes "no position" on FIPUG's intervention. However, FPL actually stated that it took no position at the time and further advised FIPUG that FPL reserved the right to take a position after it received and reviewed a copy of FIPUG's Petition To Intervene. That cannot be fairly represented as "no position."

3. FPL now has had an opportunity to review FIPUG's Petition and urges that it be denied.

4. First, FIPUG's Petition To Intervene should be denied as premature. This docket is not on a hearing track at this time. Accordingly, the rights FIPUG would have pursuant to Sections 120.56 and 120.57, Florida Statutes, have not yet been triggered. *See* 25-22.029, F.A.C. (the provisions of Section 120.569 and 120.57, F.S., become applicable following the Commission's vote at an agenda conference and issuance of the order addressing the program and tariff).

5. Second, it is not clear that FIPUG satisfies the requirements for associational standing established in *Florida Home Builders Association v. Department of Labor and*

*Employment Security*, 412 So. 2d 351 (Fla. 1982). Therefore, FPL reserves the right to take the position, once FIPUG's right to seek intervention is ripe and FIPUG employs the correct point of entry, that FIPUG cannot demonstrate that a substantial number of its members are substantially affected by the Commission's action, that the subject matter of the proceeding is within the association's general scope of interest and activity, or that the relief requested is of the type appropriate for the association to receive on behalf of its members. Indeed, FIPUG has failed to identify even a single member of the "Group" that will be affected in any way or whether specific members of FIPUG have presubscribed to and support the Program.

WHEREFORE, FPL respectfully requests that the Commission deny FIPUG's Petition To Intervene as premature.

Respectfully submitted this 12th day of April 2019.

Maria Jose Moncada  
Senior Attorney  
Florida Power & Light Company  
700 Universe Boulevard  
Juno Beach, Florida 33408-0420  
(561) 304-5795  
(561) 691-7135 (fax)

By: s/ Maria Jose Moncada  
Fla. Bar No. 0773301

**CERTIFICATE OF SERVICE**  
**Docket No. 20190061-EI**

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by electronic service on this 12th day of April 2019 to the following:

Walter Trierweiler  
Office of the General Counsel  
**Florida Public Service Commission**  
2540 Shumard Oak Blvd.  
Tallahassee, Florida 32399-0850  
wtrierwe@psc.state.fl.us

Jon C. Moyle  
Karen A. Putnal  
Ian E. Waldick  
**Moyle Law Firm**  
118 North Gadsden Street  
Tallahassee, Florida 32301  
jmoyle@moylelaw.com  
kputnal@moylelaw.com  
iwaldick@moylelaw.com  
*Attorneys for Florida*  
*Industrial Power Users Group*