



Kenneth M. Rubin
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November 4, 2019

-VIA ELECTRONIC FILING -

Mr. Adam Teitzman
Commission Clerk
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850

Re: Docket No 20190167-EI – In re: Petition to Compel Florida Power & Light to Comply with Fla. Stat. §366.91 and Rule 25-6.065 (Staff’s First Data Request to FPL Amended)

Dear Mr. Teitzman:

Enclosed please find FPL’s supplemental response to Staff’s First Data Request to FPL (Amended), No. 4. FPL’s supplemental response provides additional communications that have occurred since October 21, 2019, the date FPL’s original response was filed.

Please contact me at (561) 691-2512 should you or your Staff have any questions or concerns regarding this filing.

Sincerely,

/s/Kenneth M. Rubin
Kenneth M. Rubin

Enclosures

cc: Charles Murphy, Esq.

Kyle P. Egger, Esq.

QUESTION:

Please provide a copy of all written communications that Florida Power & Light Company has had with the Petitioners regarding interconnection.

RESPONSE:

Please see Supplemental Attachment No. 16.

From: Rubin, Ken
Sent: Tuesday, October 29, 2019 8:07 AM
To: 'Kyle Egger' <kyle.egger@nearingfirm.com>
Subject: RE: Gonzales-Irwin (Docket No. 20190167-EI)

Good morning Kyle.

Just wanted to check back to see whether we have your consent to have our operational team contact Mr. Gonzales to facilitate completion of the application process to allow the interconnection to take place. As I mentioned in my October 21, 2019 note, this would be without prejudice to your right to argue that the litigation should proceed, both procedurally and substantively, and without prejudice to FPL to argue the contrary points, both procedurally and substantively.

Thanks.

Ken

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From: Kyle Egger <kyle.egger@nearingfirm.com>
Sent: Monday, October 21, 2019 2:22 PM
To: Rubin, Ken <Ken.Rubin@fpl.com>
Subject: RE: Gonzales-Irwin (Docket No. 20190167-EI)

CAUTION - EXTERNAL EMAIL

Ken,

I appreciate you reaching out to me. Let me speak with my clients and I will let you know what our next steps will be.

Best,

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From: Rubin, Ken <Ken.Rubin@fpl.com>
Sent: Monday, October 21, 2019 10:26 AM
To: Kyle Egger <kyle.egger@nearingfirm.com>
Subject: Gonzales-Irwin (Docket No. 20190167-EI)

Dear Kyle:

I am sending this email to advise you that your client, Floyd Gonzales, has reached out directly to Kaz Melians here at FPL regarding the status of his interconnection request. We did not initiate the contact with your client, nor will we absent your consent. Also, please be assured that neither I nor anyone in the Law Department have had any contact with your client.

Based upon the information that Mr. Gonzales communicated to Mr. Melians during their recent discussion, Mr. Melians again reviewed the history of your client's electricity usage. I have been advised that based upon the past 3 months' electricity usage, including the most recent billing cycle that ends today, October 21, 2019, your client's usage now falls within the 115% guideline and his application for interconnection as a tier 2 net metered customer may now proceed through the process for approval. Our goal is to interconnect your client's system as soon as possible so that he may begin to net meter. As a result, I am requesting your consent to permit Mr. Melians or his designee to communicate directly with Mr. Gonzales to complete the application process to allow interconnection to take place.

I respectfully submit that this development should end the regulatory litigation, as no actual case or controversy will remain. However, if you intend to proceed with the litigation notwithstanding this change in circumstances, our work to interconnect Mr. Gonzales' solar system will be without prejudice to your right to argue that the litigation should proceed, both procedurally and substantively, and without prejudice to FPL to argue the contrary points, both procedurally and substantively. I will advise Commission Staff of this development to assure that they have the pertinent facts, and I will copy you on that communication.

Before closing, I also want to bring to your attention a recent decision of the Florida Public Service Commission in Docket No. 20190176-EI. I have attached a copy of the Commission's October 10, 2019 order for your consideration. In that docket, a group of 10 utility customers petitioned the Commission to open a rulemaking to modify certain provisions of the net metering rule. One of the areas the petitioners sought to change involved a request to allow net metering customers or their contractors to choose the size of their net metered systems. In rejecting this claim, the Commission wrote that "Petitioners may be seeking to generate electricity at a capacity that is beyond what is currently needed to offset part or all of their electricity requirements." The Commission discussed the purpose of the net metering rule, including the statement that "certain provisions of the rule were meant to ensure that customers will not intentionally oversize their systems for the primary purpose of selling energy to the utility or becoming an independent power producer." And while we in no way mean to suggest or imply that it was ever your client's goal to intentionally oversize his system, the fact of the matter is that at the time of his initial application, and in fact up until this month, Mr. Gonzales' system would have been oversized, and would have generated electricity significantly in excess of his historical and projected electricity requirements.

Kyle, I look forward to hearing from you in the hope that we can proceed with your client's application and interconnection at the earliest possible time, as that is my primary objective in sending this communication. I also appreciate your consideration of the litigation position I have addressed in this note.

Best regards,

Ken

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