

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Florida Power & Light Company's
Petition for Approval of Arrangement to
Mitigate Impact of Unfavorable Cedar Bay
Power Purchase Obligation

DOCKET NO.: 150075-EI

FILED: July 7, 2015

**FLORIDA INDUSTRIAL POWER USERS GROUP'S
AMENDED OBJECTION TO FLORIDA AUDUBON SOCIETY, INC.'S
PETITION TO INTERVENE**

The Florida Industrial Power Users Group (FIPUG), by and through its undersigned counsel, hereby objects to Florida Audubon Society, Inc.'s petition to intervene to the extent Florida Audubon Society, Inc. (FAS) seeks to inject new issues into this proceeding that are not within the purview of the Public Service Commission's jurisdiction or within the scope of the statute authorizing this proceeding. In support of this objection, FIPUG states:

1. FAS's petition to intervene describes FAS's "substantial interests" as FAS's dedication "to restoring and conserving natural ecosystems, focusing on birds and their habitats," and describes FAS's members' substantial "use and enjoyment" of the wildlife, scenic, recreational, and water resources in and around Duval County, including boating, fishing, bird-watching, nature study and the observation of wildlife. FAS asserts that its members' "substantial interest in protecting the environment and natural resources its members utilize" forms the primary basis for FAS's standing to intervene.

2. FAS's interest in the use and enjoyment of environmental resources and the restoration and conservation of natural ecosystems are not, however, within the purview of the Public Service Commission's jurisdiction or within the zone of interests the statute authorizing this proceeding is intended to address, and do not form a basis for FAS's standing to intervene in this proceeding. *See, In re Petition for Determination of Need for Glades Power Park Units 1*

and 2 Electrical Power Plants in Glades County, by Florida Power & Light Company, PSC-07-0323-PCO-EI (April 16, 2007).

3. To the extent FAS is granted standing based on its allegation that, “[f]urthermore, FAS has members in all 32 counties serviced by FPL, including 169 members in Nassau County, and are thus ratepayers who may be affected by the Commission’s action,” FAS’s standing, if any, as an Intervenor must be subordinate to the primary parties in this case. FAS takes the case as it finds it and may not inject new or impermissible issues into the proceeding, e.g., issues involving environmental restoration, conservation, protection, existing or potential environmental impacts, or the scope or extent of FAS’ members’ use and enjoyment of environmental or recreational resources are prohibited.

4. FAS’s petition to intervene specifically identifies only two disputed issues of material fact, to wit:

(a) Is the proposed purchase of the Cedar Bay Facility in the best interest of the public?

(b) What environmental benefits are associated with purchasing the Cedar Bay Facility?

To the extent these questions involve environmental issues, as raised by FAS in its petition to intervene, including the “environmental benefits associated with purchasing the Cedar Bay Facility” they are not within the purview of this proceeding or within the jurisdiction of the Commission to address. Accordingly, FAS’s petition to intervene should be denied or, if allowed, intervention should be granted only on a limited basis, subordinate to the existing proceeding, and subject to the exclusion of any and all of the environmental concerns raised by FAS.

RESPECTFULLY SUBMITTED,

/s/ Jon C. Moyle

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CERTIFICATE OF SERVICE

I **HEREBY CERTIFY** that a true and correct copy of the foregoing Florida Industrial Power Users Group's Amended Objections to Florida Audubon Society's Petition to Intervene was served by electronic mail this 7th day of July 2015, to the following:

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