

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for limited proceeding for
Recovery of incremental storm restoration costs
Related to Hurricane Matthew by Florida Power
& Light Company.

DOCKET NO.: 160251-EI
FILED: May 18, 2018

**FLORIDA INDUSTRIAL POWER USERS GROUP'S
RESPONSE IN OPPOSITION TO JOINT MOTION FOR
APPROVAL OF SETTLEMENT AGREEMENT**

The Florida Industrial Power Users Group (“FIPUG”), pursuant to Rule 28-106.204(1), Florida Administrative Code, files this response in opposition to the Joint Motion for Approval of Settlement Agreement filed by Florida Power and Light Company (“FPL”) and the Office of Public Counsel (“OPC”). The grounds for FIPUG’s position are as follows:

1. FIPUG filed a petition to intervene in this matter on March 27, 2017. The petition was granted on July 12, 2017.
2. FIPUG was first made aware of a settlement agreement in this case on Friday afternoon, May 11, 2018.
3. The next week, FIPUG subsequently was provided a copy of the settlement agreement.
4. Without the opportunity to question witnesses under oath who have knowledge of the settlement, and the underlying case, FIPUG cannot support the proposed settlement agreement; accordingly, FIPUG maintains its litigation position as set forth in its prehearing statement.
5. FIPUG understands that, with the exception of the witness tendered by the Office of Public Counsel, it will have the opportunity to question witnesses at the June 5, 2018 hearing in this matter. Specifically, FIPUG understands that it will be afforded the opportunity to question witnesses about the proposed settlement agreement and the underlying filed case.

Should it desire, and consistent with section 120.57(1)(b) FIPUG reserves its right to file a post-hearing brief in the matter, regardless of whether the Commission chooses to issue an order on the underlying case, issue an order on the proposed settlement agreement, or issue an order which proposes modifications to the proposed settlement agreement.

WHEREFORE, for the foregoing reasons, FIPUG respectfully opposes the proposed settlement agreement at this time.

/s/ Jon C. Moyle

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CERTIFICATE OF SERVICE

I **HEREBY CERTIFY** that a true and correct copy of the foregoing has been furnished by electronic mail this 18th day of May, 2018, to the following:

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