

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition to compel Florida Power & Light to comply with Section 366.91, F.S. and Rule 25.6-065, F.A.C., by Floyd Gonzales and Robert Irwin.

DOCKET NO. 20190167-EI
ORDER NO. PSC-2020-0016-PCO-EI
ISSUED: January 9, 2020

ORDER DENYING PETITION TO INTERVENE

The Florida Public Service Commission (Commission) opened this Docket to address a petition filed by Floyd Gonzales and Robert Irwin (Gonzales/Irwin) to compel Florida Power & Light (FPL) to comply with Section 366.91, F.S., and Rule 25-6.065, F.A.C., and thereby permit Gonzales/Irwin to participate in FPL's net metering program. Gonzales/Irwin also asked for a refund based upon the delay in being permitted to join the program. On January 6, 2020, pursuant to Sections 120.569 and 120.57, Florida Statutes (F.S.), and Rule 28-106.205, Florida Administrative Code (F.A.C.), Achim Ginsberg-Klemmt (Ginsberg-Klemmt) filed a Petition to Intervene in this docket. Ginsberg-Klemmt states that FPL opposes the intervention and counsel for Gonzales/Irwin has been silent on the question.

This docket has been noticed for consideration at the Commission's January 14, 2020 Agenda Conference as a Proposed Agency Action decision in which interested persons may participate. A formal hearing is not currently scheduled in this matter. The point of entry into this proceeding, which is governed by Rule 25-22.029, F.A.C., is not contemplated until a Proposed Agency Action Order is issued addressing the merits of the case. That has not yet occurred in this case and therefore, the Ginsburg-Klemmt petition to intervene is premature and thus, inappropriate under the Rule.

Moreover, this is not a generic docket; it is more akin to a complaint by Gonzales/Irwin against FPL. While the referenced Rule governs the point of entry into this Proposed Agency Action proceeding, if no issues remain between Gonzales/Irwin and FPL when a Proposed Agency Action Order is issued, it is unlikely that Ginsberg-Klemmt will be able to establish standing in this Docket. Even if specific factual disputes remain between Gonzales/Irwin and FPL, such issues are particular to those parties. As such, intervention shall be denied without prejudice.

Therefore, it is hereby

ORDERED by Commissioner Julie I. Brown, as Prehearing Officer, that the Petition to Intervene filed by Achim Ginsberg-Klemmt on January 6, 2020, is hereby denied without prejudice.

By ORDER of Commissioner Julie I. Brown, as Prehearing Officer, this 9th day
of January, 2020.



JULIE I. BROWN
Commissioner and Prehearing Officer
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399
(850) 413-6770
www.floridapsc.com

Copies furnished: A copy of this document is provided to the parties of record at the time of issuance and, if applicable, interested persons.

CWM

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing or judicial review will be granted or result in the relief sought.

Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

Any party adversely affected by this order, which is preliminary, procedural or intermediate in nature, may request: (1) reconsideration within 10 days pursuant to Rule 25-22.0376, Florida Administrative Code; or (2) judicial review by the Florida Supreme Court, in the case of an electric, gas or telephone utility, or the First District Court of Appeal, in the case of a water or wastewater utility. A motion for reconsideration shall be filed with the Office of Commission Clerk, in the form prescribed by Rule 25-22.0376, Florida Administrative Code. Judicial review of a preliminary, procedural or intermediate ruling or order is available if review of the final action will not provide an adequate remedy. Such review may be requested from the appropriate court, as described above, pursuant to Rule 9.100, Florida Rules of Appellate Procedure.