

MOTION FOR LEAVE TO FILE AN AMICUS BRIEF
IN OPPOSITION TO THE INITIATIVE PETITION

Florida Energy Freedom, Inc., through the undersigned counsel and pursuant to Florida Rule of Appellate Procedure 9.370, requests this Court grant leave to file an amicus brief in opposition to the initiative petition at issue in Case No. SC15-2150, RE: Rights of Electricity Consumers Regarding Solar Energy Choice.

1. Interest of Florida Energy Freedom as a prospective amicus curiae

Florida Energy Freedom is a 501(c)(4) nonprofit organization whose mission is to represent Florida's residential, commercial, and industrial end-users – the customers who ultimately purchase electricity and pay for the electric grid – in calling for a competitive restructuring of Florida's vertically-integrated electricity market. Of the seven largest states in America, Florida is the only one where end-users have no choice in their electricity supply. The one alternative Florida's end-users have to the vertically-integrated electric utilities – affordable, self-generated solar energy – is at issue here, and that is why Florida Energy Freedom seeks specifically to intervene in opposition to the initiative petition in this case.

2. Issue to be addressed in the prospective amicus brief

Should the Court see fit to grant Florida Energy Freedom leave to file the attached amicus brief, it will focus on the reasons why the proposed amendment should be stricken from consideration on the 2016 general election ballot.

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3. How Florida Energy Freedom proposes to assist this Court in its work

Florida Energy Freedom requests this Court grant it leave to file the attached amicus brief so that it may assist the Court in considering the functional effects of the proposed amendment on end-users. Many of the filings in opposition to the initiative petition have paid great attention to [Section 101.161, Florida Statutes](#). Florida Energy Freedom supports all of their conclusions. But as an organization representing end-users across Florida, from restaurants and lodging establishments, to competitive energy companies, and international mass-market retailers, Florida Energy Freedom can assist this Court with the unique perspective of the Floridians that the proposed amendment would most affect every day. To that end, it would focus on analyzing the effects of each part of the text of the proposed amendment in light of the requirements of [Article XI, Section 3 of the Florida Constitution](#).

4. Requirements for filing a prospective amicus brief with this Court

Pursuant to [Fla. R. App. P. 9.370\(a\)](#), a "motion for leave to file must state the movant's interest, the particular issue to be addressed" and "how the movant can assist the court in the disposition of the case." [Liberty Counsel v. Fla. Bar Bd. of Governors, 12 So. 3d 183, 186 n.8 \(Fla. 2009\)](#).

CONCLUSION

For all these reasons, Florida Energy Freedom, Inc. respectfully requests this Court grant it leave to file an amicus brief in opposition to the initiative petition.

CERTIFICATE OF SERVICE

I hereby certify that on January 21, 2016, a copy of the foregoing Motion for Leave to File an Amicus Brief in Opposition to the Initiative Petition was electronically filed with the Florida Courts E-Filing Portal, as authorized by Fla. R. Jud. Admin. 2.516, with notice furnished to the persons on the attached service list.

/s/ Warren Rhea
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