

SUPREME COURT OF FLORIDA

Case No. SC15-2150 & SC16-12

**ADVISORY OPINION TO THE ATTORNEY GENERAL
RE: RIGHTS OF ELECTRICITY CONSUMERS
REGARDING SOLAR ENERGY CHOICE**

**MOTION TO EXPEDITE CONSIDERATION OF MOTION FOR RELIEF
FROM JUDGMENT OR ORDER, OR ALTERNATIVE MOTION TO
REOPEN CASE DUE TO FRAUD OR OTHER MISCONDUCT ON THE
COURT ON THE PART OF PROPONENTS OF CITIZEN INITIATIVE**

Florida Solar Energy Industries Association and Floridians for Solar Choice, Inc. ask this Court to expedite consideration of the motion for relief from judgment or order, or alternative motion to reopen case. The motion was filed electronically on November 2, 2016. It seeks reconsideration of the advisory opinion on the validity of the initiative petition entitled “Rights of Electricity Consumers Regarding Solar Energy Choice” sponsored by Consumers for Smart Solar, Inc. This motion arises from revelations uncovered by the *Miami Herald* only two weeks ago (October 18, 2016), in an article titled “Insider reveals deceptive strategy behind Florida’s solar amendment.” The article discloses facts unknown to the Court and not reasonably discoverable during the prior advisory proceedings, namely, that the sponsors of Amendment 1 “attempted to deceive voters into supporting restrictions on the expansion of solar by shrouding Amendment 1 as a pro-solar amendment.”

Petitioners accordingly request an expedited briefing schedule, including

ordering a response within five days of electronic service of the petition, and a reply thereto within five days of service, as well as any other relief the Court may deem just and proper, including an expedited ruling. *See* Fla. R. Jud. Admin 2.215(g) (directing that challenges involving elections and proposed constitutional amendments be expedited).

The petition presents a single issue of law, involves no disputed facts, and concerns the right of the citizenry to vote on initiatives that clearly and unambiguously set forth the chief purpose of the proposed amendments. The parties and the people of the State of Florida are well served by expedited treatment of this important question of law and public policy.

CERTIFICATE OF COMPLIANCE

I certify this petition complies with the font requirements of Rule 9.100(l) of the Florida Rules of Appellate Procedure.

Respectfully submitted,

S/ Benedict P. Kuehne

BENEDICT P. KUEHNE

Florida Bar No. 233293

MICHAEL T. DAVIS

Florida Bar No. 63374

**LAW OFFICE OF BENEDICT P.
KUEHNE, P.A.**

100 S.E. 2nd St., Suite 3550

Miami, FL 33131-2154

Tel: 305.789.5989

Fax: 305.789.5987

ben.kuehne@kuehnelaw.com

mdavis@kuehnelaw.com
efiling@kuehnelaw.com

CERTIFICATE OF SERVICE

I certify this petition was served by email on November 2, 2016, to:

Pamela Jo Bondi
Gerry Hammond
State of Florida
The Capitol, PL-01
Tallahassee, FL 32399
gerry.hammond@myfloridalegal.com
shelia.hall@myfloridalegal.com
phyllis.thomas@myfloridalegal.com
oag.civil.eserve@myfloridalegal.com

Quinshawna S. Landon
Raoul G. Cantero
T. Neal McAliley
Southeast Financial Center
200 South Biscayne Blvd., Suite 4900
Miami, FL 33131
quin.landon@whitecase.com
rcantero@whitecase.com
nmcailley@whitecase.com
lillian.dominguez@whitecase.com
fbailey@whitecase.com
lorozco@whitecase.com

Adam S. Tanenbaum
R.A. Gray Building
500 South Bronough St.
Tallahassee, FL 32399
adam.tanenbaum@dos.myflorida.com
brandy.hedges@dos.myflorida.com
adam.tanenbaum1@gmail.com

Matthew J. Carson

Florida House of Representatives
The Capitol
402 South Monroe St.
Tallahassee, FL 32399
matthew.carson@myfloridahouse.gov

Dawn Roberts
The Florida Senate
The Capitol
404 South Monroe St.
Tallahassee, FL 32399
Dawn.roberts@flsenate.gov
everette.shirlyne@flsenate.gov

Timothy M Cerio
The Capitol
Executive Office of the Governor
400 S. Monroe St.
Tallahassee, FL 32399
tim.cerio@eog.myflorida.com

Amy J. Baker
Coordinator
Financial Impact Estimating
Conference
Office of Economic and Demographic
Research
111 West Madison Street, Suite 574
Tallahassee, Florida 32399-6588
baker.amy@leg.state.fl.us

Maria Matthews

Director
Division of Elections
Florida Department of State
R.A. Gray Building, Room 316
500 South Bronough Street
Tallahassee, Florida 32399-0250
DivElections@dos.myflorida.com

William C. Garner
Robert L. Nabors
Carly J. Schrader
Nabors, Giblin & Nickerson, P.A.
1500 Mahan Drive, Suite 200
Tallahassee, FL 32308
Tel: (850) 224-4070
Fax: (850) 224-4073
bgarner@ngntally.com
rnabor@ngntally.com
cschrader@ngn-tally.com
Counsel for Floridians for Solar
Choice, Inc.

Bradley Marshall
David Guest
Earthjustice
111 S. M L King Jr. Blvd
Tallahassee, FL 32301-1451
Tel: (850) 681-0031
bmarshall@earthjustice.org
dguest@earthjustice.org

Daniel E. Nordby
Shutts & Bowen LLP
215 South Monroe St., Suite 804
Tallahassee, Florida 32301
dnordby@shutts.com
mpoppell@shutts.com

Jim Kallinger, Chairperson
Consumers for Smart Solar, Inc.
2640-A Mitcham Drive
Tallahassee, FL 32308-0000

WARREN RHEA
Florida Bar No. 115579
Counsel for Florida Energy Freedom,
Inc.
10104 Southwest 17th Place
Gainesville, FL 32601
Tel: 352-231-2579
floridaenergyfreedom.org
warren.rhea@floridaenergyfreedom.o
rg

BARRY RICHARD
Florida Bar No. 105599
richardb@gtlaw.com
Greenberg Traurig, P.A.
101 East College Avenue
Tallahassee, FL 32301
Tel: (850) 222-6891

ALVIN DAVIS
Florida Bar No. 218073
alvin.davis@squirepb.com
Squire Patton Boggs, LLP
200 S Biscayne Blvd., Ste. 4100
Miami, FL 33131-2362
Tel: (305) 577-2835
Attorneys for FLORIDA POWER &
LIGHT

MAJOR B. HARDING
Florida Bar No. 33657
mharding@ausley.com
JAMES D. BEASLEY

Florida Bar No. 178751
jbeasley@ausley.com
Ausley & McMullen
PO Box 391
Tallahassee, FL 32302-0391
Tel: (850) 224-9115
Attorneys for TAMPA ELECTRIC
COMPANY

JOHN BURNETT
Florida Bar No. 173304
john.bumett@duke-energy.com
Deputy General Counsel
Duke Energy Florida
PO Box 14042
Saint Petersburg, FL 33733-4042
Tel: (727) 820-5184
Attorney for DUKE ENERGY
FLORIDA

JEFFREY A. STONE
Florida Bar No. 325953
JAS@beggslane.com
md@beggslane.com
TERRIE L. DIDI ER
Florida Bar No. 0989975
TLD@beggslane.com
aeh@ beggslane.com
Beggs & Lane, R.L.L.P.
501 Commendencia Street (32502)
P.O. Box 12950
Pensacola, FL 32591 -2950
Tel: (850) 432-2451

KENNETH B. BELL
Florida Bar No. 0347035
kbell@gunster.com
Gunster, Yoakley & Stewart, P.A.
215 S. Monroe St., Suite 601
Tallahassee, FL 32301
Tel: (850) 521-1980
Attorneys for GULF POWER
COMPANY

William B. Willingham (FBN
879045)
Michelle L. Hershel (FBN 832588)
2916 Apalachee Parkway
Tallahassee, FL 32301
Tel: (850) 877-6166
Fax: (850) 656-5485
fecabill@embarqmail.com
mhershel@embarqmail.com
FLORIDA ELECTRIC
COOPERATIVES ASSOCIATION,
INC.

Ennis Leon Jacobs, Jr.
Florida Bar No. 0714682
P.O. Box 1101
Tallahassee, FL 32302
Tel: 850.491.2710
jacobslawfla@gmail.com
Counsel for Florida Solar Energy
Industries Assn.

By: S/ Benedict P. Kuehne
BENEDICT P. KUEHNE