

BEFORE THE PUBLIC SERVICE COMMISSION

In re: Petition for authority to recover prudently incurred storm restoration costs related to 2004 storm season that exceed storm reserve balance, by Florida Power & Light Company.

DOCKET NO. 041291-EI
ORDER NO. PSC-04-1207-PCO-EI
ISSUED: December 7, 2004

ORDER GRANTING INTERVENTION

By petition, dated November 17, 2004, the Florida Industrial Power Users Group (FIPUG) requested permission to intervene in this proceeding. FIPUG states that it is a group of industrial customers, some of whom take service from Florida Power & Light Company (FPL). FIPUG alleges that relief requested in FPL's petition will potentially increase its members' costs of electricity, thus affecting their production costs, their competitive posture, and their levels of employment. Therefore, FIPUG concludes it will be substantially affected by any action the Commission takes in this docket.

On November 24, 2004, FPL filed a response to FIPUG's petition to intervene. While FPL stated that it had no objection to FIPUG's participation in this docket, it did disagree with certain issues raised in FIPUG's Petition to Intervene. FPL states that certain issues are irrelevant and, thus, inappropriate for inclusion in this docket. This Order addresses, however, whether FIPUG has standing to intervene and does not address the issues that are to be resolved in this docket. FIPUG, like any other intervenor, may raise and pursue relevant issues, subject to the Commission's ultimate determination as to the specific issues to be addressed.

Having reviewed the Petition, it appears that FIPUG's substantial interests may be affected by this proceeding. FPL did not express opposition to FIPUG's request to intervene, and the time for doing so has elapsed. Therefore, the Petition shall be granted. Pursuant to Rule 25-22.039, Florida Administrative Code, FIPUG takes the case as it finds it.

Therefore, it is

ORDERED by Charles M. Davidson, as Prehearing Officer, that the Petition to Intervene filed by Florida Industrial Power Users Group is hereby granted. It is further

DOCUMENT NUMBER-DATE

12917 DEC-7 8


FPSC-COMMISSION CLERK

ORDERED that all parties to this proceeding shall furnish copies of all testimony, exhibits, pleadings and other documents which may hereinafter be filed in this proceeding, to:

John W. McWhirter, Esq.
McWhirter Reeves, McGlothlin, Davidson,
Kaufman, & Arnold, P.A.
400 North Tampa Street, Suite 2450
Tampa, Florida 33602

Vicki Gordon Kaufman, Esq. and
Timothy J. Perry, Esq.
McWhirter, Reeves, McGlothlin, Davidson,
Kaufman, & Arnold, P.A.
117 South Gadsden Street
Tallahassee, Florida 32301

By ORDER of Commissioner Charles M. Davidson, as Prehearing Officer, this 7th
day of December, 2004.



CHARLES M. DAVIDSON
Commissioner and Prehearing Officer

(SEAL)

KEF

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

ORDER NO. PSC-04-1207-PCO-EI

DOCKET NO. 041291-EI

PAGE 3

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 Director, Division of the Commission Clerk and Administrative Services, in the form prescribed by Rule 25-22.060, 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.