

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Petition for Determination )  
of Need for Collier-Orange River ) DOCKET NO. 030084-EI  
230kV Transmission Line in Collier, )  
Hendry, and Lee Counties, by ) FILED: March 19, 2003  
Florida Power & Light Company )  
\_\_\_\_\_ )

PETITION TO INTERVENE OF BARRON COLLIER COMPANIES

Barron Collier Companies ("Barron Collier"), pursuant to Chapter 120, Florida Statutes, and Rules 25-22.039, 28-106.201(2), and 28-106.205, Florida Administrative Code, petitions to intervene in the above-styled docket, and as grounds therefor states the following.

PROCEDURAL BACKGROUND

1. The name, address and telephone number of the Petitioner is:

Barron Collier Companies  
Attention: Thomas W. Sansbury  
2600 Golden Gate Parkway  
Naples, Florida 34105.

2. All pleadings, orders and correspondence should be directed to Petitioner's representatives as follows:

Robert Scheffel Wright, Attorney at Law  
John T. LaVia, III, Attorney at Law  
Landers & Parsons, P.A.  
310 West College Avenue (ZIP 32301)  
Post Office Box 271  
Tallahassee, Florida 32302  
(850) 681-0311 Telephone  
(850) 224-5595 Facsimile.

3. The agency affected by this Petition to Intervene is:

Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399-0850.

4. This proceeding was initiated to consider Florida Power & Light Company's (FPL) petition for determination of need for an electric transmission line that requires certification pursuant to the Florida Transmission Line Siting Act, Sections 403.521-.537, Florida Statutes.

**BARRON COLLIER COMPANIES' SUBSTANTIAL INTERESTS**

5. Barron Collier Companies has a substantial interest in the outcome of this proceeding. Barron Collier is a significant land and real estate development company with its principal operations in Collier County, Florida. Barron Collier purchases significant amounts of electricity from FPL pursuant to several of FPL's retail service tariffs, and accordingly, Barron Collier has a substantial interest in ensuring that any significant proposed investments are cost-effective and otherwise beneficial to Barron Collier's customer accounts served by FPL. As a significant developer in the area where the line will be located, Barron Collier also has substantial interests in the reliability, integrity, and safety of the transmission system in that area. Therefore, Barron Collier has a direct and substantial interest in the outcome of this proceeding.

6. Barron Collier's interest is of sufficient immediacy to entitle it to participate in the proceeding and is the type of interest that the proceeding is designed to protect. To

participate as a party in this proceeding, an intervenor must demonstrate that its substantial interests will be affected by the proceeding. Specifically, the intervenor must demonstrate that it will suffer a sufficiently immediate injury in fact that is of the type the proceeding is designed to protect. Ameristeel Corp. v. Clark, 691 So. 2d 473 (Fla. 1997); Agrico Chemical Co. v. Department of Environmental Regulation, 406 So.2d 478 (Fla. 2d DCA 1981), rev. denied, 415 So. 2d 1359 (Fla. 1982). As a substantial retail customer of FPL, and as the developer of property whose interests are directly affected by the reliability, integrity, and safety of the transmission system serving the area of Barron Collier's operations, Barron Collier has made the requisite demonstration to entitle it to participate as a full party in this proceeding.

#### DISPUTED ISSUES OF MATERIAL FACT

7. Disputed issues of material fact include, but are not limited to, the following:
  - a. Whether FPL has a need for additional transmission facilities in the area and in the time frame for which FPL seeks the PSC's determination of need for the line;
  - b. Whether FPL's proposed route for the proposed line is the most cost-effective alternative;
  - c. Whether alternative routes will adequately and cost-effectively meet the reliability, integrity, and safety needs for FPL's transmission system, if any;

- d. Whether FPL's proposed route would constitute an uneconomic addition to the transmission system, given the existence of other, more cost-effective alternatives; and
- e. Such other issues as may be identified through discovery in this proceeding.

Barron Collier reserves all rights to raise additional issues in its prehearing statement and at the prehearing conference in this docket.

**ULTIMATE FACTS THAT ENTITLE BARRON COLLIER COMPANIES TO RELIEF**

8. The ultimate facts that entitle Barron Collier to relief will be developed through discovery and testimony in this proceeding. At this time, based on preliminary review of FPL's filings in this docket, Barron Collier believes that at least one alternate route exists that will adequately meet all of the statutory requirements for transmission lines under the Transmission Line Siting Act, that will adequately meet all reasonable needs for system reliability and integrity and safety, and that is more cost-effective than FPL's proposed route.

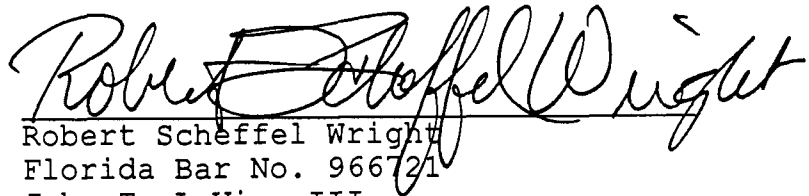
**STATUTES AND RULES THAT ENTITLE LEE COUNTY TO RELIEF**

9. The applicable statutes and rules that entitle Barron Collier to relief include, but are not limited to, Sections 120.569, 120.57(1), 366.04(5), and 403.537, Florida Statutes (2002), and Chapter 28-106, Florida Administrative Code.

**RELIEF REQUESTED**

WHEREFORE, Barron Collier Companies respectfully requests the Florida Public Service Commission to enter its order GRANTING this Petition to Intervene and authorizing Barron Collier to intervene in this proceeding with full party status, and requiring that all parties to this proceeding serve copies of all pleadings, notices, and other documents on Barron Collier's representatives indicated in paragraphs 1 and 2 above.

Respectfully submitted this 19th day of March, 2003.



Robert Scheffel Wright  
Florida Bar No. 966721  
John T. LaVia, III  
Florida Bar No. 853666  
LANDERS & PARSONS, P.A.  
310 West College Avenue (ZIP 32301)  
Post Office Box 271  
Tallahassee, Florida 32302  
(850) 681-0311 Telephone  
(850) 224-5595 Facsimile

Attorneys for Barron Collier Companies

**CERTIFICATE OF SERVICE**  
**DOCKET NO. 030084**

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by hand delivery (\*), or U.S. Mail, on this 19<sup>th</sup> day of March, to the following:

Lawrence Harris, Esq.\*  
William Keating, Esq.  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850

Paul Darst  
Department of Community Affairs  
Division of Resource Planning/Mgmt.  
2555 Shumard Oak Blvd.  
Tallahassee, FL 32399-2100

Mr. Buck Oven  
Department of Environmental Protection  
Siting Coordination Office  
2600 Blairstone Road  
Tallahassee, FL 32301

Mr. Greg Holder, Regional Director  
Fish & Wildlife Commission  
3900 Drane Field Road  
Lakeland, FL 33811-1299

Mr. Mark Robson, Regional Director  
Fish & Wildlife Commission  
8535 Northlake Boulevard  
West Palm Beach, FL 33412

Mr. William G. Walker, III  
Vice President  
Florida Power & Light Company  
215 S. Monroe Street, Suite 810  
Tallahassee, FL 32301-1859

R. Wade Litchfield, Esq.  
Florida Power & Light Company  
700 Universe Boulevard  
Juno Beach, FL 33408-0420  
David Burr, Executive Director

Regional Planning Council #90  
P.O. Box 3455  
N. Ft. Myers, FL 33918-3455

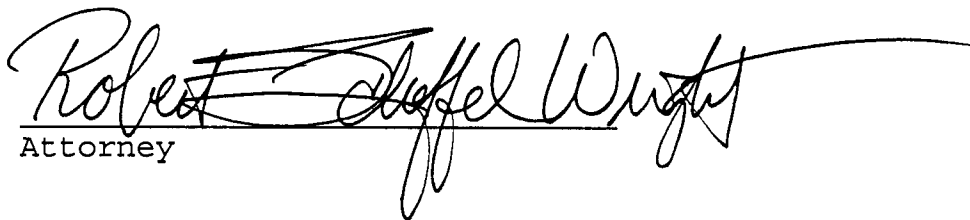
Kenneth Hoffman, Esq.\*  
Ecenia, Purnell & Hoffman  
215 S. Monroe Street, Suite 420  
Tallahassee, FL 32301

Jim Golden  
South Florida Water Management District  
Post Office Box 24680  
West Palm Beach, FL 33416-4601

Collier County Board of Commissioners  
County Courthouse  
Naples, FL 33940

Hendry County Board of Commissioners  
Post Office Box 1760  
LaBelle, FL 33975-5217

Lee County Board of Commissioners  
P.O. Box 398  
Ft. Myers, FL 33902-0398

  
Attorney