



OFFICE OF THE ATTORNEY GENERAL

THE CAPITOL

TALLAHASSEE, FLORIDA 32399-1050

Reply to:

Office of the Attorney General
(850)414-3300; SunCom 994-3300

CHARLIE CRIST
Attorney General
State of Florida

ORIGINAL

May 14, 2003

Blanca S. Bayo
Director, Records and Reporting
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

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COMMISSION
CLERK

In Re: Docket No. 000824-EI

Dear Ms. Bayo:

Please find enclosed for filing an original and seven (7) copies of "Petition of Charles J. Crist, Jr., Attorney General, State of Florida, to Intervene".

Sincerely,

Christopher M. Kise
Solicitor General
State of Florida

cc: Parties of Record

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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Review of Florida Power)
Corporation's earnings, including)
Effects of proposed acquisition of)
Florida Power Corporation by)
Carolina Power & Light.)

Docket No. 000824-EI

Dated May 14, 2003

**PETITION OF CHARLES J. CRIST, JR.,
ATTORNEY GENERAL, STATE OF FLORIDA, TO INTERVENE**

CHARLES J. CRIST, JR., Attorney General, State of Florida (Attorney General), pursuant to Rule 25-22.039, Florida Administrative Code, petitions the Florida Public Service Commission (Commission) to enter an order granting leave to the Attorney General to intervene in this Docket and states:

1. The Attorney General, pursuant to Art. IV, Section 4, Fla. Const., is the chief legal officer of the State with his principal place of business and mailing address at:

Charles J. Crist, Jr.
Christopher M. Kise
Florida Bar No. 0855545
Solicitor General
Office of the Attorney General
PL-01 The Capitol
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FAX (850) 410-2672

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2. The Attorney General brings this Petition in his *parens patriae* capacity as guardian of the health, welfare, and safety of the citizens of the State of Florida.

3. The Attorney General has broad statutory authority to prosecute and appear in suits in which the State is a party or is otherwise interested. Section 16.01(4), (5), and (6), Florida Statutes. One of the matters in which the State has an interest is upholding the intent and public purpose of legislative enactments.

4. Where the public interest is involved, the Attorney General may not only initiate litigation, but also intervene in pending litigation. State ex rel. Shevin v. Yarbrough, 257 So. 2d 891, 894 (Fla. 1972). The Attorney General is granted wide discretion in determining what particular matters involve the public interest. State ex rel. Shevin v. Exxon Corp., 526 F. 2d 266, 268-69 (5th Cir. 1976). Accordingly, his conclusion that a particular matter involves the public interest is presumed to be correct. Yarbrough, at 895.

5. The enforcement of the statutes, rules, and policies at issue in this proceeding clearly involves matters of public interest.

6. The Attorney General is entitled to relief under Chapter 366, Florida Statutes, in addition to the constitutional provisions, statutes, rules, and judicial precedent cited above. Chapter 366.01, Florida Statutes, provides that “[t]he regulation of public utilities as defined herein is declared to be in the public interest

and this chapter shall be deemed to be an exercise of the police power of the state for the protection of the public welfare and all the provisions hereof shall be liberally construed for the accomplishment of that purpose.”

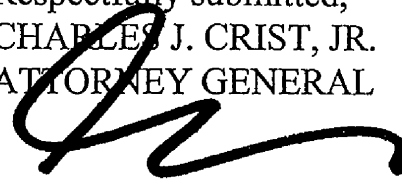
7. The Commission is the state agency charged with the responsibility under Chapter 366.06(1), Florida Statutes, to “determine and fix fair, just, and reasonable rates that may be requested, demanded, charged, or collected by any public utility for its service.” Section 366.06(2), F.S. provides that:

Whenever the commission finds, upon request made or upon its own motion, that the rates demanded, charged, or collected by any public utility for public utility service, or that the rules, regulations, or practices of any public utility affecting such rates, are unjust, unreasonable, unjustly discriminatory, or in violation of law; that such rates are insufficient to yield reasonable compensation for the services rendered; that such rates yield excessive compensation for services rendered; or that such service is inadequate or cannot be obtained, the commission shall order and hold a public hearing, giving notice to the public and to the public utility, and shall thereafter determine just and reasonable rates to be thereafter charged for such service and promulgate rules and regulations affecting equipment, facilities and service to be thereafter installed, furnished, and used.

WHEREFORE, the Attorney General respectfully requests that the Commission enter an order allowing the Attorney General to intervene in this Docket.

DATED this 14th day of May, 2003.

Respectfully submitted,
CHARLES J. CRIST, JR.
ATTORNEY GENERAL



CHRISTOPHER M. KISE
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CERTIFICATE OF SERVICE
DOCKET NO.000824-EI

I CERTIFY that a true and correct copy hereof has been furnished by United States mail to the following on this 14th day of May, 2003.

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