

ORIGINAL

MCWHIRTER REEVES  
ATTORNEYS AT LAW

TAMPA OFFICE:  
400 NORTH TAMPA STREET, SUITE 2450  
TAMPA, FLORIDA 33602  
P. O. BOX 3350 TAMPA, FL 33601-3350  
(813) 224-0866 (813) 221-1854 FAX

PLEASE REPLY TO:  
TALLAHASSEE

TALLAHASSEE OFFICE:  
117 SOUTH GADSDEN  
TALLAHASSEE, FLORIDA 32301  
(850) 222-2525  
(850) 222-5606 FAX

November 24, 2003

VIA HAND DELIVERY

Blanca S. Bayo, Director  
Division of Records and Reporting  
Betty Easley Conference Center  
4075 Esplanade Way  
Tallahassee, Florida 32399-0870

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COMMISSION  
CLERK

Re: Docket No.: 031033-EI and 031057-EI

Dear Ms. Bayo:

On behalf of the Florida Industrial Power Users Group (FIPUG), enclosed for filing and distribution are the original and 15 copies of the following:

- 11974-03 ▶ The Florida Industrial Power Users Group's Petition to Intervene, Docket 031033-EI; and
- 11975-03 ▶ The Florida Industrial Power Users Group's Petition to Intervene, Docket 031057-EI.

Please acknowledge receipt of the above on the extra copy and return the stamped copy to me. Thank you for your assistance.

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FPSC-BUREAU OF RECORDS

Sincerely,

*Vicki Gordon Kaufman*  
Vicki Gordon Kaufman

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VGK/bae  
Enclosures

DOCUMENT NUMBER-DATE

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Review of Tampa Electric Company's  
2004-2008 waterborne transportation contract  
with TECo Transport and associated benchmark.

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Docket No.: 031033-EI  
Filed: November 24, 2003

**THE FLORIDA INDUSTRIAL POWER USERS GROUP'S  
PETITION TO INTERVENE**

Pursuant to Chapter 120, Florida Statutes and Rules 25-22.039 and 28-106.205, Florida Administrative Code, the Florida Industrial Power Users Group (FIPUG), through its undersigned counsel, submits its Petition to Intervene, and in support thereof states:

1. The affected agency is the Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850.

2. The name and address of the Petitioner is:

Florida Industrial Power Users Group  
c/o McWhirter, Reeves, McGlothlin, Davidson,  
Kaufman, & Arnold, P.A.  
400 North Tampa Street, Suite 2450  
Tampa, Florida 33602  
Telephone: (813) 224-0866  
Telecopier: (813) 221-1854

3. Copies of all pleadings, notices, and orders in this Docket should be provided to:

John W. McWhirter  
McWhirter Reeves, McGlothlin, Davidson,  
Kaufman, & Arnold, P.A.  
400 North Tampa Street, Suite 2450  
Tampa, Florida 33602  
Telephone: (813) 224-0866  
Telecopier: (813) 221-1854

Vicki Gordon Kaufman  
Timothy J. Perry  
McWhirter, Reeves, McGlothlin, Davidson,  
Kaufman, & Arnold, P.A.  
117 South Gadsden Street  
Tallahassee, Florida 32301  
(850) 222-2525 (telephone)  
(850) 222-5606 (fax)

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FPSC-COMMISSION CLE

4. FIPUG is an ad hoc association consisting of industrial users of electricity in Florida. The cost of electricity constitutes a significant portion of FIPUG members' overall costs of production. FIPUG members require adequate, reasonably priced electricity in order to compete in their respective markets.

5. Statement of Affected Interests. The decision that the Commission makes in this docket will determine the cost Tampa Electric Company (TECo) should recover for waterborne transportation transactions. Imposition of an unfair or excessive rate due to TECo's transactions with its affiliate will affect FIPUG members by unnecessarily and unjustifiably increasing their costs of electricity, thereby affecting their production costs, their competitive posture, and their levels of employment.

6. FIPUG's interests are of the type that this proceeding is designed to protect.<sup>1</sup> Agrico Chemical Company v. Department of Environmental Regulation, 406 So.2d 478 (Fla. 2d DCA 1981). The purpose of the proceeding is to ensure that only prudent transportation costs are recovered from ratepayers. The purpose of the proceeding thus coincides with FIPUG's interest, which is to ensure that members' electrical bills reflect prudent, economical choices.

7. Disputed Issues of Material Fact. FIPUG anticipates that the issues of disputed fact in this case will include, but are not limited to,:

- a. Is Tampa Electric's June 27, 2003, request for proposals sufficient to determine the current market price for coal transportation?
- b. Are Tampa Electric's projected coal transportation costs for 2004 through 2008 under the winning bid to its June 27, 2003, request for proposals for coal transportation reasonable for cost recovery purposes?
- c. Should the Commission modify or eliminate the waterborne coal transportation benchmark that was established for Tampa Electric by

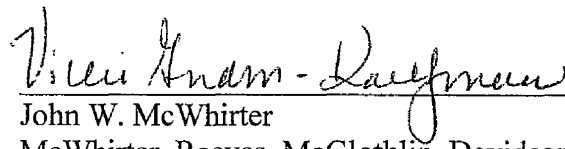
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<sup>1</sup> The matters which the Commission will consider in this docket were spun out from Docket No.030001-EI, to which FIPUG is a party.

Order No. PSC-93-0443-FOF-EI, issued March 23, 1993, in Docket No. 930001-EI?

8. Statement of Ultimate Facts Alleged. FIPUG alleges that an RFP process that is designed and supervised to allow full and fair competition will result in the identification of appropriate costs for recovery of waterborne transportation.

**WHEREFORE**, FIPUG requests the Commission to enter an order allowing it to intervene as a fully party in this docket.



John W. McWhirter  
McWhirter, Reeves, McGlothlin, Davidson,  
Kaufman, & Arnold, P.A.  
400 North Tampa Street, Suite 2450  
Tampa, Florida 33602  
Telephone: (813) 224-0866  
Telecopier: (813) 221-1854  
[jmcwhirter@mac-law.com](mailto:jmcwhirter@mac-law.com)

Vicki Gordon Kaufman  
Timothy J. Perry  
McWhirter, Reeves, McGlothlin, Davidson,  
Kaufman, & Arnold, P.A.  
117 South Gadsden Street  
Tallahassee, Florida 32301  
(850) 222-2525 (telephone)  
(850) 222-5606 (fax)  
[vkaufman@mac-law.com](mailto:vkaufman@mac-law.com)  
[tperry@mac-law.com](mailto:tperry@mac-law.com)

Attorneys for Florida Industrial Power Users Group

**CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that a true and correct copy of the foregoing The Florida Industrial Power Users Group's Petition to Intervene has been furnished by (\*) hand delivery, or U.S. Mail this 24th day of November 2003, to the following:

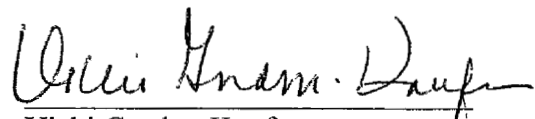
(\*)Wm. Cochran Keating IV  
Florida Public Service Commission  
Division of Legal Services  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399

Lee L. Willis  
James D. Beasley  
Ausley & McMullen  
227 S. Calhoun Street  
Tallahassee, Florida 32302

Rob Vandiver  
Office of the Public Counsel  
111 West Madison Street  
Room 812  
Tallahassee, Florida 32399

R. Sheffel Wright  
Landers & Parsons  
301 West College Avenue  
Tallahassee, Florida 32301

Mike Twomey  
Post Office Box 5256  
Tallahassee, Florida 32314-5256

  
Vicki Gordon Kaufman