

BEFORE THE PUBLIC SERVICE COMMISSION

In re: Petition for approval of new environmental program for cost recovery through Environmental Cost Recovery Clause, by Tampa Electric Company.

DOCKET NO. 041376-EI  
ORDER NO. PSC-05-0165-PCO-EI  
ISSUED: February 10, 2005

ORDER GRANTING INTERVENTION

BY THE COMMISSION:

On January 10, 2005, the Florida Industrial Power Users Group (FIPUG) petitioned to intervene in this docket. Tampa Electric Company (TECO) filed no response. The Petition states that FIPUG is an association of industrial businesses for which the cost of electricity constitutes a substantial portion of each member's overall costs of production. The Petition further explains that FIPUG's members require adequate, reasonably-priced electricity in order to compete in their respective markets.

Citing Agrico Chemical Company v. Department of Environmental Regulation, 406 So.2d 478 (Fla. 2d DCA 1981), FIPUG claims that its interests are of the type that this proceeding is designed to protect. FIPUG explains that the purpose of the proceeding is to evaluate the nature of the costs TECO proposes to pass through the Environmental Cost Recovery Clause, and to determine if the costs are appropriate for recovery. FIPUG further explains that these issues will substantially affect it's members' interests by potentially increasing their costs of electricity, which will affect their production costs, and ultimately their competitive posture.

For the reasons stated above, it appears that FIPUG's substantial interests are affected by this proceeding and hereby grant the Petition. Pursuant to Rule 25-22.039, Florida Administrative Code, FIPUG takes this case as it finds it.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that the Florida Industrial Power Users Group's Petition to Intervene is granted. It is further

ORDERED that all parties to this proceeding shall furnish copies of all documents each files in this proceeding to:

DOCUMENT NUMBER-DATE

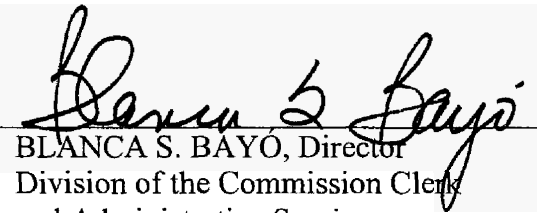
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FPSC-COMMISSION CLERK

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By ORDER of the Florida Public Service Commission this 10th day of February, 2005.



BLANCA S. BAYO, Director  
Division of the Commission Clerk  
and Administrative Services

( S E A L )

MKS

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 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.