

Matilda Sanders

~~ORIGINAL~~

From: Tim Perry [tperry@mac-law.com]
 Sent: Tuesday, February 22, 2005 3:30 PM
 To: Filings@psc.state.fl.us
 Cc: JWM - John McWhirter
 Subject: Fw: Docket No. 050045-EI
 Attachments: Petition to Intervene (FPL) - 2-22-05.pdf

1. Timothy J. Perry, Esq., McWhirter Reeves, 117 S. Gadsden Street, Tallahassee, FL 32301, (850) 222-2525, tperry@mac-law.com is responsible for this electronic filing;
2. The filing is to be made in Docket No. 050045-EI, *In re: Petition for rate increase by Florida Power & Light Company*;
3. The filing is made on behalf of the Florida Industrial Power Users Group;
4. The total number of pages is 3; and
5. Attached to this e-mail in Adobe format is the FIPUG's Petition to Intervene.

Timothy J. Perry
 McWhirter Reeves
 117 S. Gadsden St.
 Tallahassee, FL 32301
 (850) 222-2525
 (850) 222-5606 - Fax
tperry@mac-law.com

MP _____
 OM 5
 TR _____
 CR _____
 CL _____
 PC _____
 MS _____
 CA _____
 SCR _____
 SEC 1
 OTH Kim P

2/22/2005

DOCUMENT NUMBER-DATE
 01862 FEB 22 2005
 FPSC-COMMISSION CLERK

ORIGINAL

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for Rate Increase by
Florida Power & Light Company

Docket No: 050045-EI
Filed: February 22, 2005

**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, files its Petition to Intervene. In support thereof, FIPUG 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, 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
jmcwhirter@mac-law.com
McWhirter Reeves, Davidson,
Kaufman, & Arnold, P.A.
400 North Tampa Street, Suite 2450
Tampa, Florida 33602
Telephone: (813) 224-0866
Telecopier: (813) 221-1854

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

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 Commission will decide in this docket whether Florida Power & Light Company's (FPL) request for a rate increase should be approved. The amount of the rate increase, if any, approved for recovery will affect FIPUG members' substantial interests by increasing their costs of electricity, thus 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. See, Agrico Chemical Company v. Department of Environmental Regulation, 406 So.2d 478 (Fla. 2d DCA 1981). The purpose of the proceeding is to evaluate FPL's request for a rate increase. Thus, the purpose of the proceeding coincides with FIPUG's substantial interests, which is to ensure that costs passed onto members by FPL are reasonable and prudent.

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

John W. McWhirter
McWhirter, Reeves, 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
Attorneys for the Florida Industrial Power
Users Group

s/ Timothy J. Perry
Timothy J. Perry
McWhirter, Reeves, Davidson,
Kaufman, & Arnold, P.A.
117 South Gadsden Street
Tallahassee, Florida 32301
(850) 222-2525 (telephone)
(850) 222-5606 (fax)
tperry@mac-law.com
Attorneys for the 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 electronic mail and U.S. Mail this 22nd day of February 2005, to the following:

Wm. Cochran Keating IV
Katherine Fleming
Florida Public Service Commission
Division of Legal Services
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399

R. Wade Litchfield
Natalie F. Smith
Florida Power & Light Company
700 Universe Blvd.
Juno Beach, FL 33408

Harold A. McLean
Joseph A. McGlothlin
Patricia Christensen
Office of the Public Counsel
111 West Madison Street
Room 812
Tallahassee, Florida 32399

s/ Timothy J. Perry
Timothy J. Perry