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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. 050078-EI
Attachments: Petition to Intervene (PEF) - 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. 050078-EI, *In re: Petition for rate increase by Progress Energy Florida, Inc.*;
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.

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FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for Rate Increase by
Progress Energy Florida, Inc.

Docket No: 050078-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
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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 Progress Energy Florida, Inc's (PEF) 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 PEF'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 on to members by PEF are reasonable and prudent.

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

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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:

Richard Melson
Florida Public Service Commission
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