

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

**In re: Petition for rate increase by Florida §
Power & Light Company §
§
§**

**Docket No.: 050045-EI
Filed: May 6, 2005**

**PETITION TO INTERVENE, PETITION FOR THE
CONDUCT OF A GENERAL RATE CASE, AND REQUEST FOR HEARING**

South Florida Hospital and Healthcare Association (“SFHHA”) and individual healthcare institutions in the Florida Power & Light Company (“FPL”) service territory (collectively with SFHHA, the “Hospitals”), pursuant to the Florida Administrative Code Rules 25-22.039 and 28-106.205, hereby petition to intervene in this docket. SFHHA further petitions the Florida Public Service Commission (“Commission”) to conduct a general investigation (a general rate case) of the rates to be charged by FPL upon the expiration of the Docket No. 001148-EI Stipulation and Settlement, and to conduct a hearing in the case in accordance with Chapters 120 and 366, Florida Statutes. The requested hearing may be the same hearing as is conducted in this docket pursuant to FPL’s petition for a rate increase, to the extent such evidentiary hearing is held pursuant to FPL’s filing; if such is not the case, however, then consistent with the Florida Supreme Court’s opinion in *South Florida Hospital & Healthcare Ass’n v. Jaber*, 887 So. 2d 12310, 1214 (Fla. 2004), a hearing should be held in approximately the same time frame to allow SFHHA and all other parties to “access and rely on the evidence and testimony” that has been filed and that will be filed in this Docket. *See South Florida Hospital & Healthcare Ass’n v. Jaber, supra*, 887 So. 2d 1210, 1214 (Fla. 2004). SFHHA seeks a hearing whether separately or as consolidated, as the Florida Supreme Court in the referenced case stated was necessary. As grounds therefore, the Hospitals state as follows:

1. The name and address of SFHHA is:

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2. All pleadings, orders and correspondence should be directed to Petitioners' representatives as follows:

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3. SFHHA is a regional healthcare provider association acting as an advocate, facilitator and educator for its members, and a voice for improving the health status of its community. Particularly, SFHHA advocates the interests, and encourages involvement, of its member organizations in communications with the public, to elected and government officials, and to the business community and engages in cost-effective

projects and programs that benefit, or add value to the services offered by, its member organizations.

4. The individual healthcare institutions are engaged in providing, *inter alia*, acute healthcare services, and receive electric power from and pay the rates of FPL. The healthcare institutions, because of the services they render, their load profile, and their concern with reliable, consistent levels of service, have important concerns regarding the services and rates of FPL.

5. The Commission proposes to examine in the above docket the rates that FPL charges commercial customers. Thus, the disposition of this case may affect rates for FPL, as well as the terms and conditions of service for the healthcare institutions connected to FPL's facilities. As a result, the Hospitals have an interest in the proceeding that are not adequately represented by other parties to this proceeding. The Hospitals will be directly and substantially affected by any action the Commission takes in this docket.

6. The Hospitals' interests are of the type that this proceeding is designed to protect. For a potential intervenor to demonstrate that its substantial interests will be affected by a proceeding, the potential intervenor must show: (a) it will suffer injury in fact as a result of the agency action contemplated in the proceeding that is of sufficient immediacy to entitle it to a hearing; and (b) the injury suffered is a type against which the proceeding is designed to protect. *See, Ameristeel Corp. v. Clark*, 691 So. 2d 473, 477 (Fla. 1997).

7. The applicable statutes and rules, include, but are not limited to:

- Chapters 120 and 366, Florida Statutes
- Fla. Admin. Code Chapter 25
- Fla. Admin Code Rule 28-106

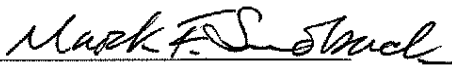
8. Disputed issues of material fact in this proceeding may include, but will not necessarily be limited to, the issues listed below. Given that discovery is underway, the following statement of issues is general in nature and SFHHA reserves the right to identify and develop additional issues and refine those listed below as this docket progresses.

- Determining appropriate jurisdictional levels of FPL's Plant in Service, Accumulated Depreciation, and Rate Base for setting FPL's rates.
- Determining appropriate jurisdictional values of FPL's operation and maintenance expenses for setting FPL's rates.
- Determining whether FPL's expenditures sought to be included in the derivation of the cost of service were prudently incurred.
- Determining the appropriate capital structure for FPL for the purpose of setting FPL's rates.
- Determining the appropriate rate of return on equity for FPL for the purpose of setting FPL's rates.
- Determining the appropriate allocation of FPL's costs of providing retail electric service among FPL's retail customer classes
- Determining the appropriate rates to be charged by FPL for its services to each customer class.
- Determining the appropriate amount to be included in FPL's base rates for storm restoration accrual.
- Designing rates for recovery of revenue requirements.


9. It is FPL's burden to prove that it is entitled to any rate relief, and to prove that requirement, FPL must prove that its existing rates and charges are not fair, just, and reasonable. Institutions supporting this filing have substantial interests that are subject to determination in this docket, including in a hearing as to the fair, just, and reasonable rates to be charged by FPL upon the expiration of the Settlement Rates on December 31, 2005.

RELIEF REQUESTED

WHEREFORE, SFHHA respectfully requests that the Commission grant this Petition to Intervene, grant SFHHA's Petition to conduct a general rate case, and grant SFHHA's Request for Hearing, and require that all parties to this proceeding serve copies of all pleadings, notices, and other documents on the SFHHA representatives indicated in paragraph 2 above.



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May 6, 2005

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by Federal Express to the following parties of record and interested parties, this 6th day of May, 2005.

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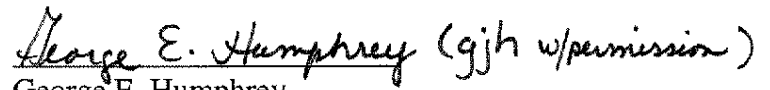
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