

BEFORE THE PUBLIC SERVICE COMMISSION

In re: Environmental cost recovery clause.

DOCKET NO. 050007-EI  
ORDER NO. PSC-05-1025-PCO-EI  
ISSUED: October 20, 2005

ORDER GRANTING INTERVENTION

On September 22, 2005, The Florida Retail Federation ("FRF") petitioned to intervene in this docket. No party to this docket responded to the petition.

FRF claims that it satisfies the requirements for association standing, which are as follows:

1. a substantial number of the association's members, although not necessarily a majority, are substantially affected by the agency's decision;
2. intervention by the association is within the association's general scope of interest and activity; and
3. the relief requested is of a type appropriate for an association to obtain on behalf of its members.

Florida Home Builder's Ass'n v. Dep't of Labor and Employment Security, 412 So. 2d 351, 353-54 (Fla. 1982).

FRF explains that it has 10,000 members that are businesses, many of which are retail electric customers of Florida's investor owned utilities ("IOUs"), and which require adequate, reasonably-priced electricity to operate their businesses. The FRF further explains that its purpose is to represent its members in a variety of venues, including the proceedings of the Commission. FRF notes that it was granted intervention in recent rate cases of Florida Power & Light and Progress Energy Florida, and that it was a signatory to the settlement agreements in those cases. FRF explains that the relief it requests, intervention and the lowest allowable rates for its members, will apply to all the FRF's members in the same way, and is therefore appropriate for FRF to request.

Upon review of FRF's petition, it appears that FRF meets the requirements for associational standing for the reasons stated in its petition. The petition is therefore granted. FRF takes the case as it finds it.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission, that the Petition for Intervention of the Florida Retail Federation is granted. It is further

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FPSC-COMMISSION CLERK

ORDERED that the Florida Retail Federation takes the case as it finds it.

By ORDER of the Florida Public Service Commission this 20th day of October, 2005.

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

By: Kay Flynn  
Kay Flynn, Chief  
Bureau of Records

(SEAL)

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.