

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Florida Power & Light Company's
Petition for Issuance of a Storm Recovery
Financing Order

DOCKET NO. 060038-EI

**PETITION OF CHARLES J. CRIST, JR.,
ATTORNEY GENERAL, STATE OF FLORIDA, TO INTERVENE**

CHARLES J. CRIST, JR., Attorney General, State of Florida (Attorney General), pursuant to Rule 25-22.039, Florida Administrative Code, petitions the Florida Public Service Commission (Commission) to enter an order granting leave to the Attorney General to intervene in this Docket and states:

1. The Attorney General, pursuant to Art. IV, Section 4, Fla. Const., is the chief legal officer of the State with his principal place of business in Tallahassee, Florida.
2. The Attorney General brings this Petition in his *parens patriae* capacity as guardian of the health, welfare, and safety of the citizens of the State of Florida.
3. The Attorney General has broad statutory authority to prosecute and appear in suits in which the State is a party or is otherwise interested. Section 16.01(4), (5), and (6), Florida Statutes. The State has a substantial interest in the Petition filed by Florida Power & Light Company ("FPL"). In this case, FPL seeks a substantial storm recovery adjudication.
4. Where the public interest is involved, the Attorney General may not only initiate litigation, but also intervene in pending litigation. *State ex rel. Shevin v. Yarbrough*, 257 So. 2d 891, 894 (Fla. 1972). The Attorney General is granted wide discretion in determining what particular matters involve the public interest. *State ex rel. Shevin v. Exxon Corp.*, 526 F. 2d 266, 268-69 (5th Cir. 1976). Accordingly, his

conclusion that a particular matter involves the public interest is presumed to be correct.

Yarbrough, 257 So. 2d. at 895.

5. The substantial interests of the State and the people will be directly affected by the Commission's decisions in this case.

6. The name address and telephone number of the Petitioner are as follows:

CHARLES J. CRIST, JR.
Attorney General
The Capitol-PL01
Tallahassee, Florida 32399-1050
Tel: (850) 414-3300

All pleadings, orders and correspondence should be directed to Petitioner's representatives as follows:

CHRISTOPHER M. KISE
Solicitor General
JACK SHREVE
Senior General Counsel
OFFICE OF THE ATTORNEY GENERAL
The Capitol-PL01
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WHEREFORE, the Attorney General respectfully requests that the Commission enter an order allowing the Attorney General to intervene in this Docket.

DATED this 3rd day of April, 2006.

Respectfully submitted,

CHARLES J. CRIST, JR.
ATTORNEY GENERAL

s/Christopher M. Kise
CHRISTOPHER M. KISE
SOLICITOR GENERAL
Florida Bar No. 855545

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CERTIFICATE OF SERVICE
DOCKET NO. 060038-EI

I CERTIFY that a true and correct copy hereof has been furnished by United States mail to the following on this 3rd day of April, 2006.

Mary Ann Helton Cochran Keating Florida Public Service Commission Division of Legal Services 2540 Shumard Oaks Boulevard Tallahassee, FL 32399-0850	Lieutenant Colonel Karen White Captain Damund Williams AFCESA/ULT 139 Barnes Drive Tyndall Air Force Base, FL 32403
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s/Christopher M. Kise
Christopher M. Kise