

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Review of replacement fuel costs associated with the February 26, 2008 outage on Florida Power & Light's electrical system.

DOCKET NO. 090505-EI
ORDER NO. PSC-10-0055-PCO-EI
ISSUED: January 25, 2010

ORDER GRANTING INTERVENTION

By petition dated November 20, 2009, the Attorney General for the State of Florida requested permission to intervene in this proceeding. The Attorney General states that as chief legal officer of the state of Florida, he is authorized to intervene in all actions affecting the citizens of Florida. The Attorney General presents cases in support of his position that he is authorized to intervene in actions affecting the state, including State ex rel. Landis v. S.H. Kress & Co., 155 So. 823, 827 (Fla. 1934), which in part affirms: "As the chief law officer of the State, it is his duty, in the absence of express legislative restrictions to the contrary, to exercise all such power and authority as public interest may require from time to time." See also, State ex. Rel. Shevin v. Yarborough, 257 So. 2d 891 (Fla. 1972) (stating that "there is no statute which prohibits the Attorney General from representing the State of Florida as a consumer, and offering such evidence and argument as will benefit its citizens."). No response was filed to the Attorney General's petition.

Having reviewed the Petition, it appears that the Attorney General, as chief legal officer of the state of Florida, may intervene on behalf of the state of Florida, whose substantial interests may be affected by this proceeding. No party expressed opposition to the Attorney General's request to intervene, and the time for doing so has elapsed. Therefore, the Petition shall be granted. Pursuant to Rule 25-22.039, Florida Administrative Code, the Attorney General takes the case as he finds it.

Therefore, it is

ORDERED by Commissioner Nathan A. Skop, as Prehearing Officer, that the Petition to Intervene filed by the Attorney General's Office is hereby granted as set forth in the body of this Order. It is further

ORDERED that all parties to this proceeding shall furnish copies of all testimony, exhibits, pleadings and other documents which may hereinafter be filed in this proceeding to:

Cecilia Bradley
Senior Assistant Attorney General
Office of the Attorney General
The Capitol – PL01
Tallahassee, Florida 32399-1050
Telephone: (850) 414-3300
Fax: (850) 488-4872

DOCUMENT NUMBER-DATE
00557 JAN 25 09
FPSC-COMMISSION CLERK

By ORDER of Commissioner Nathan A. Skop, as Prehearing Officer, this 25th day of
January, 2010.



NATHAN A. SKOP
Commissioner and Prehearing Officer

(SEAL)

LCB

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 Commission Clerk, Office of Commission Clerk, 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.