

Eric Fryson

From: Myndi Qualls <mqualls@moylelaw.com>
Sent: Wednesday, March 20, 2013 1:05 PM
To: Filings@psc.state.fl.us
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Subject: Docket No. 130040
Attachments: FIPUG's Petition to Intervene.pdf

In accordance with the electronic filing procedures of the Florida Public Service Commission, the following filing is made:

a. The name, address, telephone number and email for the person responsible for the filing is:

Jon C. Moyle, Jr.
Moyle Law Firm, P.A.
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118 North Gadsden Street
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- b. This filing is made in Docket No. 130040
- c. The document is filed on behalf of Florida Industrial Power Users Group
- d. The total pages in the document are 5 pages.
- e. The attached document is FIPUG's Petition to Intervene.

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*Parties
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DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for rate increase by Tampa
Electric Company.

DOCKET NO. 130040

FILED: March 20, 2013

**THE FLORIDA INDUSTRIAL POWER USERS GROUP'S
PETITION TO INTERVENE**

Pursuant to sections 120.569 and 120.57, Florida Statutes, and rules 25-22.039, 28-106.201 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 the following:

1. Name and address of agency. The affected agency is the Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850.

2. Name and address of Petitioner. The name and address of the Petitioner is:

Florida Industrial Power Users Group
c/o Moyle Law Firm
118 North Gadsden Street
Tallahassee, Florida 32301
Telephone; (850) 681-3828
Facsimile: (850) 681-8788

3. Petitioner's representatives. Copies of all pleadings, notices, and orders in this docket should be provided to:

Jon C. Moyle, Jr.
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118 North Gadsden Street
Tallahassee, Florida 32301
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4. Notice of docket. Petitioner received notice of this docket by reviewing the Commission's website following press reports addressing Tampa Electric Company's ("TECo") filing, on or about February 4, 2013, of its rate case test year letter.

5. Statement of Substantial Interests. 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.

6. In this case, the Commission will consider Tampa Electric Company's (TECo) requests for: a rate increase of approximately \$135 million dollars, a requested return on equity of 11.25%, which would be the highest return on equity of any Florida investor-owned utility, and a host of other issues related to TECo's earnings, rates and service offerings. The amount of the increase approved, if any, and rate class issues 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. Accordingly, as customers of TECo, FIPUG's members' substantial interests will be affected in this docket.

7. 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. 2nd DCA 1981). The purpose of the proceeding is to evaluate TECo's requests and determine if the requests have merit. Thus, the purpose of the proceeding coincides with FIPUG's substantial interests, which is to ensure that the rates it pays to TECo are just and reasonable.

8. Disputed Issues of Material Fact. Disputed issues of material fact include,

but are not limited to,¹ the following:

- a. Is TECo's requested rate increase just and reasonable?
- b. Is TECo's proposed return on equity reasonable, particularly in light of current economic conditions?
- c. What is the appropriate return on equity for TECo?
- d. Should certain items currently recovered through adjustment clauses be moved to base rates?

9. Disputed Legal Issues. Disputed legal issues include, but are not limited to, the following:

- a. Has TECo carried its burden of proof as to the rate increase that it seeks?
- b. Has TECo carried its burden of proof as to the return on equity it has requested?

10. Statement of Ultimate Facts Alleged. Ultimate facts include, but are not limited to, the following:

- a. The rate increase TECo seeks should not be approved as requested.

11. Rules and statutes justifying relief. The rules and statutes that entitle FIPUG to intervene and participate in this case include, but are not limited to:

- a. Section 120.569, Florida Statutes;
- b. Section 120.57, Florida Statutes;
- c. Section 366.041, Florida Statutes;
- d. Section 366.06, Florida Statutes;
- e. Rule 25-22.039, Florida Administrative Code;

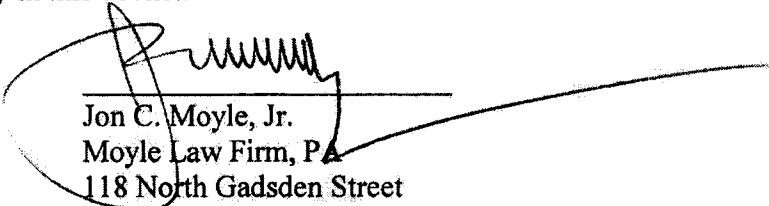
¹ In a rate case, issues are generally delineated and refined in a number of issue identification meetings. FIPUG anticipates that there may be additional disputed issues of material fact which the Commission will be required to resolve. In fact, TECo has not yet filed its minimum filing requirements ("MRFs"). FIPUG anticipates that, upon review of the MRFs, additional disputed issues of fact or law may be identified.

f. Rule 28-106.201, Florida Administrative Code;

g. Rule 28-106.205, Florida Administrative Code.

12. Relief. FIPUG requests that it be permitted to intervene as a full party in this docket. Counsel for TECo has represented to counsel for FIPUG that TECo does not object to FIPUG's request to intervene in this proceeding.

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



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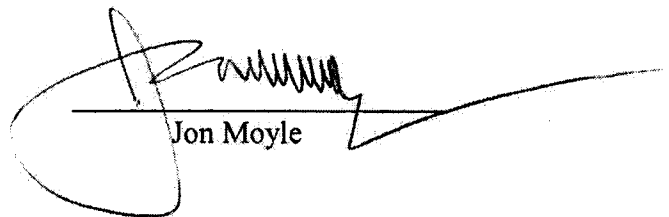
CERTIFICATE OF SERVICE

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 20th day of March, 2013, to the following:

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