

Eric Fryson

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Sent: Tuesday, April 30, 2013 11:19 AM
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Subject: FEA Petition to Intervene (Docket No. 130040-EI)
Attachments: FEA Petition to Intervene Docket 130040-EI.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(s) responsible for the filing is:

GREGORY J. FIKE, Lt Col, USAF
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- b. This filing is made in Docket No. 130040-EI Petition for rate increase by Tampa Electric Company
- c. The document is filed on behalf of Federal Executive Agencies (FEA)
- d. The total pages in the document are 5 pages.
- e. The attached document is Federal Executive Agencies' Petition to Intervene.

Thank you for your attention and cooperation to this request.

Very Respectfully,

Lt Col Fike

GREGORY J. FIKE, Lt Col, USAF
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*Parties
update J
4/30/13
-DM*

DOCUMENT NUMBER-DATE
02323 APR 30 2013
FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for increase in rates by)
Tampa Electric Company)

DOCKET NO.: 130040-EI
FILED: 5 April 2013

FEDERAL EXECUTIVE AGENCIES
PETITION TO INTERVENE

Pursuant to sections 120.569, 120.57, 366.04(1), and 366.06, Florida Statutes; and rules 25-22.039, 28-106.201 and 28-106.205, Florida Administrative Code, the Federal Executive Agencies (FEA), through its undersigned counsel, files its Petition to Intervene. In support thereof, FEA states the following:

1. Name and address of affected agency. The affected agency is :

Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

2. Name and address of Petitioner.

Federal Executive Agencies
c/o Lt Col Gregory J. Fike
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3. Petitioner's representatives. Copies of all pleadings, orders and correspondence

should be directed to:

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4. Statement of Substantial Interests Affected. The proceeding in this docket will examine the rates that TECO will be authorized to charge its customers. The FEA consist of certain agencies of the United States Government which have offices, facilities, and/or installations in the service area of Tampa Electric Company (TECO) and purchase electric utility service from TECO. Thus the disposition of this case will affect the rates charged by TECO to the FEA. Electricity costs represent one of the largest variable expenses of operating the Federal offices, facilities, and installations on whose behalf intervention is sought herein. Therefore, FEA seeks to protect its substantial interests as they will be affected by the Commission's decision in this proceeding, and it faces immediate injury if the Commission were to approve TECO's proposed rates, which are not just and reasonable.¹ FEA's participation in this rate case is designed to protect against that injury. If granted leave to intervene, FEA will be able to attempt to protect its substantial interests including the ability to receive reasonably sufficient, adequate and efficient service at fair, just and reasonable rates.

5. Notice of agency decision. Insofar as this is a petition for intervention and because there is presently no agency decision pending in this docket, FEA states that Rule 28-106.201(c) of the Florida Administrative Code is not applicable. However, FEA received notice of this docket by reviewing the Commission's website following an attached media release addressing Tampa Electric Company's filing, on or about 4 February 2013.

6. Disputed Issues of Material Fact. Disputed issues of material fact may include, but are not limited to the issues below. The following statement of issues is general in nature and FEA reserves the right to identify and develop additional issues and refine those below as this docket progresses in accordance with the Commission's rules.

¹ See Agrico Chemical Co v. Dep of Environmental Regulation, 406 So. 2d 478, 482 (Fla. 2nd DA 1981)

- a. Determining the appropriate capital structure for TECO.
- b. Determining the appropriate return on equity for TECO.
- c. Determining the appropriate allocation of TECO's costs of providing retail electric service among TECO's retail customer classes.
- d. Determining the appropriate rates to be charged by TECO for its services to each customer class.
- e. Determining the appropriate amount to be included in TECO's base rates for storm damage reserve accrual.

7. **Ultimate Facts Alleged.** Because the FEA includes Federal offices, facilities, and installations that are TECO ratepayers the FEA has substantial interests that are subject to determination in this docket and therefore FEA is entitled to intervene and participate in this proceeding which will determine the fair, just and reasonable rates to be charged by TECO.

8. **Specific Statutes or Rules.**

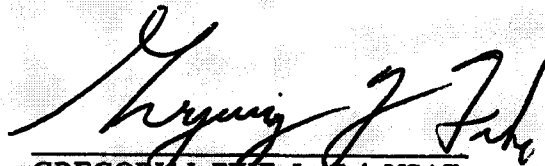
- a. Florida Administrative Code Chapters 25-22 and 28-106
- b. Chapters 120 and 366 of the Florida Statutes

9. **Explanation of How the Alleged Facts Relate to the Specific Rules or Statutes.**

Florida Administrative Code 25-22.039 and 28-106.205 provide that persons whose substantial interests are subject to determination or will be affected through an agency proceeding are entitled to intervene in such a proceeding. Because the FEA includes Federal offices, facilities, and installations that are TECO ratepayers the FEA has substantial interests that are subject to determination in this docket. Accordingly, the FEA is entitled to intervene and participate in this proceeding. Additionally, Chapter 366 of the Florida Statutes relates to the Commission's jurisdiction over TECO's rates and the Commission's statutory mandate to ensure that TECO's

rates are fair, just, and reasonable. The facts alleged here by the FEA demonstrate that: (1) the Commission's decisions herein will have a significant impact on TECO's rates and charges; (2) TECO's FEA customers will be directly impacted (and will suffer an injury in fact of sufficient immediacy) by the Commission's decisions regarding TECO's rates and charges herein; and (3) accordingly, these statutes herein and associated proceedings, protect against this type of substantial injury and provide the basis for the relief requested by FEA.

10. Relief Requested. **WHEREFORE**, the FEA respectfully requests the Florida Public Service Commission to enter its order granting this Petition to Intervene and requiring that all parties to this proceeding serve copies of all pleadings, notices, and other documents on the FEA representative in paragraph 3 above.



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CERTIFICATE OF SERVICE
Docket No. 130040-EI

I **HEREBY CERTIFY** that a true and correct copy of the foregoing Petition to Intervene has been furnished by electronic mail this 30th day of April, 2013, to the following:

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