

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Commission review of numeric  
Conservation goals (Tampa Electric Company).

DOCKET NO.: 130201-EI

FILED: December 31, 2013

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

Pursuant to sections 120.569, 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:

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  
Moyle Law Firm, P.A.  
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.  
Karen Putnal  
Moyle Law Firm, PA  
118 North Gadsden Street  
Tallahassee, Florida 32301  
Telephone: (850) 681-3828  
Facsimile: (850) 681-8788  
[jmoyle@moylelaw.com](mailto:jmoyle@moylelaw.com)  
[kputnal@moylelaw.com](mailto:kputnal@moylelaw.com)

4. Notice of docket. Petitioner received notice of this docket by a review of the Commission's website.

5. Statement of Substantial Interests. FIPUG is an ad hoc association consisting of large industrial users of electricity in Florida. The cost of electricity constitutes a significant portion of FIPUG companies' 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 review the demand side management (DSM) programs, and proposed programs of Tampa Electric Company (TECO). Upon the Commission's approval, such programs will be funded by Florida ratepayers, including FIPUG members. FIPUG was an intervenor in the prior dockets in which the Commission set conservation goals. Thus, the substantial interests of FIPUG member companies 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 review, approve and fund appropriate conservation programs. Thus, the purpose of the proceeding coincides with FIPUG companies' substantial interests, which is to ensure that the rates they pay are just and reasonable.

8. Disputed Issues of Material Fact. Disputed issues of material fact include, but are not limited to, the following:

- a. What is the potential rate impact if TECO's existing and proposed DSM programs are approved?
- b. Are there more cost-effective ways for TECO to meet its conservation goals?

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

a. Should TECO's existing and proposed DSM programs be approved?

10. 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. Sections 366.80-.85(1), Florida Statutes;

d. Rule 25-22.039, Florida Administrative Code;

e. Rule 28-106.201, Florida Administrative Code.

f. Rule 28-106.205, Florida Administrative Code.

g. Rule 25-17.001 through 25-17.005 Florida Administrative Code.

h. Rule 28-17.0021, Florida Administrative Code.

11. Relief. FIPUG requests that it be permitted to intervene as a full party in this docket.

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



Jon C. Moyle, Jr.  
Karen A. Putnal  
Moyle Law Firm, PA  
118 North Gadsden Street  
Tallahassee, Florida 32301  
Telephone: (850)681-3828  
Facsimile: (850)681-8788  
[jmoyle@moylelaw.com](mailto:jmoyle@moylelaw.com)  
[kputnal@moylelaw.com](mailto:kputnal@moylelaw.com)

Attorneys for Florida Industrial  
Power Users Group

## 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 this 31<sup>th</sup> day of December, 2013, to the following:

Charles Murphy/Lee Eng Tan  
Florida Public Service Commission  
2540 Shumard Oak Blvd.  
Tallahassee, FL 32399-0850  
[ltan@psc.state.fl.us](mailto:ltan@psc.state.fl.us)  
[cmurphy@psc.state.fl.us](mailto:cmurphy@psc.state.fl.us)

Steven L. Hall  
Florida Department of Agriculture  
Office of General Counsel  
407 South Calhoun Street, Suite 520  
Tallahassee, FL 32399  
[Steven.hall@freshfromflorida.com](mailto:Steven.hall@freshfromflorida.com)

Ken Hoffman  
Florida Power & Light Company  
215 South Monroe Street  
Suite 810  
Tallahassee, FL 32301-1858  
[ken.hoffman@fpl.com](mailto:ken.hoffman@fpl.com)

Paul Lewis, Jr.  
John T. Burnett  
Duke Energy Florida  
106 East College Avenue, Suite 800  
Tallahassee, FL 32301  
[john.burnett@duke-energy.com](mailto:john.burnett@duke-energy.com)

John Butler  
Jessica Cano  
Assistant General Counsel-Regulatory  
Florida Power & Light Company  
700 Universe Blvd  
Juno Beach, FL 33408  
[John.Butler@FPL.com](mailto:John.Butler@FPL.com)  
[Jessica.Cano@fpl.com](mailto:Jessica.Cano@fpl.com)

Paula K. Brown  
Tampa Electric Company  
P.O. Box 111  
Tampa, FL 33601  
[Regdept@tecoenergy.com](mailto:Regdept@tecoenergy.com)

Robert L. McGee, Jr.  
One Energy Place  
Pensacola, FL 32520  
[rlmcgee@southernco.com](mailto:rlmcgee@southernco.com)

P.G. Para  
JEA  
21 West Church Street, Tower 16  
Jacksonville, FL 32202  
[parapg@jea.com](mailto:parapg@jea.com)

Cheryl M. Martin  
Florida Public Utilities Company  
1641 Worthington Road, Suite 220  
West Palm Beach, FL 33409  
[cyoung@fpuc.com](mailto:cyoung@fpuc.com)

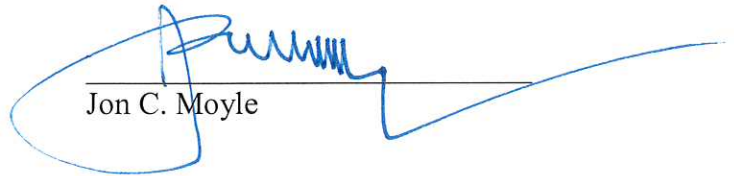
Kevin Donaldson  
Florida Power & Light  
4200 West Flagler Street  
Miami, FL 33134  
[Kevin.donaldson@fpl.com](mailto:Kevin.donaldson@fpl.com)

M.W. Christopher Browder  
P.O. Box 3193  
Orlando, FL 32802-3193  
[cbrowder@ouc.com](mailto:cbrowder@ouc.com)

George Cavros, Esq.  
Southern Alliance for Clean Energy  
120 East Oakland Park, Blvd.  
Fort Lauderdale, FL 33334  
[George@cavros-law.com](mailto:George@cavros-law.com)

Erik Sayler, Esq.  
Office of Public Counsel  
111 W. Madison Street, Rm. 812  
Tallahassee, FL 32393  
[Sayler.erik@leg.state.fl.us](mailto:Sayler.erik@leg.state.fl.us)

Diana A. Csank  
Sierra Club  
50 F St. NW, 8<sup>th</sup> Floor  
Washington, DC 20001  
[Diana.Csank@sierraclub.org](mailto:Diana.Csank@sierraclub.org)



Jon C. Moyle