

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for Determination of Need for
Citrus County Combined Cycle Power Plant

DOCKET NO.: 140110-EI

FILED: June 3, 2014

**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 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, 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.
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4. Notice of docket. Petitioner received notice of this docket by an informal communication from Duke of Florida (“Duke”) and a subsequent review of the Commission’s website.

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 Duke’s request to grant a need determination for a new, natural gas-fired combined cycle power plant that will cost more than \$1.5 billion dollars. The petition, if approved will affect FIPUG members’ substantial interests by increasing their costs of electricity, thus affecting their production costs and competitive posture. Thus, as customers of Duke, numerous FIPUG members’ substantial interests will be affected in this docket. FIPUG has associational standing and should be permitted to intervene.

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 Duke’s need determination petition and determine what action the Commission should take on the petition. Thus, the purpose of the proceeding coincides with numerous FIPUG members’ substantial interests, which is to ensure that the rates they pay to Duke are just and reasonable.

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

- a. Is there a need for the Citrus County Combined Cycle Power Plant?
- b. Are there other technologies, including renewable technologies, that could mitigate any such need?

- c. Are Duke's projected costs for the Citrus County Combined Cycle Power Plant reasonable?
- d. Will Duke's Citrus County Combined Cycle Power Plant provide reliable electricity at a reasonable cost?
- e. Will Duke's Citrus County Combined Cycle Power Plant project promote fuel diversity?
- f. Is Duke's Citrus County Combined Cycle Power Plant project the most cost-effective option available?
- g. Can Duke adequately serve its projected energy load without the Citrus County Combined Cycle Power Plant?

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

- a. Has Duke carried its burden to prove that the Citrus County Combined Cycle Power Plant meets all the required statutory criteria?
- b. Have all disputed issues of fact been appropriately addressed?

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

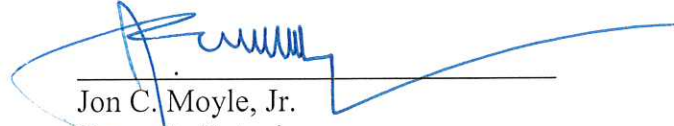
- a. Is the Citrus County Combined Cycle Power Plant needed, is it the most cost-effective project and does it promote fuel diversity.

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 366.04, Florida Statutes;
- d. Section 403.519, Florida Statutes;
- e. Rule 25-22.039, Florida Administrative Code.

12. Position of Duke regarding FIPUG's petition to intervene. The undersigned is authorized to represent that Duke does not object to FIPUG being granted full party status as an intervenor in this case.

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

A handwritten signature in blue ink, appearing to be 'Jon C. Moyle, Jr.', written over a horizontal line.

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Attorneys for Florida Industrial Power Users Group

CERTIFICATE OF SERVICE

I **HEREBY CERTIFY** that a true and correct copy of the foregoing Florida Industrial Power Users Group's Petition to Intervene has been furnished by electronic mail this 3rd day of June, 2014, to the following:

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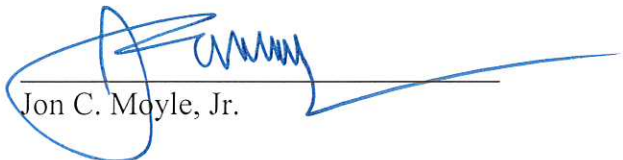
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