

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for rate increase by Gulf
Power Company.

DOCKET NO.: 160186-EI
FILED: December 7, 2016

**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 Gulf Power Company (“Gulf”) 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 Gulf’s request for a general rate increase in the amount of \$106,782,000 million per year. The amount of the increase approved, if any, as well as other rate case issues the Commission will consider, will affect certain FIPUG members’ substantial interests by increasing their costs of electricity, thus affecting their production costs and their competitive posture. Thus, as customers of Gulf, FIPUG 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). Additionally, one of the issues in the proceeding is to evaluate Gulf’s request to include a portion of Plant Scherer in Gulf’s rate base, a request that will likely be a disputed issue of fact. Thus, the purpose of the proceeding coincides with FIPUG's substantial interests, which is to ensure that the rates its members receiving electrical service from Gulf 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 Gulf’s requested rate increase just and reasonable?
- b. Is Gulf’s proposed return on equity reasonable, given current economic conditions?

- c. What is the appropriate return on equity for Gulf?
- d. What is the appropriate capital statement for Gulf?
- e. Are Gulf's business transactions with affiliate companies fair, just and reasonable?
- f. Is there a need for Plant Scherer to be included in Gulf's rate base?
- g. What future environmental capital costs are associated with Plant Scherer?
- h. Is it in the best interest of Gulf's rate payers, including FIPUG members, to include Plant Scherer in Gulf's rate base?

FIPUG reserves all rights to raise additional issues in accordance with the Commission's rules and the Order Establishing Procedure which will be issued in this case.

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

- a. Has Gulf met its burden of proof in this matter?

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

- a. Is the rate increase Gulf seeks, including, but not limited to the requested return on equity, reasonable and should it be approved as requested by Gulf?

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(1), Florida Statutes;
- d. Section 366.06, Florida Statutes;
- e. Rule 25-22.039, Florida Administrative Code;
- 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.

13. Position of Gulf. The undersigned is authorized to represent that Gulf does not oppose FIPUG's Petition to Intervene in this matter.

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

/s/ Jon C. Moyle

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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 7th day of December, 2016, to the following:

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