

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for rate increase by Peoples Gas System, Inc.

DOCKET NO. 20250029-GU
ORDER NO. PSC-2025-0146-PCO-GU
ISSUED: April 24, 2025

ORDER GRANTING INTERVENTION FOR
FLORIDA INDUSTRIAL POWER USERS GROUP

Peoples Gas System, Inc. (PGS) filed its minimum filing requirements on March 31, 2025, based on a projected test year ending December 31, 2026, seeking approval to increase rates and charges. Discovery guidelines, hearing procedures, and controlling dates were established by the Order Establishing Procedure, Order No. PSC-2025-0123-PCO-GU, issued on April 14, 2025. This docket is currently scheduled for hearing for September 8 – 11, 2025.

Petition for Intervention

On February 10, 2025, the Florida Industrial Power Users Group (FIPUG) filed a petition to intervene. In the petition, FIPUG represents that it is an *ad hoc* association of industrial users of electricity and natural gas in Florida. FIPUG states that the cost of natural gas to those FIPUG members receiving service from PGS is material and contributes to FIPUG members' overall costs of production and/or business operations. These FIPUG members require adequate, reasonably-priced, and reliable natural gas in order to compete effectively in their respective markets. FIPUG contends that decisions in this docket will have a direct and substantial impact on PGS's customers, including FIPUG members that receive natural gas and natural gas services from PGS, as the cost of natural gas represents a significant portion of its members' production costs. Further, FIPUG routinely appears on behalf of its members in cases concerning utility regulation for similar reasons. PGS does not oppose FIPUG's intervention. No opposition to the petition to intervene has been filed, and the time for doing so has expired.

Standards for Intervention

Pursuant to Rule 28-106.205, F.A.C., persons, other than the original parties to a pending proceeding, who have a substantial interest in the proceeding and who desire to become parties may move for leave to intervene. A person claiming a substantial interest in the proceeding must plead sufficient facts to demonstrate an injury in fact which is of sufficient immediacy to entitle them to an evidentiary hearing, and that this injury is of a type or nature which the proceeding is designed to protect. *Agrico Chem. Co. v. Dep't of Env'tl. Regul.*, 406 So. 2d 478, 482 (Fla. 1st DCA 1981). An association such as FIPUG that is seeking to intervene in an administrative proceeding on behalf of its members must specifically plead the following:

- (1) the substantial interests of a substantial number of its members may be substantially affected by the proceeding;
- (2) the subject matter of the proceeding is within the association's general scope of interest and activity; and

- (3) the relief requested is of a type appropriate for the association to receive on behalf of its members.

Fla. Home Builders Ass'n v. Dep't cf Lab. & Emp. Sec., 412 So. 2d 351, 354 (Fla. 1982).

Analysis and Ruling

“In determining whether a party has standing to seek a formal administrative hearing, the allegations contained in the party's petition must be taken as true.” *Mid-Chattahoochee River Users v. Fla. Dep't cf Env'tl. Prot.*, 948 So. 2d 794, 796 (Fla. 1st DCA 2006). Taken as true, FIPUG's allegations are sufficient to support all elements of associational standing under *Florida Home Builders*. Therefore, FIPUG's petition to intervene shall be granted, subject to proof of standing or stipulations that there are sufficient facts to support all elements for standing. *See Delgado v. Agency for Health Care Admin.*, 237 So. 3d 432, 437 (Fla. 1st DCA 2018) (proper pretrial stipulations to the facts supporting all elements of standing are binding upon the parties and the court). As an intervenor, FIPUG takes the case as it finds it.

Based on the above representations, it is

ORDERED by Commissioner Andrew Giles Fay, as Prehearing Officer, that the Petition to Intervene filed by Florida Industrial Power Users Group is hereby granted as set forth in the body of this Order. It is further

ORDERED that Florida Industrial Power Users Group takes the case as it finds it. It is further

ORDERED that all parties to this proceeding shall furnish copies of all testimony, exhibits, pleadings, and other documents which may hereinafter be filed in this proceeding to:

Jon C. Moyle, Jr.
Karen A. Putnal
Moyle Law Firm, P.A.
118 North Gadsden Street
Tallahassee, Florida 32301
(850) 681-3828
jmoyle@moylelaw.com
kputnal@moylelaw.com

ORDER NO. PSC-2025-0146-PCO-GU

DOCKET NO. 20250029-GU

PAGE 3

By ORDER of Commissioner Andrew Giles Fay, as Prehearing Officer, this 24th day of April, 2025.



ANDREW GILES FAY
Commissioner and Prehearing Officer
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399
(850) 413-6770
www.floridapsc.com

Copies furnished: A copy of this document is provided to the parties of record at the time of issuance and, if applicable, interested persons.

MRT

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing or judicial review will be granted or result in the relief sought.

Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

Any party adversely affected by this order, which is preliminary, procedural or intermediate in nature, may request: (1) reconsideration within 10 days pursuant to Rule 25-22.0376, Florida Administrative Code; or (2) judicial review by the Florida Supreme Court, in the case of an electric, gas or telephone utility, or the First District Court of Appeal, in the case of a water or wastewater utility. A motion for reconsideration shall be filed with the Office of Commission Clerk, in the form prescribed by Rule 25-22.0376, Florida Administrative Code. Judicial review of a preliminary, procedural or intermediate ruling or order is available if review of the final action will not provide an adequate remedy. Such review may be requested from the appropriate court, as described above, pursuant to Rule 9.100, Florida Rules of Appellate Procedure.