

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Tampa Electric Company's  
Petition for Approval of its  
Plan to Bring its Generating  
Units into Compliance with the  
Clean Air Act.

DOCKET NO. 992014-EI  
ORDER NO. PSC-00-0268-PCO-EI  
ISSUED: February 8, 2000

ORDER GRANTING INTERVENTION

BY THE COMMISSION:

By petition, filed January 21, 2000, the Legal Environmental Assistance Foundation, Inc. (LEAF) has requested permission to intervene in this proceeding. Tampa Electric Company (TECO), the only party to this proceeding, has not stated an objection to LEAF's petition.

According to Rule 25-22.039, Florida Administrative Code, intervenors must:

[D]emonstrate that the intervenor is entitled to participate in the proceeding as a matter of constitutional or statutory right or pursuant to Commission rule, or that the substantial interests of the intervenor are subject to determination or will be affected through the proceeding.

LEAF asserts that its substantial interests will be determined by this proceeding. LEAF maintains that its corporate purposes include "ensuring environmental and health benefits for its members and the public." LEAF contends that substantial numbers of its members use natural resources that are placed at risk because of the pollution from electric generating facilities including TECO's Big Bend and Gannon stations. LEAF specifically disputes:

The fairness, justness and reasonableness of Tampa Electric's Comprehensive Clean Air Act Compliance Plan, its request for approval of the types of costs included in that plan for Environmental Cost Recovery and the timing of its request in that pending federal legal enforcement action has not been resolved.

Having reviewed the petition, it appears that LEAF's substantial interests may be affected by this proceeding. Therefore, the petition shall be granted.

It is therefore,

DOCUMENT NUMBER-DATE

01724 FEB-88

FPSC-RECORDS/REPORTING


ORDER NO. PSC-00-0268-PCO-EI  
DOCKET NO. 992014-EI  
PAGE 2

ORDERED by the Florida Public Service Commission that the Petition to Intervene filed by the Legal Environmental Assistance Foundation, Inc. is hereby granted. 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:

Gail Kamaras, Esquire  
and  
Debra Swim, Esquire  
Legal Environmental Assistance  
Foundation  
1114 Thomasville Road, Suite E  
Tallahassee, Florida 32303

By ORDER of the Florida Public Service Commission this  
8th day of February, 2000.

  
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BLANCA S. BAYÓ, Director  
Division of Records and Reporting

( S E A L )

GAJ

ORDER NO. PSC-00-0268-PCO-EI  
DOCKET NO. 992014-EI  
PAGE 3

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.

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 25-22.038(2), Florida Administrative Code, if issued by a Prehearing Officer; 2) reconsideration within 15 days pursuant to Rule 25-22.060, Florida Administrative Code, if issued by the Commission; or 3) 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 Director, Division of Records and Reporting, in the form prescribed by Rule 25-22.060, 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.