

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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

DOCKET NO. 010949-EI  
ORDER NO. PSC-01-1934-PCO-EI  
ISSUED: September 25, 2001

ORDER GRANTING  
FEDERAL EXECUTIVE AGENCIES' PETITION TO INTERVENE

On July 6, 2001, Gulf Power Company (Gulf) filed its notice of its intent to request a rate increase, pursuant to Rule 25-6.140, Florida Administrative Code. On September 10, 2001, Gulf filed its Petition for a rate increase. The matter has been set for hearing.

On August 31, 2001, the Federal Executive Agencies filed a Petition to Intervene. No response was filed. The Federal Executive Agencies consist of certain federal agencies that have offices, facilities or installations in Gulf's service area and that purchase electricity from Gulf.

The Federal Executive Agencies seek intervention in their proprietary capacity as customers of Gulf, not in a sovereign capacity. The Petitioner states that electricity is one of the largest variable expenses of its members. The largest members of the group include Tyndall Air Force Base, Eglin Air Force Base, Naval Coastal Systems Station and Naval Air Station Pensacola. It is the Petitioner's belief that its members are, collectively, one of the largest of Gulf's customers.

For an association to have standing to intervene in an administrative proceeding, it must demonstrate that: (1) a substantial number of its members have substantial interests which are affected by our proposed action; (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 the type appropriate for an association to receive on behalf of its members. See Florida Home Builders Association v. Dept. of Labor and Employment Security, 412 So. 2d 351 (Fla. 1982); Friends of the Everglades v. Board of Trustees of the Internal Improvement Trust Fund, 595 So. 2d 186 (Fla. 1st DCA 1992); Order No. PSC-98-0374-FOF-EG, issued March 9, 1998; Order No. PSC-01-1783-PCO-EI, issued August 31, 2001.

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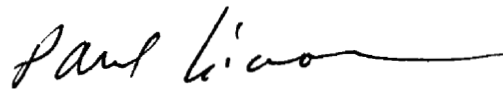
Based on the Petitioner's allegations, the Petition shall be granted. The Petitioner's members are ratepayers of Gulf. In this docket, the Commission will set new retail rates for Gulf. The Petitioner's members must pay whatever rates result from this proceeding, so they have a substantial interest in this proceeding. Because all of the Petitioner's members are Gulf ratepayers, the Petitioner meets the first requirement of the test for associational standing. The subject matter of this proceeding is within the scope of the Petitioner's interest and it is appropriate for the Petitioner to intervene on behalf of its members.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that the Federal Executive Agencies' Petition to Intervene is granted.

By ORDER of the Florida Public Service Commission this 25th day of September, 2001.

BLANCA S. BAYÓ, Director  
Division of the Commission Clerk  
and Administrative Services

By:   
\_\_\_\_\_  
Paul Nichols, Chief  
Bureau of Administrative Services

( S E A L )

MKS

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, 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 the Commission Clerk and Administrative Services, 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.