

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Review of Progress Energy
Florida, Inc.'s benchmark for
waterborne transportation
transactions with Progress
Fuels.

DOCKET NO. 031057-EI
ORDER NO. PSC-04-0028-PCO-EI
ISSUED: January 12, 2004

ORDER GRANTING INTERVENTION

BY THE COMMISSION:

By Petition filed November 24, 2003, Florida Industrial Power Users Group (FIPUG) requests leave to intervene in this proceeding. In its Petition, FIPUG states that it is an organization of large industrial consumers for which electricity constitutes a significant portion of their overall costs of production. FIPUG asserts that because its members will bear the cost that the Commission determines Progress Energy Florida, Inc. should recover for waterborne transportation service, it has a substantial interest in the Commission's actions in this docket.

Having reviewed the Petition, it appears that FIPUG's substantial interests may be affected by this proceeding. There has been no response filed in opposition to this request. Therefore, the Petition shall be granted. Pursuant to Rule 25-22.039, Florida Administrative Code, FIPUG takes the case as it finds it.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that the Petition to Intervene, filed by the Florida Industrial Power Users Group, is hereby granted. It is further

ORDERED that all parties to this proceeding shall furnish copies of all testimony, exhibits, pleadings and other documents that are hereinafter filed in this proceeding, to John W. McWhirter, McWhirter, Reeves, McGlothlin, Davidson, Kaufman, & Arnold, P.A., 400 North Tampa Street, Suite 2450, Tampa, Florida 33602; and Vicki Gordon Kaufman and Timothy J. Perry, McWhirter,

DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK

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Reeves, McGlothlin, Davidson, Kaufman, & Arnold, P.A., 117 South Gadsden Street, Tallahassee, Florida 32301.

By ORDER of the Florida Public Service Commission this 12th Day of January, 2004.

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

By: Kay Flynn
Kay Flynn, Chief
Bureau of Records and Hearing
Services

(S E A L)

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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.

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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 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.