

BEFORE THE PUBLIC SERVICE COMMISSION

In re: Petition for approval of numeric
conservation goals by Gulf Power Company.

DOCKET NO. 040032-EG
ORDER NO. PSC-04-0492-PCO-EG
ISSUED: May 12, 2004

ORDER GRANTING INTERVENTION

BY THE COMMISSION:

By petition, dated April 29, 2004, the Florida Industrial Cogeneration Association (FICA) has requested permission to intervene in this proceeding. FICA states that its members, which include a majority of the Florida phosphate companies, self-generate, consume, and purchase substantial quantities of electricity, which comprises a substantial portion of their manufacturing costs. The cost of conservation programs implemented by the Commission in this proceeding will be charged to electric consumers, affecting the cost of electricity. In addition, FICA states that its members own and operate cogeneration facilities that recover waste heat from the manufacturing process to produce process thermal energy and electricity. Pursuant to Rule 25-17.0021, Florida Administrative Code, the utilities must consider these types of facilities in creating numeric conservation goals.

Having reviewed the Petition, it appears that the Florida Industrial Cogeneration Association'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, the Florida Industrial Cogeneration Association takes the case as it finds it.

Therefore, it is

ORDERED by the Florida Public Service Commission that the Petition to Intervene filed by the Florida Industrial Cogeneration Association 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:

Richard A. Zambo
Richard A. Zambo, P. A.
598 SW Hidden River Avenue
Palm City, FL 34990

DOCUMENT NUMBER-DATE

05509 MAY 12 04


FPSC-COMMISSION CLERK

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By ORDER of the Florida Public Service Commission this 12th day of May, 2004.

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

By:



Kay Flynn, Chief
Bureau of Records

(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.

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.