

BEFORE THE PUBLIC SERVICE COMMISSION

In re: Petition for approval of storm cost recovery clause for recovery of extraordinary expenditures related to Hurricanes Charley, Frances, Jeanne, and Ivan, by Progress Energy Florida, Inc.

DOCKET NO. 041272-EI  
ORDER NO. PSC-04-1190-PCO-EI  
ISSUED: December 1, 2004

ORDER GRANTING INTERVENTION

BY THE COMMISSION:

By petition, dated November 17, 2004, the Florida Industrial Power Users Group (FIPUG) has requested permission to intervene in this proceeding. FIPUG states that it is a group of industrial customers, some of whom take service from Progress Energy Florida, Inc. (PEF). FIPUG alleges that relief requested in PEF's petition for approval of a storm cost recovery clause will potentially increase its members' costs of electricity, thus affecting their production costs, their competitive posture, and their levels of employment. Therefore, FIPUG concludes it will be substantially affected by any action the Commission takes 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, and the time for doing so has elapsed. Therefore, the Petition shall be granted. Pursuant to Rule 25-22.039, Florida Administrative Code, FIPUG takes the case as it finds it.

Therefore, it is

ORDERED by the Florida Public Service Commission that the Petition to Intervene filed by 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 which may hereinafter be filed in this proceeding, to:

John W. McWhirter, Esq.  
McWhirter Reeves, McGlothlin, Davidson,  
Kaufman, & Arnold, P.A.  
400 North Tampa Street, Suite 2450  
Tampa, Florida 33602

Vicki Gordon Kaufman, Esq. and  
Timothy J. Perry, Esq.  
McWhirter, Reeves, McGlothlin, Davidson,  
Kaufman, & Arnold, P.A.  
117 South Gadsden Street  
Tallahassee, Florida 32301

DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK

By ORDER of the Florida Public Service Commission this 1st day of December, 2004.

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

By: Kay Flynn  
Kay Flynn, Chief  
Bureau of Records

(SEAL)

JSB

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.