

BEFORE THE PUBLIC SERVICE COMMISSION

In re: Petition for authority to recover prudently incurred storm restoration costs related to 2004 storm season that exceed storm reserve balance, by Florida Power & Light Company.

DOCKET NO. 041291-EI  
ORDER NO. PSC-05-0079-PCO-EI  
ISSUED: January 21, 2005

ORDER GRANTING PETITION TO INTERVENE

By petition, dated December 30, 2004, Thomas P. Twomey and Genevieve E. Twomey requested permission to intervene in this proceeding. The Twomeys state that they are residential customers of Florida Power and Light Company (FPL) and that the cost of electricity is one of the larger variable costs in their household budget. They claim that their substantial interests will be affected by any action the Commission takes in this docket, which will include retail rate increases if FPL's requested relief is granted.

On January 6, 2005, FPL filed a response to Thomas and Genevieve Twomey's petition to intervene. While FPL stated that it had no objection to their participation in this docket, it did disagree with certain issues raised in their Petition to Intervene. FPL states that certain issues are irrelevant and, thus, inappropriate for inclusion in this docket. This Order addresses, however, whether Thomas and Genevieve Twomey have standing to intervene and does not address the issues that are to be resolved in this docket. The Twomeys, like any other intervenor, may raise and pursue relevant issues, subject to the Commission's ultimate determination as to the specific issues to be addressed.

Having reviewed the Petition, it appears that Thomas and Genevieve Twomey's substantial interests may be affected by this proceeding. FPL did not express opposition to their request to intervene, and the time for doing so has elapsed. Therefore, the Petition shall be granted. Pursuant to Rule 25-22.039, Florida Administrative Code, the Twomeys take the case as they find it.

Therefore, it is

ORDERED by Charles M. Davidson, as Prehearing Officer, that the Petition to Intervene filed by Thomas P. Twomey and Genevieve E. Twomey is hereby granted. It is further

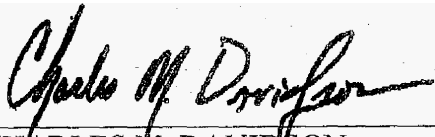
ORDERED that all parties to this proceeding shall furnish copies of all testimony, exhibits, pleadings and other documents which may hereinafter be filed in this proceeding, to:

Michael B. Twomey  
P.O. Box 5256  
Tallahassee, Florida 32314-5256

DOCUMENT NUMBER-DATE  
00750 JAN 21 05  
FPSC-COMMISSION CLERK

ORDER NO. PSC-05-0079-PCO-EI  
DOCKET NO. 041291-EI  
PAGE 2

By ORDER of Commissioner Charles M. Davidson, as Prehearing Officer, this 21st  
day of January, 2005.



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CHARLES M. DAVIDSON  
Commissioner and Prehearing Officer

( 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.