

BEFORE THE PUBLIC SERVICE COMMISSION

In re: Fuel and purchased power cost recovery
clause with generating performance incentive
factor.

DOCKET NO. 050001-EI
ORDER NO. PSC-05-0948-PCO-EI
ISSUED: October 4, 2005

ORDER GRANTING INTERVENTION

On September 22, 2005, the Florida Retail Federation (FRF) filed a Petition to Intervene in this proceeding. FRF states that is an established association with more than 10,000 members in Florida, most of whom are retail customers of Florida Power & Light, Progress Energy Florida, Inc., Tampa Electric Company, Gulf Power Company, and Florida Public Utilities Company, whose fuel cost recovery charges are determined in this docket. FRF asserts that the interests of the many members of the FRF who are customers of the utilities listed above will be directly affected by the Commission's decisions in this case. Accordingly, FRF states that it is entitled to intervene to protect its members' substantial interests. No response was filed to FRF's petition.

Upon consideration of FRF's Petition to Intervene, it appears that its substantial interests may be affected by this proceeding. No party expressed opposition to FRF's request to intervene, and the time for doing so has elapsed. Therefore, the Petition to Intervene shall be granted. Pursuant to Rule 25-22.039, Florida Administrative Code, FRF 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 Retail Federation 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:

Robert Scheffel Wright
John T. LaVia, III
Landers & Parsons, P.A.
310 West College Avenue
Tallahassee, Florida 32301

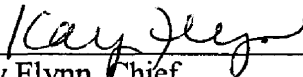
DOCUMENT NUMBER-DATE

09432 OCT-4 05

FPSC-COMMISSION CLERK

By ORDER of the Florida Public Service Commission this 4th day of October, 2005.

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.