

BEFORE THE PUBLIC SERVICE COMMISSION

In re: Petition for approval of integrated Clean Air Regulatory Compliance Program for cost recovery through Environmental Cost Recovery Clause, by Progress Energy Florida, Inc.

DOCKET NO. 050316-EI
ORDER NO. PSC-05-1023-PCO-EI
ISSUED: October 20, 2005

ORDER GRANTING INTERVENTION

On September 23, 2005, The Florida Retail Federation ("FRF") petitioned to intervene in this docket. Progress Energy Florida (PEF) did not respond to the petition.

FRF claims that it satisfies the requirements for association standing, which are as follows:

1. a substantial number of the association's members, although not necessarily a majority, are substantially affected by the agency's decision;
2. intervention by the association is within the association's general scope of interest and activity; and
3. the relief requested is of a type appropriate for an association to obtain on behalf of its members.

Florida Home Builder's Ass'n v. Dep't of Labor and Employment Security, 412 So. 2d 351, 353-54 (Fla. 1982).

FRF explains that it has 10,000 members that are businesses, many of which are retail electric customers of Florida's investor owned utilities, and which require adequate, reasonably-priced electricity to operate their businesses. FRF further explains that the approval of PEF's proposed project will affect the rates of its customers through the environmental cost recovery factor which is set every year. FRF states that its purpose is to represent its members in a variety of venues, including the proceedings of the Commission. FRF notes that it was granted intervention in recent PEF rate case and was a signatory to the settlement agreement in the case. FRF explains that the relief it requests, intervention and the lowest allowable rates for its members, will apply to all the FRF's members in the same way, and is therefore appropriate for FRF to request.

Upon review of FRF's petition, I find that FRF meets the requirements for associational standing for the reasons stated in its petition. The petition is therefore granted. FRF takes the case as it finds it.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that the Petition for Intervention of the Florida Retail Federation is granted. It is further

DOCUMENT NUMBER-DATE

10159 OCT 20 05

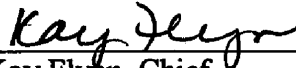
FPSC-COMMISSION CLERK

ORDERED that the Florida Retail Federation takes the case as it finds it.

By ORDER of the Florida Public Service Commission this 20th 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)

MKS

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.