

BEFORE THE PUBLIC SERVICE COMMISSION

In re: Petition for exemption under Rule 25-22.082(18), F.A.C., from issuing request for proposals (RFPs), by Florida Power & Light Company.

DOCKET NO. 060426-EI
ORDER NO. PSC-06-0630-PCO-EI
ISSUED: July 24, 2006

ORDER GRANTING INTERVENTION

By petition dated June 14, 2006, the Florida Industrial Power Users Group (FIPUG) requested permission to intervene in this proceeding. In its petition, FIPUG states that it is an ad hoc association consisting of industrial users of electricity in Florida, including a substantial number of members in Florida Power & Light Company's (FPL) service territory. FIPUG asserts that the cost of electricity constitutes a significant portion of its members' overall costs of production and that an adequate, reasonably priced and reliable supply of electricity is required for its members to compete in their respective markets.

FIPUG notes that the Commission will decide in this docket whether to approve FPL's request for an exemption from Rule 25-22.082, Florida Administrative Code, which would otherwise require FPL to issue a request for proposals in connection with FPL's proposed coal project. FIPUG asserts that this rule plays an important role in ensuring that a public utility's selection of a proposed generation addition is the most cost-effective alternative available. FIPUG also states that FPL has requested an exemption for reliability reasons and that FPL has stated that it is highly unlikely that a request for proposals will result in an alternative coal project that is more cost-effective than FPL's proposed coal project. Thus, FIPUG alleges, the purpose of this proceeding coincides with FIPUG's substantial interests in ensuring that any costs passed on to its members by FPL are appropriate and that its members receive an adequate and reliable supply of electricity. In its petition, FIPUG identified three issues that it wishes the Commission to consider in this proceeding.

On June 21, 2006, FPL filed a response to FIPUG's petition to intervene. In its response, FPL stated that it does not object to FIPUG's intervention in this proceeding. FPL did respond to each of the three issues that FIPUG raised in its petition.

Upon consideration of FIPUG's petition to intervene, it appears that FIPUG's substantial interests may be affected by this proceeding. Therefore, noting no objection, FIPUG's petition to intervene is granted. Pursuant to Rule 25-22.039, Florida Administrative Code, FIPUG takes the case as it finds it. This Order addresses only FIPUG's standing to intervene and does not address the issues to be resolved in this docket.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that the Florida Industrial Power Users Group's Petition to Intervene is hereby granted. It is further

DOCUMENT NUMBER-DATE

06490 JUL 24 06

FPSC-COMMISSION CLERK

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:

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By ORDER of the Florida Public Service Commission this 24th day of July, 2006.

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.