

BEFORE THE PUBLIC SERVICE COMMISSION

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

DOCKET NO. 060001-EI  
ORDER NO. PSC-06-0825-PCO-EI  
ISSUED: October 6, 2006

ORDER GRANTING INTERVENTION

By petition dated September 13, 2006, the Attorney General for the State of Florida requested permission to intervene in this proceeding. The Attorney General states that as chief legal officer of the state of Florida, he is authorized to intervene in all actions affecting the citizens of Florida. The Attorney General presents cases in support of his position that he is authorized to intervene in actions affecting the state, including State ex rel. Landis v. S.H. Kress & Co., 155 So. 823 (Fla. 1934) which in part affirms: "As the chief law officer of the State, it is his duty, in the absence of express legislative restrictions to the contrary, to exercise all such power and authority as public interest may require from time to time." 155 So. at 827. The Attorney General alleges that Progress Energy Florida has overcharged its customers by failing to use the most economical fuel and that such unnecessary charges are of interest to the public and require intervention by the Attorney General. No response was filed to the Attorney General's petition.

Having reviewed the Petition, it appears that the Attorney General, as chief legal officer of the state of Florida may intervene on behalf of the state of Florida, whose substantial interests may be affected by this proceeding. No party expressed opposition to the Attorney General's 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 Attorney General takes the case as he finds it.

Therefore, it is

ORDERED by the Florida Public Service Commission that the Petition to Intervene filed by the Attorney General 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:

Jack Shreve  
Senior General Counsel  
Office of the Attorney General  
The Capitol - PL01  
Tallahassee, Florida 32399-1050

DOCUMENT NUMBER-DATE

09219 OCT-6 06

EPSC-COMMISSION CLERK

Cecilia Bradley  
Senior Assistant Attorney General  
Office of the Attorney General  
The Capitol – PL01  
Tallahassee, Florida 32399-1050

By ORDER of the Florida Public Service Commission this 6th day of October, 2006 .

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

By: Marcia Sharma  
Marcia Sharma, Assistant Director  
Division of the Commission Clerk  
and Administrative Services

( S E A L )

LCB

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.