

BEFORE THE PUBLIC SERVICE COMMISSION

In re: Review of 2007 Electric Infrastructure Storm Hardening Plan filed pursuant to Rule 25-6.0342, F.A.C., submitted by Tampa Electric Company.	DOCKET NO. 070297-EI
In re: Review of 2007 Electric Infrastructure Storm Hardening Plan filed pursuant to Rule 25-6.0342, F.A.C., submitted by Progress Energy Florida, Inc.	DOCKET NO. 070298-EI
In re: Review of 2007 Electric Infrastructure Storm Hardening Plan filed pursuant to Rule 25-6.0342, F.A.C., submitted by Gulf Power Company.	DOCKET NO. 070299-EI
In re: Review of 2007 Electric Infrastructure Storm Hardening Plan filed pursuant to Rule 25-6.0342, F.A.C., submitted by Florida Power & Light Company.	DOCKET NO. 070301-EI ORDER NO. PSC-07-0612-PCO-EI ISSUED: July 30, 2007

ORDER GRANTING PETITION FOR INTERVENTION
TO FLORIDA CABLE TELECOMMUNICATION ASSOCIATION, INC. IN DOCKET NOS.
070297-EI, 070298-EI, 070299-EI, AND 070301-EI

BY THE COMMISSION:

Rule 25-6.0342, Florida Administrative Code, requires each investor-owned electric utility (IOU) to file a comprehensive storm hardening plan for review and approval by the Commission. On May 7, 2007, Florida Power & Light (FPL), Gulf Power Company (Gulf), Progress Energy Florida, Inc. (PEF), and Tampa Electric Company (TECO) each filed its 2007 Electric Infrastructure Storm Hardening Plan (Storm Hardening Plan). Docket Nos. 070297-EI (TECO), 070298-EI (PEF), 070299-EI (Gulf), and 070301-EI (FPL) were opened to address each filing. On June 19, 2007, the Commission voted to set the dockets directly for a formal administrative hearing, with the additional mandate for Commission staff to conduct a series of informal workshops to allow the parties and staff to identify disputed issues and potential areas for stipulation. By Order No. PSC-07-0573-PCO-EI, issued July 10, 2007, these dockets were consolidated and set for formal administrative hearing.

By petitions dated June 13, 2007, Florida Cable Telecommunication Association, Inc. (FCTA), requested permission to intervene in the proceedings for Docket Numbers 070297-EI, 070300-EI, and 070301-EI, and by petitions dated June 14, 2007, FTCA requested permission to intervene in the proceedings for Docket Numbers 070298-EI and 070299-EI. FCTA assert that it

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has associational standing to participate in this proceeding representing the interests of its members, a substantial number of whom would otherwise have the right to participate individually in these proceeding. See Hunt v. Washington State Apple Advertising Commission, 432 U.S. 333 (1977), and Florida Home Builders Ass'n. v. Dept. of Labor, 412 So. 2d 351 (Fla. 1982). FTCA states that it is a non-profit trade association representing the cable telecommunications industry in the State of Florida, cable companies providing cable services in the State of Florida, as well as certificated competitive local exchange carriers (CLEC) providing voice communications services in the State of Florida. FCTA alleges that its members distribute service through a community along lines and cables that extend either above ground attached to each respective utility pole or below ground through conduits and trenchers. Moreover, FCTA alleges that its members attach their facilities to poles owned by TECO, FPL, PEF, and Gulf. Thus, FCTA asserts that its members are third party attachers as contemplated by Rule 25-6.0342, Florida Administrative Code, and their substantial interests will necessarily be directly and profoundly impacted by the Commission's decisions with regard to the Storm Hardening Plans for TECO, FPL, PEF, and Gulf.

Having reviewed the Petitions, it appears that the FTCA members' substantial interests may be affected by this proceeding as they relate to TECO, FPL, PEF, and Gulf's Storm Hardening Plans. There has been no response filed in opposition to these requests. Therefore, the Petitions shall be granted in Docket Nos. 070297-EI, 070298-EI, 070299-EI, and 070301-EI.¹ Pursuant to Rule 25-22.039, Florida Administrative Code, FCTA, takes the cases as it finds them.

Therefore, it is

ORDERED by the Florida Public Service Commission that the Petitions to Intervene filed by Florida Cable Telecommunication Association, Inc., are hereby granted in Docket Nos. 070297-EI, 070298-EI, 070299-EI, and 070301-EI . 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:

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¹ FCTA's Petition for Intervention in Docket No. 070300-EI will be addressed by separate order.

By ORDER of the Florida Public Service Commission this 30th day of July, 2007.



ANN COLE
Commission Clerk

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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 Office of Commission Clerk, 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.