

BEFORE THE FLORIDA 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 Florida Public Utilities Company.

DOCKET NO. 070300-EI

In re: Petition for rate increase by Florida Public Utilities Company.

DOCKET NO. 070304-EI

ORDER NO. PSC-07-0691-PCO-EI

ISSUED: August 24, 2007

ORDER GRANTING INTERVENTION
TO EMBARQ CORPORATION IN DOCKET NO. 070300-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 4, 2007, Florida Public Utilities Company (FPUC) filed a Petition for Variance from Rule 25-6.0342(2), Florida Administrative Code, seeking an additional 60 days to file its Storm Hardening Plan. By Order No. PSC-07-0558-PAA-EI, the Commission granted FPUC's Petition, thereby making its Storm Hardening Plan due on or before July 6, 2007. Docket No. 070300-EI was opened to address FPUC's Storm Hardening Plan.

On July 3, 2007, FPUC submitted its Storm Hardening Plan to the Commission pursuant to Rule 25-6.0342, Florida Administrative Code. By Order No. PSC-07-0647-PCO-EI, issued August 9, 2007, Docket No. 070300-EI was consolidated with Docket No. 070304-EI for the purpose of the evidentiary hearing. Docket No. 070304-EI is FPUC's request for general rate increase in Marianna and Fernandina Beach Divisions. The evidentiary hearing in the consolidated docket has been tentatively scheduled for February 28-29, 2008.

By Petition dated June 26, 2007, Embarq Corporation (Embarq) requested permission to intervene in Docket No. 070300-EI. In support of its Petition, Embarq states that it is a Local Exchange Telecommunications Company certificated by this Commission under Chapter 364, Florida Statutes. Embarq alleges that it has entered into joint use/pole attachment agreements with FPUC. As an attacher to FPUC's poles, the implementation of FPUC's storm hardening plans will impact Embarq both financially and operationally. Thus, any decision made by this Commission in the context of FPUC's Storm Hardening Plan will necessarily affect the substantial interests of Embarq and its business operations in the State of Florida.

Having reviewed the Petition, it appears that Embarq's substantial interests may be affected by this proceeding as it relates to FPUC's Storm Hardening Plan. There has been no

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response filed in opposition to Embarq's Petition. Therefore, the Petition shall be granted. Pursuant to Rule 25-22.039, Florida Administrative Code, Embarq takes the case as it finds it.

Therefore, it is

ORDERED by the Florida Public Service Commission that the Petition to Intervene filed by Embarq Corporation is hereby granted in Docket No. 070300-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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Tallahassee, FL 32301
E-mail – susan.masterton@embarq.com
(850)5991560 (telephone)
(850)878-0777 (fax)

By ORDER of the Florida Public Service Commission this 24th day of August, 2007.



ANN COLE
Commission Clerk

(S E A L)

KY

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.