

BEFORE THE PUBLIC SERVICE COMMISSION

In re: Fuel and purchased power cost recovery clause with generating performance incentive factor. | DOCKET NO. 070001-EI  
| ORDER NO. PSC-07-0838-PCO-EI  
| ISSUED: October 17, 2007

ORDER GRANTING INTERVENTION

By petition dated October 8, 2007, 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, 827 (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." (See also, State ex. Rel. Shevin v. Yarborough, 257 So. 2d 891 (Fla. 1972) stating that "there is no statute which prohibits the Attorney General from representing the State of Florida as a consumer, and offering such evidence and argument as will benefit its citizens."). 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:

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

DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK

By ORDER of the Florida Public Service Commission this 17th day of October,  
2007.



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ANN COLE  
Commission Clerk

( 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 Commission Clerk, 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.