

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

IN RE: Approval of Demand-Side
Management Plan of Florida Power
and Light Corporation

ORIGINAL
FILE COPY
Docket: 941170-53

Submitted for filing:
June 30, 1995

PETITION FOR HEARING

Petitioner, Legal Environmental Assistance Foundation, Inc., ("LEAF"), pursuant to Section 120.57, F.S. and Fla. Admin. Code R. 25-22.036, files this Petition for Administrative Hearing in the above styled docket and states:

1. LEAF is located at 1115 North Gadsden Street, Tallahassee, Florida 32303-6327.

2. The name and addresses of the persons to whom pleadings, notices and other documents should be sent are:

Debra Swim, Esquire
LEAF, Inc.
1115 North Gadsden Street
Tallahassee, FL 32303-6327

Mollie Lampy, Program Director
Pace University Energy Project
R.R. 2, Box 419C
Altamont, NY 12009

3. LEAF is a public interest advocacy organization with a substantial interest in protection of public health and the environment. By Order No. PSC-95-0102-PCO-EG, the Commission granted LEAF's Petition to Intervene in the above referenced proceeding.

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4. LEAF has a substantial interest in the Commission action at issue. A substantial number of LEAF's members use and enjoy the natural resources whose quality is placed at risk by the construction and operation of electrical generation and transmission facilities that may result from increased electricity sales or increased use of more polluting resource options than energy efficiency. A substantial number of LEAF's members are utility customers whose energy service bills will be affected by the Commission's action in this docket. The Commission's action will substantially influence how effectively Florida Power and Light ("FPL") delivers demand side resources to its customers to meet their need for energy services and, as a result, how much power plant generation can be avoided or postponed. The Commission's action will also influence the amount customers pay for energy services.

5. Petitioner disputes the reasonableness of the Demand-Side-Management (DSM) Plan proposed by FPL. At issue is whether each component program advances the policy objectives set forth in Rule 25-17.001 and the FEECA statute; whether each component program is directly monitorable and yield measurable results; and whether each component program is cost-effective. In addition, Petitioner believes that, for purposes of evaluating DSM performance, a method to document key program assumptions, such as baseline usage, incentive levels, and free-ridership rates should be determined in this docket. Petitioner reserves the right to raise or dispute additional factual issues as they become known.

6. Petitioner is entitled to relief under Chapters 120, 366, and 403, Fla. Stat., and implementing regulations. Petitioner reserves the right to rely on additional statutes or rules should additional issues arise or become known.

WHEREFORE, Petitioner, Legal Environmental Assistance Foundation, Inc., requests that the Commission conduct a hearing in the above referenced docket that meets the requirements of Section 120.57, F.S.

Respectfully submitted,

Debra Swim

DEBRA SWIM, Esquire
Fla. Bar No.: 0336025

Legal Environmental
Assistance Foundation, Inc.
1115 North Gadsden Street
Tallahassee, Florida 32303
(904) 681-2591

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the original and 15 copies of the foregoing Petition to Intervene was hand delivered to the offices of Blanca Bayo, Director, Division of Records and Reporting, and Michael Paleki, Staff Counsel, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, and that a copy was sent by U.S. Mail to Jack Shreve, Esquire and Roger Howe, Esquire, Office of the Public Counsel, 111 West Madison Street, Pepper Building, Room 812, Tallahassee, Florida 32399; Charles Guyton, Esquire, 215 South Monroe Street, Suite 601, Tallahassee, FL 32301-1804; Robert Sheffel Wright, Esquire, 310 West College Avenue, Third Floor, Tallahassee, FL 32301; and Molly Lampy, Esquire, R.R. 2, Box 419C, Altamont, NY 12009; this 30th day of June, 1995.

Debra Swim

Debra Swim, Esquire