

ORIGINAL
FILE COPY

LOUIS D. PUTNEY

Attorney at Law
4805 S. Himes Avenue
Tampa, Florida 33611

Personal Injury and Wrongful Death
Wills, Estates and Guardianship
Family Law

Telephone
(813) 831-3376
Fax (813) 831-8770

May 17, 1997

Ms. Blanca S. Bayó, Director
Division of Records and Reporting
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

Re: Docket No.: 970251-EI

Dear Ms. Bayó:

Enclosed herewith for filing with the Commission in the above-referenced docket is the original and fifteen (15) copies of the Petition to the Florida Consumer Action Network for Leave to Intervene.

Please acknowledge your receipt of the above filing on the enclosed copy of this letter and return to the undersigned in the enclosed self-addressed, stamped envelope. Also enclosed is a 3.5 inch diskette containing the above-referenced document in WordPerfect format. Thank you for your assistance.

Very truly yours,


Louis D. Putney

ACK _____
AFA 1
APP _____
CAF _____
CMU _____
CTR _____
EAG Pass
LEG 1
LIN 5 LDP/sj
OPC _____ Enclosure(s)
RCH 1
SEC 1 cc: Parties of Record
WAS _____
OTH _____

DOCUMENT NUMBER-DATE

04934 MAY 1997

FPSC-RECORDS/REPORTING

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

ORIGINAL
FILE COPY

In re: Review of Nuclear Outage
at Florida Power Corporation's
Crystal River Unit No. 3

Docket No. 970261-EI

**PETITION OF THE FLORIDA CONSUMER ACTION NETWORK
FOR LEAVE TO INTERVENE**

The Florida Consumer Action Network, through the undersigned counsel and pursuant to Rule 25-22, Florida Administrative Code, hereby files this Petition for Leave to Intervene in the above-styled proceeding, and in support thereof states:

1. The affected agency is the Florida Public Service Commission, 101 East Gaines Street, Tallahassee, Florida 32301.
2. The Florida Consumer Action Network ("FCAN") is a nonprofit, grassroots consumer and environmental lobby established to give citizens a greater voice in governmental decision-making processes. FCAN is a coalition of more than 40,000 members and 300 allied organizations including environmental, civic, labor and senior citizen organizations. Its corporate address is 4100 W. Kennedy Blvd. #128, Tampa, FL 33609, and phone number is (813) 286-1226. FCAN's primary purpose and reason for existence is to represent Florida's consumers and to work with governmental agencies on behalf of the consumers of Florida. FCAN represents consumers throughout the state of Florida, a substantial number of whom, approximating 12,000 members, obtain regulated electric power services from Florida Power Corporation ("Florida Power"). Thus, a substantial number of FCAN's members, especially those residing in areas served by Florida Power, have a significant interest in paying reasonable rates for electric power services provided to them by Florida Power.
3. The Commission has temporarily granted its approval of Florida Power Corporation's request for recovery from its ratepayers of replacement fuel costs exceeding \$90 million incurred due to the current extended outage at its Crystal River No. 3 nuclear plant, which approval is subject to

DOCUMENT NUMBER-DATE

04934 MAY 198

FPSC-RECORDS/REPORTING

the Commission's review of the causes of the outage.

4. The outage in question is the consequence of Florida Power Corporation's ineffective management oversight of engineering, operations, and corrective action activities which occurred for a period of several years leading up to the outage. This same ineffective management has resulted in numerous violations by Florida Power Corporation of serious nuclear safety regulations of the Nuclear Regulatory Commission resulting in the imposition of civil penalties against the company, including penalties imposed on July 10, 1996, totaling \$500,000. Florida Power Corporation did not contest the \$500,000 civil penalty. This same ineffective management allowed the conditions to develop that ultimately resulted in the current outage, which was otherwise avoidable and unnecessary. At the time Florida Power "voluntarily" took the nuclear plant off line at the beginning of the current outage, the Nuclear Regulatory Commission had been investigating Florida Power's management of the nuclear plant and had discovered the pervasive nature of Florida Power Corporation's ineffective management oversight of engineering, operations, and corrective action activities. If Florida Power had not shut the nuclear plant down at the time that it did, the Nuclear Regulatory Commission would have done so shortly thereafter due to Florida Power Corporation's ineffective management oversight of engineering, operations, and corrective action activities at the nuclear plant, and it would have remained off-line for that reason throughout the duration of the current outage. Even if the initial cause of the outage stated by Florida Power did not exist, the Nuclear Regulatory Commission would not at this time allow Florida Power Corporation to operate the nuclear plant. Before the Nuclear Regulatory Commission will allow Florida Power to operate the nuclear plant again, it is requiring a full review of all of Florida Power's critical engineering, operation, and corrective action activities over the past years, most of which are unrelated to Florida Power's stated reason for taking the nuclear plant off-line at the outset of the current outage. For the foregoing reasons, the initial cause of the outage and the "voluntary" nature of the shutdown is irrelevant and can not be used to excuse Florida Power Corporation for the current outage.

5. FCAN's members who are Florida Power customers are adversely affected by the higher

bills for electric service due to the cost of replacement fuel due to the outage at the Crystal River nuclear unit, and thus they have a significant interest in this proceeding. Since the subject matter of this proceeding is within FCAN's general scope of interest and activity and the relief requested is of a type appropriate for FCAN to receive or request on behalf of its constituent members, FCAN hereby seeks permission to intervene and to participate in the above-styled proceeding for the purpose of protecting Florida's consumers from unreasonably high electric service charges.

6. FCAN further submits that evidence and information submitted by it will be of material value to the Commission in its determination of the issues involved and that this intervention will not broaden the issues nor cause unnecessary delay.

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

Monte E. Belote
Florida Consumer Action Network
4100 W. Kennedy Blvd. #128
Tampa, FL 33609

Louis D. Putney, Esq.
4805 S. Himes Ave.
Tampa, FL 33611

WHEREFORE, the Florida Consumer Action Network hereby petitions for leave to intervene and to be treated as a full party to this proceeding with a right to have notice of and to appear at the taking of testimony, to produce and cross-examine witnesses, and to be heard in person or by counsel.

Respectfully submitted this 17th day of May, 1997.



Louis D. Putney, Esquire
Florida Bar No.: 239976
4805 S. Himes Ave.
Tampa, Florida 33611
(813) 831-3376
Fax: (813) 831-8770
Attorney for the Florida Consumer
Action Network

Certificate of Service

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by U.S. Mail to the persons on the attached service list on this 17th day of May, 1997.



Louis D. Putney, Esquire

SERVICE LIST

Docket No. 970261-EI

JAMES A. McGEE, ESQUIRE
Florida Power Corporation
Post Office Box 14042
St. Petersburg, FL 33733-4042

JOSEPH A. McGLOTHLIN, ESQUIRE
VICKI GORDON KAUFMAN, ESQUIRE
McWhirter, Reeves, McGlothlin;
Davidson, Rief & Bakas
117 South Gadsden Street
Tallahassee, FL 32301

ROBERT V. ELIAS, ESQUIRE
Legal Services
Florida Public Service Commission
2540 Shumard Oak Boulevard
Gunter Building, Room 370
Tallahassee, FL 32399-0850

JOHN ROGER HOWE, ESQUIRE
Deputy Public Counsel
c/o The Florida Legislature
111 West Madison Street
Room 812
Tallahassee, FL 32399-1400

JOHN W. McWHIRTER, JR., ESQUIRE
McWhirter, Reeves, McGlothlin
Davidson, Rief & Bakas
Post Office Box 3350
Tampa, FL 33601