

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Review of Florida Power Corporation's earnings, including effects of proposed acquisition of Florida Power Corporation by Carolina Power & Light.

DOCKET NO. 000824-EI
ORDER NO. PSC-01-2198-PCO-EI
ISSUED: November 13, 2001

ORDER GRANTING INTERVENTION

BY THE COMMISSION:

By Petition, Publix Super Markets Inc. (Publix) has requested permission to intervene in this proceeding. Publix develops, owns, operates, and maintains 524 supermarket facilities throughout the state of Florida. In addition, Publix owns and operates seven distribution centers and two manufacturing facilities to serve its supermarkets. Publix states that it is one of the largest retail consumers of electricity in Florida and purchases significant amounts of electricity from Florida Power Corporation (FPC), and according to Publix, its continued business operations are directly affected by the cost and availability of reliable electric service. Publix argues that in the Phase II portion of this docket, we will consider issues directly affecting the rates Publix will pay in its continued business operations.

Having reviewed the Petition, it appears that Publix's substantial interests may be affected by this proceeding because it is a retail customer of FPC. Therefore, the Petition shall be granted. Pursuant to Rule 25-22.039, Florida Administrative Code, Publix takes the case as it finds it.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that the Petition for Leave to Intervene filed by Publix Super Markets Inc., is granted. It is further

DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK

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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:

Thomas A. Cloud, Esquire
Gray, Harris & Robinson, P.A.
301 East Pine Street, Suite 1400
P.O. Box 3068
Orlando, FL 32801

By ORDER of the Florida Public Service Commission this 13th day of November, 2001.

BLANCA S. BAYÓ, Director
Division of the Commission Clerk
and Administrative Services

By: Kay Flynn
Kay Flynn, Chief
Bureau of Records and Hearing
Services

(S E A L)

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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.

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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, if issued by a Prehearing Officer; (2) reconsideration within 15 days pursuant to Rule 25-22.060, Florida Administrative Code, if issued by the Commission; or (3) 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 Director, Division of the Commission Clerk and Administrative Services, 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.