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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Review of the Retail)
Rates of Florida Power & Light) DOCKET NO. 001148-EI
Florida Power & Light Company) FILED: February 28, 2002
_____)

LEE COUNTY'S PETITION TO INTERVENE

Lee County, Florida (the "County"), pursuant to Chapter 120, Florida Statutes, and Rules 25-22.039, 28-106.201(2), and 28-106.205, Florida Administrative Code, petitions to intervene in the above-styled docket, and as grounds therefor states the following.

PROCEDURAL BACKGROUND

1. The name, address and telephone number of the Petitioner is:

Lee County, Florida
Attention: David M. Owen, Esquire
Assistant County Attorney
Lee County, Florida
Post Office Box 398
Fort Myers, Florida 33902.

2. All pleadings, orders and correspondence should be directed to Petitioner's representatives as follows:

Robert Scheffel Wright, Attorney at Law
Diane K. Kiesling, Attorney at Law
John T. LaVia, III, Attorney at Law
Landers & Parsons, P.A.
310 West College Avenue (ZIP 32301)
Post Office Box 271
Tallahassee, Florida 32302
(850) 681-0311 Telephone
(850) 224-5595 Facsimile

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and

David M. Owen
Assistant County Attorney
Lee County, Florida
Post Office Box 398
Fort Myers, Florida 33902.

3. The agency affected by this Petition to Intervene is:

Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850.

4. This proceeding was initiated to consider Florida Power & Light Company's (FPL) retail electric rates and related issues, including but not limited to consideration of FPL's rate of return on equity, capital structure, cost allocation and rate design, and sales projections and billing determinants.

LEE COUNTY'S SUBSTANTIAL INTERESTS

5. Lee County has a substantial interest in the outcome of this proceeding. Lee County is a political subdivision of the State of Florida within the service territory of FPL. Lee County purchases significant amounts of electricity from FPL, pursuant to several of FPL's retail service tariffs, to serve the electrical requirements of various County facilities. In this proceeding, the Florida Public Service Commission (the Commission) will consider issues directly affecting the rates that Lee County will pay in its continued reliance on FPL for electricity to carry out essential county functions. Any adjustments to FPL's rates for electric service, or to other tariff provisions affecting the terms and conditions of FPL's

retail electric service, which result from these proceedings will have profound effects on Lee County's access to reliable and reasonably priced electricity. Lee County is one of the largest, if not the largest, retail consumer of electricity from FPL in Lee County. Lee County's continued operations are directly affected by the cost and availability of reliable and affordable electric service. Therefore, Lee County has a direct and substantial interest in the outcome of this proceeding.

6. Lee County's interest is of sufficient immediacy to entitle it to participate in the proceeding and is the type of interest that the proceeding is designed to protect. To participate as a party in this proceeding, an intervenor must demonstrate that its substantial interests will be affected by the proceeding. Specifically, the intervenor must demonstrate that it will suffer a sufficiently immediate injury in fact that is of the type the proceeding is designed to protect. Ameristeel Corp. v. Clark, 691 So. 2d 473 (Fla. 1997); Agrico Chemical Co. v. Department of Environmental Regulation, 406 So.2d 478 (Fla. 2d DCA 1981), rev. denied, 415 So. 2d 1359 (Fla. 1982). As a substantial retail customer of FPL, Lee County has made the requisite demonstration to entitle it to participate as a full party in this proceeding.

DISPUTED ISSUES OF MATERIAL FACT

7. Disputed issues of material fact include, but are not limited to, the following:

- a. The appropriate level(s) of rates charged by FPL for service to the rate classes within which Lee County is served;
- b. Whether adjustments should be made to FPL's retail rates for electric service, and, if so, how such adjustments should be made;
- c. How any adjustments to FPL's authorized revenue requirements should be allocated among rate classes;
- d. The appropriate rate of return on equity for FPL;
- e. The appropriate capital structure for FPL;
- f. How cost of service responsibility should be allocated among FPL's retail rate classes;
- g. How cost of service responsibility should be allocated between FPL's wholesale and retail rate classes (jurisdictional separation);
- h. The appropriate rate design for the various rate classes; and
- i. Such other issues as may be identified through discovery in this proceeding.

ULTIMATE FACTS THAT ENTITLE LEE COUNTY TO RELIEF

8. The ultimate facts that entitle Lee County to relief will be developed through discovery and testimony in this proceeding.

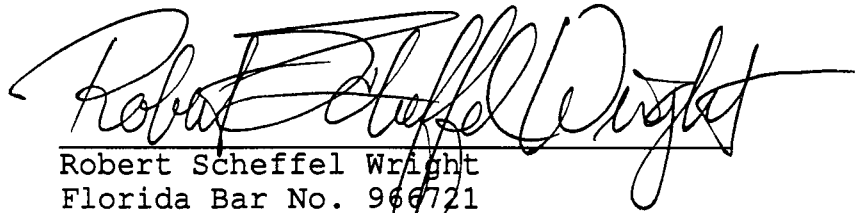
STATUTES AND RULES THAT ENTITLE LEE COUNTY TO RELIEF

9. The applicable statutes and rules that entitle Lee County to relief include, but are not limited to, Sections 120.569, 120.57(1), 366.041, 366.05(1), 366.06(1)&(2), and 366.07, Florida Statutes (2001), and Chapter 28-106, Florida Administrative Code.

RELIEF REQUESTED

WHEREFORE, Lee County respectfully requests the Florida Public Service Commission to enter its order GRANTING this Petition to Intervene and authorizing Lee County to intervene in this proceeding with full party status.

Respectfully submitted this 28th day of February, 2002.



Robert Scheffel Wright
Florida Bar No. 966721
Diane K. Kiesling
Florida Bar No. 233285
John T. LaVia, III
Florida Bar No. 853666
LANDERS & PARSONS, P.A.
310 West College Avenue (ZIP 32301)
Post Office Box 271
Tallahassee, Florida 32302
(850) 681-0311 Telephone
(850) 224-5595 Facsimile

CERTIFICATE OF SERVICE
DOCKETS 001148

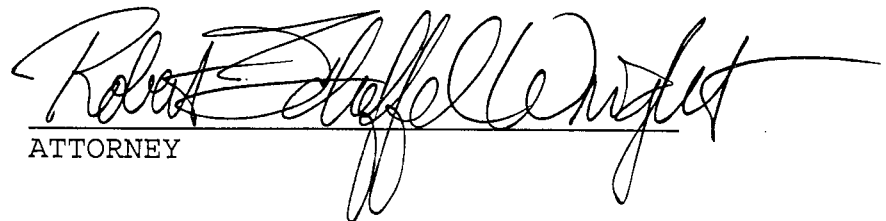
I HERBY CERTIFY that a true and correct copy of the foregoing has been furnished by Hand-delivery(*) and U.S. Mail to the following parties on this 20th day of February, 2002.

Robert V. Elias, Esquire* Division of Legal Services FPSC 2540 Shumard Oak Boulevard Tallahassee, Florida 32399-0850	David L. Cruthirds, Esquire Attorney for Dynegy, Inc. 1000 Louisiana Street, Suite 5800 Houston, TX 77002-5050
John T. Butler, P.A. Steel Hector & Davis, LLP 200 South Biscayne Boulevard Suite 4000 Miami, Florida 33131-2398	Bill Walker* Florida Power & Light Company 215 South Monroe Street, Suite 810 Tallahassee, FL 32301-1859
Thomas A. Cloud W. Christopher Browder Gray, Harris & Robinson, P.A. Post Office Box 3068 Orlando, Florida 32802-3068	Joseph A. McGlothlin, Esq.* Vicki Gordon Kaufman, Esq. McWhirter Reeves 117 S. Gadsden Street Tallahassee, Florida 32301
John W. McWhirter, Jr., Esq. Attorney for FIPUG McWhirter Reeves 400 North Tampa Street, Suite 2450 Tampa, Florida 33601-3350	Jack Shreve * John Roger Howe Office of Public Counsel c/o The Florida Legislature 111 West Madison Street, Room 812 Tallahassee, FL 32399-1400
Ms. Angela Llewellyn Tampa Electric Company Post Office Box 111 Tampa, Florida 33601	Lee L. Willis* James D. Beasley Ausley & McMullen Law Firm 227 South Calhoun Street Tallahassee, Florida 32301

<p>Harry W. Long, Jr. Tampa Electric Company Post Office Box 111 Tampa, Florida 33601</p>	<p>James A. McGee Post Office Box 14042 St. Petersburg, FL 33733-4042</p>
<p>Paul Lewis, Jr.* Florida Power Corporation 106 East College Avenue, Suite 800 Tallahassee, FL 32301-7740</p>	<p>Dawson Glover, III Town of Sewall's Point One South Sewall's Point Road Sewall's Point, FL 34996</p>
<p>Linda Quick South Florida Hospital and Healthcare 6363 Taft Street Hollywood, FL 33024</p>	<p>Michael B. Twomey, Esquire Post Office Box 5256 Tallahassee, FL 32314-5256</p>
<p>Mark Sundback, Esquire Kenneth Wiseman, Esquire Andrews & Kurth Law Firm 1701 Pennsylvania Ave., N.W. Suite 300 Washington, DC 20006</p>	<p>Jon C. Moyle, Esquire* Cathy M. Sellers, Esquire 118 North Gadsden Street Tallahassee, FL 32301</p>
<p>Michael Briggs Reliant Energy Power Generation, Inc. 801 Pennsylvania Ave. Suite 620 Washington, DC20004</p>	<p>Frederick M. Bryant* FMPA 2061-2 Delta Way Tallahassee, FL 32303</p>
<p>Leslie J. Paugh, Esq.* Landers & Parsons 310 West College Avenue Tallahassee, Florida 32301</p>	<p>Marchris Robinson Manager, State Government Affairs Enron Corporation 1400 Smith Street Houston, Texas 77002-7361</p>

<p>Melissa Lavinson PG&E National Energy Group Company 7500 Old Georgetown Road Bethesda, MD 20814</p>	<p>Seminole Electric Cooperative, Inc. Timothy Woodbury 16313 North Dale Mabry Highway Tampa, FL 33688-2000</p>
<p>Kenneth Hoffman Rutledge Law Firm Post Office Box 551 Tallahassee, Florida 32302- 0551</p>	<p>CPV Atlantic, Ltd 145 NW Central Park Plaza, Suite 101 Port Saint Lucie, FL 34986</p>
<p>Myron Rollins Black & Veatch Post Office Box 8405 Kansas City, MO 64114</p>	<p>Jennifer May-Brust, Esq. Colonial Pipeline Company 945 East Paces Ferry Road Atlanta, GA 30326</p>
<p>G. Garfield R. Knickerbocker/S. Myers Day, Berry Law Firm CityPlace 1 Hartford, CT 06103-3499</p>	<p>Michelle Hershel* Florida Electric Cooperatives Association, Inc. 2916 Apalachee Parkway Tallahassee, FL 32301</p>
<p>Richard Zambo, Esq. Florida Industrial Cogeneration Assoc. 598 SW Hidden River Ave. Palm City, FL 34990</p>	<p>Sofia Solernou 401 South MacArthur Avenue Panama City, FL 32401</p>
<p>Thomas J. Maida* N. Wes Strickland Foley & Lardner Law Firm 106 E. College Avenue, Suite 900 Tallahassee, FL 32301</p>	<p>Bruce May, Esquire Holland Law Firm Post Office Drawer 810 Tallahassee, FL 32302-0810</p>
<p>Homer O. Bryant 3740 Ocean Beach Boulevard Unit 704 Cocoa Beach, FL 32931</p>	<p>Robert C. Williams, P.E. FMPA 8553 Commodity Circle Orlando, FL 32819-9002</p>
<p>Publix Super Markets, Inc. 936 George Jenkins Blvd. Lakeland, FL 33815</p>	<p>Steven H. McElhaney 2448 Tommy's Turn Oviedo, FL 32766</p>

Duke Energy North America Lee E. Barrett 5400 Westheimer Court Houston, TX 77056-5310	Calpine Eastern Thomas W. Kaslow The Pilot House, 2 nd Floor Boston, MA 02110
Mr. Paul J. Chymiy NUI Energy, Inc. 550 Route 202-206 Bedminster, NJ 07921-0760	Mirant Americas Development, Inc. Beth Bradley 1155 Perimeter Center West Atlanta, GA 30338-5416
FP&L R. Wade Litchfield 700 Universe Boulevard Juno Beach, FL 33408-0420	



ATTORNEY