

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Review of Progress Energy Florida, Inc.'s
benchmark for waterborne transportation
transactions with Progress Fuels.

Docket No.: 031057-EI
Filed: November 24, 2003

**THE FLORIDA INDUSTRIAL POWER USERS GROUP'S
PETITION TO INTERVENE**

Pursuant to Chapter 120, Florida Statutes and Rules 25-22.039 and 28-106.205, Florida Administrative Code, the Florida Industrial Power Users Group (FIPUG), through its undersigned counsel, submits its Petition to Intervene, and in support thereof states:

1. The affected agency is the Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850.

2. The name and address of the Petitioner is:

Florida Industrial Power Users Group
c/o McWhirter, Reeves, McGlothlin, Davidson,
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3. Copies of all pleadings, notices, and orders in this Docket should be provided to:

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4. FIPUG is an ad hoc association consisting of industrial users of electricity in Florida. The cost of electricity constitutes a significant portion of FIPUG members' overall costs of production. FIPUG members require adequate, reasonably priced electricity in order to compete in their respective markets.

5. Statement of Affected Interests. The decision that the Commission makes in this docket will determine what Progress Energy Florida (PEF) should recover for waterborne transportation transactions in 2004. PEF will seek to recover these costs from customers, including FIPUG members, through the rates they pay. The proceeding will further determine how waterborne transportation costs will be determined in the future. Improper or excessive costs will affect FIPUG members by unnecessarily and unjustifiably increasing their costs of electricity, thereby affecting their production costs, their competitive posture, and their levels of employment.

6. FIPUG's interests are of the type that this proceeding is designed to protect.¹ Agrico Chemical Company v. Department of Environmental Regulation, 406 So.2d 478 (Fla. 2d DCA 1981). The purpose of the proceeding is to ensure that only prudent transportation costs are recovered from ratepayers. The purpose of the proceeding thus coincides with FIPUG's interest, which is to ensure that members' electrical bills reflect prudent, economical choices.

7. Disputed Issues of Material Fact. FIPUG anticipates that the issues of disputed fact in this case will include, but are not limited to,:

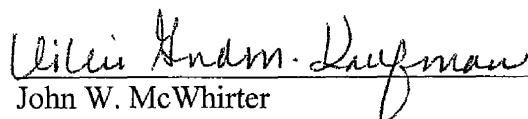
- a. Should the Commission modify or eliminate the method for calculating Progress Energy Florida's market price proxy for waterborne coal transportation that was established by Order No. PSC-93-1331-FOF-EI, issued September 13, 1993, in Docket No. 930001-EI?

¹ The matters which the Commission will consider in this docket were spun out from Docket No. 030001-EI, to which FIPUG is a party.

- b. What amount should PEF recover for 2004 waterborne transportation costs?

8. Statement of Ultimate Facts Alleged. FIPUG alleges that an RFP process that is designed and supervised to allow full and fair competition will result in the identification of appropriate costs for recovery of waterborne transportation.

WHEREFORE, FIPUG requests the Commission to enter an order allowing it to intervene as a fully party in this docket.



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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing The Florida Industrial Power Users Group's Petition to Intervene has been furnished by (*) hand delivery, or U.S. Mail this 24th day of November 2003, to the following:


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