

ORIGINAL

Matilda Sanders

From: Richzambo@aol.com  
Sent: Thursday, April 29, 2004 8:13 AM  
To: Filings@psc.state.fl.us  
Subject: Docket No. 040031-EG Petition for approval of conservation goals by PEFI.

Attached for filing in the referenced proceeding find the Petition for Leave to Intervene by the Florida Industrial Cogeneration Association (FICA), along with a transmittal letter and certificate of service.

If you have any questions or require additional information, please contact this office.

*Rich Zambo*

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Palm City, FL 34990

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FPSC-COMMISSION CLERK

4/29/2004

**RICHARD A. ZAMBO, P.A.**  
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**ORIGINAL**

REGISTERED PROFESSIONAL ENGINEER  
REGISTERED PATENT ATTORNEY

COGENERATION & ALTERNATIVE ENERGY  
ENERGY REGULATORY LAW

April 29, 2004

Via electronic filing

Ms. Blanca S. Bayó, Director  
Commission Clerk and Administrative Services  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Betty Easley Conference Center, Room 110  
Tallahassee, Florida 32399-0850

Re: FPSC Docket No. 040031-EG  
Petition for approval of conservation goals by Progress Energy Florida, Inc.

Dear Ms. Bayó:

Attached hereto for filing in the referenced proceeding find the Petition for Leave to intervene filed on behalf of the Florida Industrial Cogeneration Association (FICA), along with a certificate of service.

If you have any questions or require additional information, please contact this office.

Sincerely,

*/s/ Richard A. Zambo*

RAZ/nb

Richard A. Zambo  
Florida Bar No. 312525

DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for Approval of )  
Numeric Conservation Goals )  
By Progress Energy Florida )  
\_\_\_\_\_ )

Docket No. 040031-EG

By electronic filing: April 29, 2004

JOINT PETITION FOR LEAVE TO INTERVENE  
BY  
THE FLORIDA INDUSTRIAL COGENERATION ASSOCIATION

In accordance with provisions of Chapter 120, F.S. and associated Commission rules, the Florida Industrial Cogeneration Association (FICA) by and through its undersigned attorney, hereby files this Petition for leave to Intervene in the captioned proceeding, and in support thereof states:

- 1. The name, address, and telephone number of the Petitioners are as follows:

Florida Industrial Cogeneration Association  
c/o Richard A. Zambo, P.A.  
598 SW Hidden River Avenue  
Palm City, FL 34990  
Phone: (772) 220-9163  
FAX: (772) 220 9402

- 2. Copies of all correspondence, pleadings, and other documents should be provided to:

Richard A. Zambo  
Richard A. Zambo, P.A.  
598 SW Hidden River Avenue  
Palm City, FL 34990  
Phone: (772) 220-9163  
FAX: (772) 220-9402

- 3. The Florida Industrial Cogeneration Association (FICA) is a not-for-profit trade association representing Florida industrial cogenerators. FICA members, which include a majority of the Florida phosphate companies, self-generate, consume and purchase substantial quantities of electricity.

4. **Statement of Substantial Interests**

FICA members produce and consume large quantities of electricity, the cost of which comprises a substantial portion of manufacturing costs. The cost of conservation programs implemented as a result of the Commission's decision in this proceeding will be charged to electric consumers thereby affecting the cost of electricity. Moreover, FICA members own and operate highly energy efficient cogeneration facilities that recover waste heat from the manufacturing processes to produce process thermal energy and significant quantities of electricity. Such facilities are included in the listing of conservation measures enumerated in Commission rule 25-17.0021 Goals for Electric Utilities. As the owners/operators of such facilities, FICA's members interests will be further affected by the Commission's decision in this proceeding.

5. The purpose of this proceeding is to consider conservation goals and programs proposed by the electric utilities - the cost of which will be borne by the electric customers. Accordingly, this proceeding is designed to protect the interests of Florida electric customers such as FICA's members.

6. **Statement Of Disputed Issues In This Proceeding**

FICA cannot at this point identify any disputed issues of material fact because Progress Energy has not yet submitted its filing in this proceeding.

7. **Statement Of Ultimate Facts Alleged**

FICA alleges that matters within the scope of this proceeding will affect the cost, availability, and reliability of electricity supplies to its members.

WHEREFORE, In light of the substantial impacts that this proceeding will have on its members, FICA respectfully requests that the Commission enter an Order granting this Petition and thereby granting to FICA and its members status as full parties.

RESPECTFULLY submitted on the 29<sup>th</sup> day of April, 2004.

*/s/ Richard A. Zambo*

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Richard A. Zambo  
Florida Bar No. 312525

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Attorney for:

Florida Industrial Cogeneration Association

**CERTIFICATE OF SERVICE**

Docket No. 040031-EG

I HEREBY CERTIFY that a true and correct copy of the foregoing Petition for Leave to Intervene of the Florida Industrial Cogeneration Association has been duly submitted to the U.S. Postal Service on this 29th day of April 2004 for delivery to the following persons:

Adrienne Vining, Esquire  
Office of the General Counsel  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850

James McGee, Esquire  
Progress Energy Florida, Inc.  
P.O. Box 14042  
St. Petersburg, FL 33733-4042

*/s/ Richard A. Zambo*

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Richard A. Zambo  
Florida Bar No. 312525