

Matilda Sanders

From: Mary Kay Carlton [Mary_Kay_Carlton@oag.state.fl.us]
Sent: Thursday, August 04, 2005 12:08 PM
To: Filings@psc.state.fl.us
Subject: Docket No. 050045 and 050188-EI - Petition of Charles Jr. Crist, Jr., Attorney General, State of Florida to Intervene

Attachments: Petition To Intervene-50045.pdf



Petition To
vene-50045.

(See attached file: Petition To Intervene-50045.pdf)

1. Christopher M. Kise, Solicitor General, Office of the Attorney General, PL-01 The Capitol, Tallahassee, FL 32399, (850) 414-3681, is responsible for this electronic filing; 2. The filing is to be made in Docket No. 050045 and 05188-EI, In re: Petition for Rate Increase by Florida Power & Light Company.; 3. The filing is made on behalf of Charles J. Crist, Jr., Attorney General, State of Florida; 4. The total number of pages is 5 ; and 5. Attached to this e-mail in Adobe format is the Petition of Charles J. Crist, Jr., Attorney General, State of Florida, to Intervene.

Mary Kay Carlton
Assistant to Christopher M. Kise, Solicitor General Office of the Attorney General
PL-01 The Capitol
Tallahassee, FL 32399
850-414-3681
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DOCUMENT NUMBER-DATE

07534 AUG-4 05

FPSC-COMMISSION CLERK

ORIGINAL

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for Rate increase by
Florida Power & Light Company

Docket No. 050045-EI

In re: 2005 comprehensive depreciation
study by Florida Power & Light Company

Docket No. 050188-EI

**PETITION OF CHARLES J. CRIST, JR.,
ATTORNEY GENERAL, STATE OF FLORIDA, TO INTERVENE**

CHARLES J. CRIST, JR., Attorney General, State of Florida (Attorney General), pursuant to Rule 25-22.039, Florida Administrative Code, petitions the Florida Public Service Commission (Commission) to enter an order granting leave to the Attorney General to intervene in this Docket and states:

1. The Attorney General, pursuant to Art. IV, Section 4, Fla. Const., is the chief legal officer of the State with his principal place of business in Tallahassee, Florida.
2. The Attorney General brings this Petition in his *parens patriae* capacity as guardian of the health, welfare, and safety of the citizens of the State of Florida.
3. The Attorney General has broad statutory authority to prosecute and appear in suits in which the State is a party or is otherwise interested. Section 16.01(4), (5), and (6), Florida Statutes. The State has a substantial interest in the establishment of fair, just and reasonable rates to be charged by Florida Power & Light Company ("FPL"). In this case, FPL seeks an extraordinary general rate increase of approximately \$430 million.
4. Where the public interest is involved, the Attorney General may not only initiate litigation, but also intervene in pending litigation. *State ex rel. Shevin v. Yarbrough*, 257

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FPCO-COMMISSION

So. 2d 891, 894 (Fla. 1972). The Attorney General is granted wide discretion in determining what particular matters involve the public interest. *State ex rel. Shevin v. Exxon Corp.*, 526 F. 2d 266, 268-69 (5th Cir. 1976). Accordingly, his conclusion that a particular matter involves the public interest is presumed to be correct. *Yarbrough*, 257 So. 2d. at 895.

5. The substantial interests of the State and the people will be directly affected by the Commission's decisions in this case.

6. The name address and telephone number of the Petitioner are as follows:

CHARLES J. CRIST, JR.
Attorney General
The Capitol-PL01
Tallahassee, Florida 32399-1050
Tel: (850) 414-3300

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

CHRISTOPHER M. KISE
Solicitor General
JACK SHREVE
Senior General Counsel
OFFICE OF THE ATTORNEY GENERAL
The Capitol-PL01
Tallahassee, Florida 32399-1050
Tel: (850) 414-3681
Fax: (850) 410-2672

WHEREFORE, the Attorney General respectfully requests that the Commission enter an order allowing the Attorney General to intervene in this Docket.

DATED this 4th day of August, 2005.

Respectfully submitted,

CHARLES J. CRIST, JR.
ATTORNEY GENERAL

s/Christopher M. Kise
CHRISTOPHER M. KISE
SOLICITOR GENERAL
Florida Bar No. 855545

JACK SHREVE
Florida Bar No. 73622
Senior General Counsel

Office of the Attorney General
The Capitol-PL01
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CERTIFICATE OF SERVICE
DOCKETS NO. 050045 and 050188

I CERTIFY that a true and correct copy hereof has been furnished by United States mail to the following on this 4th day of August, 2005.

<p>Wm. Cochran Keating, IV Katherine E. Fleming Jeremy Susac Florida Public Service Commission Division of Legal Services 2540 Shumard Oaks Boulevard Tallahassee, FL 32399-0850</p>	<p>Timothy M. Perry McWhirter Reeves 117 South Gadsden Street Tallahassee, FL 32301 <i>Attorneys for the Florida Industrial Power Users Group</i></p>
<p>John W. McWhirter, Jr. McWhirter Reeves 400 North Tampa Street, Suite 2450 Tampa, FL 33601-3350 <i>Attorneys for Florida Industrial Power Users Group</i></p>	<p>D. Bruce May, Jr. Holland & Knight P. O. Drawer 810 Tallahassee, FL 32302-0810 <i>Attorneys for Miami-Dade County Public Schools</i></p>
<p>Miami-Dade County Public Schools c/o Jaime Torrens Dist. Inspections, Operations and Emergency Mgt. 1450 N.E. 2nd Avenue Miami, FL 33132</p>	<p>Michael B. Twomey P. O. Box 5256 Tallahassee, FL 32314-5256 <i>Counsel for AARP</i></p>
<p>David Brown McKenna Long & Aldridge One Peachtree Center 303 Peachtree Street, N.E., Suite 5300 Atlanta, GA 30308 <i>Attorneys for the Commercial Group</i></p>	<p>Major Craig Paulson AFCESA/ULT 139 Barnes Drive Tyndall Air Force Base, FL 32403 <i>Attorneys for Federal Executive Agencies</i></p>
<p>Robert Scheffel Wright John T. Lavia, III Landers & Parsons P. O. Box 271 Tallahassee, FL 32302 <i>Attorneys for Florida Retail Federation</i></p>	<p>Mark F. Sundback Kenneth L. Wiseman Gloria J. Halstead Andrew & Kurth 1701 Pennsylvania Avenue, NW, Suite 300 Washington, DC 20006</p>
<p>George E. Humphrey Andrews & Kurth 600 Travis, Suite 4200 Houston, TX 7702-3090</p>	<p>Bill Walker Anthony Cuba 215 South Monroe Street, Suite 810 Tallahassee, FL 32301-1859</p>

	<i>Florida Power & Light Company</i>
Harold A. McLean Charles J. Beck Office of Public Counsel c/o The Florida Legislature 111 W. Madison Street, Room 812 Tallahassee, FL 32399-1400	Mr. Stephen J. Baron Mr. Lane Kollen J. Kennedy Associates 570 Colonial Park Drive, Suite 305 Roswell, GA 30075 <i>Consultants for South Florida Hospital and Healthcare Association</i>
Natalie F. Smith R. Wade Litchfield 700 Universe Boulevard Juno Beach, FL 33408-0420 <i>Attorneys for Florida Power & Light Company</i>	Joaquin E. Leon 9250 W. Flagler Street, Suite 6514 Miami, FL 33174 <i>Florida Power & Light Company</i>
Thomas P. & Genevieve Twomey 3984 Grand Meadows Boulevard Melbourne, FL 32934	

s/Christopher M. Kise
Christopher M. Kise