

**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

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  
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JACK SHREVE  
Senior General Counsel  
OFFICE OF THE ATTORNEY GENERAL  
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WHEREFORE, the Attorney General respectfully requests that the Commission enter an order allowing the Attorney General to intervene in this Docket.

DATED this 4<sup>th</sup> 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

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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 4<sup>th</sup> 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 &amp; 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. 2<sup>nd</sup> 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 &amp; 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 &amp; 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 &amp; Kurth  1701 Pennsylvania Avenue, NW, Suite 300  Washington, DC 20006</p>
<p>George E. Humphrey  Andrews &amp; 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>

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s/Christopher M. Kise  
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