

ORIGINAL

Matilda Sanders

From: Mary Kay Carlton [Mary\_Kay\_Carlton@oag.state.fl.us]  
Sent: Monday, April 03, 2006 12:50 PM  
To: Filings@psc.state.fl.us  
Subject: Filing in Docket No. 060038 - Florida Power & Light

Attachments: Petition To Intervene.pdf



Petition To  
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Petition to Intervene - Docket No. 060038

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. 060038-EI, In Re Florida Power & Light Company's Petition for Issuance of a Storm Recovery Financing Order 3. The filing is made on behalf of Charles J. Crist, Jr., Attorney General, State of Florida.
4. The total number of pages is 4.
5. Attached to this e-mail in PDF format is the Petition of Charles Jr. Cirst, 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  
850-410-2672 (fax)

(See attached file: Petition To Intervene.pdf)

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FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

ORIGINAL

In re: Florida Power & Light Company's  
Petition for Issuance of a Storm Recovery  
Financing Order

DOCKET NO. 060038-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 Petition filed by Florida Power & Light Company ("FPL"). In this case, FPL seeks a substantial storm recovery adjudication.
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

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FPSC-COMMISSION CLERK

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 3<sup>rd</sup> day of April, 2006.

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  
Tallahassee, Florida 32399-1050  
Tel: (850) 414-3681  
Fax: (850) 410-2672

**CERTIFICATE OF SERVICE**  
**DOCKET NO. 060038-EI**

I CERTIFY that a true and correct copy hereof has been furnished by United States mail to the following on this 3<sup>rd</sup> day of April, 2006.

Mary Ann Helton Cochran Keating Florida Public Service Commission Division of Legal Services 2540 Shumard Oaks Boulevard Tallahassee, FL 32399-0850	Lieutenant Colonel Karen White Captain Damund Williams AFCESA/ULT 139 Barnes Drive Tyndall Air Force Base, Fl 32403
John W. McWhirter, Jr. McWhirter Reeves 400 North Tampa Street, Suite 2450 Tampa, FL 33601-3350	Patrick M. Bryan Florida Power & Light Company 700 Universe Boulevard Juno Beach, FL 33408-0420
Timothy M. Perry McWhirter Reeves 117 South Gadsden Street Tallahassee, FL 32301	Michael B. Twomey P. O. Box 5256 Tallahassee, FL 32314-5256
Robert Scheffel Wright John T. Lavia, III Young van Assenderp, P.A. 225 South Adams Street, Suite 200 Tallahassee, FL 32302	Bill Walker Vice President, Regulatory Affairs Florida Power & Light Company 215 South Monroe Street, Suite 810 Tallahassee, FL 32301-1859
Tim Devlin Director of Economic Regulation Florida Public Service Commission 2540 Shumard Oak Boulevard Tallahassee, FL 32399-0850	Jack Leon 9250 W. Flagler Street, Suite 6514 Miami, FL 33174
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	Bill Feaster, Manger Regulatory Affairs Florida Power & Light Company 215 S. Monroe Street, Suite 810 Tallahassee, FL 32301

s/Christopher M. Kise  
Christopher M. Kise