

# AUSLEY & McMULLEN

ATTORNEYS AND COUNSELORS AT LAW

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April 11, 2006

HAND DELIVERED

Ms. Blanca S. Bayo, Director  
Division of Commission Clerk  
and Administrative Services  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850

Re: Joint Petition to Amend Territorial Agreement between Progress Energy Florida,  
Inc. and Peace River Electric Cooperative, Inc.; FPSC Docket No. 060277-EU

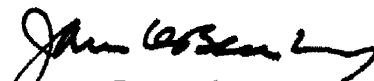
Dear Ms. Bayo:

Enclosed for filing in the above docket are the original and fifteen (15) copies of Tampa Electric Company's Petition for Leave to Intervene.

Please acknowledge receipt and filing of the above by stamping the duplicate copy of this letter and returning same to this writer.

Thank you for your assistance in connection with this matter.

Sincerely,

  
James D. Beasley

JDB/pp  
Enclosures

cc: All Parties of Record (w/enc.)

DOCUMENT NUMBER-DATE

03253 APR 11 06

FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Joint Petition to Amend )  
Territorial Agreement Between )  
Progress Energy Florida, Inc. and )  
Peace River Electric Cooperative, Inc. )  
\_\_\_\_\_ )

DOCKET NO. 060277-EU  
FILED: April 11, 2006

**TAMPA ELECTRIC COMPANY'S  
PETITION FOR LEAVE TO INTERVENE**

Tampa Electric Company ("Tampa Electric" or "the company"), pursuant to Florida Administrative Code Rule 25-22.039, petitions the Florida Public Service Commission ("the Commission") for leave to intervene in the above docket and, as grounds therefor, says:

**Introduction**

1. The name and address of the affected agency is:

Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399-0850

2. The name and address of the petitioner is:

Tampa Electric Company  
Post Office Box 111  
Tampa, Florida 33601

3. All pleadings, motions, orders and other documents directed to the petitioner are to be served on:

Lee. L. Willis  
James D. Beasley  
Ausley & McMullen  
Post Office Box 391  
Tallahassee, FL 32302

Brenda Irizarry  
Coordinator, Regulatory Affairs  
Tampa Electric Company  
Post Office Box 111  
Tampa, FL 33601

**Tampa Electric has Substantial Interests Which Will be Determined and Affected in this Proceeding**

4. Tampa Electric is a public utility subject to the jurisdiction and regulation of the Commission under Chapter 366, Florida Statutes. One of Tampa Electric's duties as a public utility is to plan for and meet the demands of its customers for electric service.

5. In Order No. 17585, issued in Docket No. 870303-EU on May 22, 1987, the Commission approved a service territory agreement between Tampa Electric and Peace River Electric Cooperative, Inc. (PRECO), which states in Article II, Section 3. that :

“The parties, by execution of this agreement, acknowledge that TECO presently provides retail electric service to certain phosphate customers and other customers served at transmission voltage (69 KV and above) in the area of Polk and Hillsborough Counties reserved for PRECO. TECO shall have the right to continue to serve these existing customers.

Either party shall have the right to serve any such customer applying for service after the effective date of this agreement. Should both parties desire to serve the same customer. The decision as to which company shall serve will be determined on the basis of relative costs to construct additional facilities necessary to serve the customer in question.”

6. At paragraph 5 of their Joint Petition, PRECO and Progress Energy Florida, Inc. (Progress) appear to propose that Progress be given the right to serve the present and future electrical requirements of all phosphate mining customers located in PRECO's service territory, including the portions of PRECO's service territory located in Polk County.<sup>1</sup>

7. If, as appears to be the case, PRECO and Progress propose in their Joint Petition to confer on Progress the right to serve all phosphate mining electrical load in the Polk County portion of PRECO's service territory, then any such proposed grant would be in direct conflict

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<sup>1</sup> See Exhibit 3 to the proposed amended Service Territory Agreement.

with Tampa Electric's rights and obligations under its currently effective service territory agreement with PRECO, as set forth in paragraph 5 above.

8. It is not clear from the Joint Petition whether PRECO and Progress are conferring similar rights to Progress with regard to phosphate mining load in PRECO's service territory in Hillsborough County which would also be in direct conflict with Tampa Electric's rights and obligations under its currently effective service territory agreement with PRECO.

9. Given the apparent conflict between the existing PRECO/Tampa Electric service territory agreement and the proposed amendment to the PRECO/Progress service territory agreement created by the Joint Petition, Tampa Electric should be recognized as an indispensable party and permitted to intervene and address and defend its right and obligation to serve phosphate mining load in the Polk County portion of PRECO's service territory. No other party is in a position to adequately represent Tampa Electric's interests in this matter.

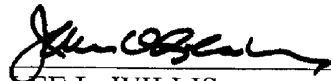
WHEREFORE, Tampa Electric petitions for leave to intervene and participate as a party to this proceeding.

DATED this 11<sup>th</sup>-day of April, 2006.

Respectfully submitted,

HARRY W. LONG, JR.  
Assistant General Counsel - Regulatory  
Tampa Electric Company  
Post Office Box 111  
Tampa, Florida 33601  
(813) 228-1702

and



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LEE L. WILLIS  
JAMES D. BEASLEY  
Ausley & McMullen  
Post Office Box 391  
Tallahassee, FL 32303  
(850) 224-9115

ATTORNEYS FOR TAMPA ELECTRIC COMPANY

**CERTIFICATE OF SERVICE**

HEREBY CERTIFY that a true copy of the foregoing Petition for Leave to Intervene, filed on behalf of Tampa Electric Company, has been furnished by U S. Mail or hand delivery (\*) on this 11<sup>th</sup> day of April, 2006.

Ms. Martha Carter Brown\*  
Staff Attorney  
Office of General Counsel  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850

Mr. William T. Mulcay, Jr., Mgr./CEO  
Peace River Electric Cooperative, Inc.  
P. O. Box 1310  
Wauchula, FL 33873-1310

Mr. John T. Burnett  
Associate General Counsel  
Progress Energy Florida, Inc.  
Post Office Box 14042  
St. Petersburg, FL 33733-4042

Mr. Andrew B. Jackson  
Attorney for Peace River  
Electric Cooperative, Inc.  
150 North Commerce Avenue  
Sebring, FL 33870

  
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ATTORNEY