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Subject: e-filing Docket # 070098-EI
Attachments: Petition to Intervene (AIF).doc

ORIGINAL

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B. Petition to Intervene
 070098-EI

C. Associated Industries of Florida

D. There are a total of 6 pages in the attached document

E. The document attached for filing is Associated Industries of Florida's Petition to Intervene

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DOCUMENT NUMBER-DATE

02743 MAR 29 0

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Florida Power & Light Company's) Docket No. 070098-EI
Petition to Determine Need for FPL Glades)
Power Park Units 1 and 2 Electrical Power Plant) Date Filed: March 28, 2007

PETITION TO INTERVENE

Associated Industries of Florida ("AIF"), pursuant to Chapters 120 and 366, Florida Statutes, and Rules 25-22.039, 28-106.201, and 28-106.205, Florida Administrative Code ("F.A.C."), respectfully petitions to intervene in the above-styled docket.

AIF is a non-profit corporation organized and existing under the laws of Florida. AIF is the largest association of business, trade, commercial and professional organizations in the State of Florida. It represents the interests of over 7,500 corporations, professional associations, partnerships and proprietorships. It also represents its members in critical matters before the Florida legislature, Florida's executive branch, regulatory agencies and the State Courts of Florida. AIF's mission is to represent the business community before elected and appointed officials of state government on those issues of interest to the business community. Additionally, many of AIF's members are retail customers of FPL.

The members of AIF have a significant interest in the instant matter pending before this Commission.

As an Intervenor AIF does not seek to reargue points of law and arguments asserted by the Petitioner. However, AIF fully concurs with the Petitioner and supports its application for the Glades power plant. AIF's members require adequate, reasonably

priced electricity in order to conduct their business consistently with the needs of their customers and ownership. AIF promotes environmental and economic regulatory policies that create a stable investment climate so that electric utilities such as FPL can build more fuel diverse generation systems to meet Florida's growing energy needs.

In further support of its Petition to Intervene, AIF states as follows:

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

Associated Industries of Florida
516 North Adams Street
Tallahassee, Florida 32301
Phone: 850-224-7173
Fax: 850-224-6532

2. All pleadings, orders and correspondence should be directed to

Petitioner's representative is as follows:

Tamela Ivey Perdue
Stiles, Taylor & Grace, P.A.
Post Office Box 1140
Tallahassee, FL 32301
Phone: 850-222-2229
Fax: 850-561-3642

3. The agency affected by this Petition to Intervene is:

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

4. AIF respectfully petitions for intervention in the Commission's proceeding to determine the need for the Florida Power & Light Glades power plant. AIF is an established association representing more than 7,500 members in Florida, many of whom are retail customers of FPL. AIF's mission is to represent the business community before elected and appointed officials of state government on those issues of interest to the business community. AIF supports FPL's application for the Glades power plant. AIF's

members require adequate, reasonably priced electricity in order to conduct their business consistently with the needs of their customers and ownership. AIF promotes environmental and economic regulatory policies that create a stable investment climate so that electric utilities such as FPL can build more fuel diverse generation systems to meet Florida's growing energy needs.

5. As the representative of its many members who are FPL retail customers, AIF's and its members' substantial interests will be affected by any action that the Commission takes in this docket. In this docket, the Commission will decide whether to approve FPL's request for a determination of need for the Glades power plant. The Commission's decision will have a real and immediate impact on fuel diversity and the adequacy of electric supply in Florida and, therefore, on the adequacy of electric service provided by FPL to AIF's members. Approval of the Glades units will help mitigate the risk of supply disruption associated with natural gas-fired generation. Further, the Commission's decision will impact the price of electricity for AIF's members. Approval of solid-fuel coal fired generating units will help mitigate the electric price volatility associated with reliance on natural gas-fired generation.

6. AIF's substantial interests are of sufficient immediacy to entitle it to participate in this proceeding and are the type of interests that the proceeding is designed to protect. Ameristeel Corp. v. Clark, 691 So. 2d 473 (Fla. 1997); Agrico Chemical Co. v. Department of Environmental Regulation, 406 So. 2d 478 (Fla. 2d DCA 1981), rev denied, 415 So. 2d 1359 (Fla. 1982). Here, AIF of its members who are retail electric customers of FPL, and these members' substantial interests will be directly affected by the Commission's decisions regarding FPL's proposed Glades power plant. Thus, the

interests that AIF seeks to protect are of sufficient immediacy to warrant intervention, and the nature of its members' interests in having the Commission ensure that AIF's members are provided adequate, reasonably priced electricity is the type of interest that this proceeding is designed to protect.

7. AIF satisfies the requirements for associational standing set forth in Florida Home Builders Ass'n v. Dep't of Labor and Employment Security, 412 So. 2d 351, 353-54 (Fla. 1982). A substantial number of AIF's members are located in FPL's service area and receive their electric service from FPL, for which they are charged FPL's applicable retail rates. AIF exists to represent its members' interests in a number of venues, including the Florida Public Service Commission. Finally, the relief requested – intervention and approval of the Glades power plant consistent with the Commission's governing law – is relief that will apply to all of AIF's members. Therefore, the requested relief is of the type that is appropriate for an association to obtain on behalf of its members.

8. AIF is not aware of any disputed issues of material fact in this proceeding. AIF alleges that the ultimate facts will show that FPL's petition for determination of need for the Glades power plant should be granted in order to minimize supply risk and electric price volatility. The applicable statutes and rules that entitle the AIF to relief include, but are not limited to, Sections 120.569, 120.57(1), 366.04(1), 366.05(1), 366.06 (1) & (2), and 403.519, Florida Statutes, and Rule 25-22.039 and Chapter 28-106, Florida Administrative Code.

9. The above-cited sections of Chapter 366 relate to the Commission's jurisdiction over FPL's rates and the Commission's statutory mandate to ensure that

FPL's rates are fair, just, and reasonable. Section 403.519 relates to the Commission's jurisdiction over ensuring that there is a need for the proposed power plant, taking into account the need for reasonably priced electricity and fuel diversity. The Commission's decision in this proceeding will have a significant impact on the availability of adequate, reasonably priced electricity, and a substantial number of AIF's members will be directly impacted by the Commission's decision regarding FPL's determination of need petition. These statutes provide the basis for the relief requested by the AIF.

WHEREFORE, Associated Industries of Florida respectfully requests that the Florida Public Service Commission enter an order granting its Petition to Intervene.

Respectfully submitted this 29th day of March, 2007.

By: _____/s/_____
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by electronic mail and United States Mail on the 29th day of March, 2007, to the following:

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Jennifer Brubaker, Esquire
Lorena Holley, Esquire
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By: _____ /s/

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