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REGISTERED PROFESSIONAL ENGINEER  
REGISTERED PATENT ATTORNEY

COMMISSION  
CLERK  
COGENERATION & RENEWABLE ENERGY  
ENERGY REGULATORY LAW

July 2, 2007  
Via Hand Delivery

**ORIGINAL**

Ms. Ann Cole, Commission Clerk  
Office of Commission Clerk  
Florida Public Service Commission  
2540 Shumard Oak Boulevard, Room 110  
Tallahassee, FL 32399-0850

Re: **Petitions for approval of renewable energy contract tariffs**  
Docket No. 070232-EQ – Gulf Power Company  
Docket No. 070234-EQ – Florida Power & Light Company  
Docket No. 070235-EQ – Progress Energy Florida, Inc.  
Docket No. 070236-EQ – Tampa Electric Company

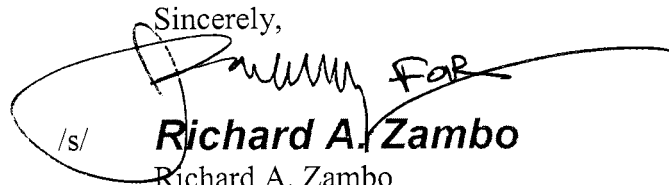
Dear Ms. Cole:

Attached hereto, for filing in the referenced proceedings, find the original and 7 (seven) copies of The Florida Industrial Cogeneration Association's Petition For Formal Hearing and For Leave to Intervene.

If you have any questions or require additional information, please contact this office.

CMP \_\_\_\_\_  
COM 5 \_\_\_\_\_  
CTR \_\_\_\_\_  
ECR \_\_\_\_\_  
GCL 1 \_\_\_\_\_  
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SCR \_\_\_\_\_  
SGA \_\_\_\_\_  
SEC \_\_\_\_\_  
OTH \_\_\_\_\_

RAZ/nb

Sincerely,  
  
/s/ **Richard A. Zambo**  
Richard A. Zambo  
Florida Bar No. 312525

DOCUMENT NUMBER-DATE

05297 JUL-28

FPSC-COMMISSION CLERK

**ORIGINAL**

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Petition for approval of new standard offer for purchase of firm capacity and energy from renewable energy facilities or small qualifying facilities and approval of tariff schedule REF-1, by Gulf Power Company.

DOCKET NO. 070232-EQ

In re: Petition for approval of renewable energy tariff standard offer contract, by Florida Power & Light Company.

DOCKET NO. 070234-EQ

In re: Petition for approval of standard offer contract for purchase of firm capacity and energy from renewable energy producer or qualifying facility less than 100 kW tariff, by Progress Energy Florida, Inc.

DOCKET NO. 070235-EQ

In re: Petition for approval of standard offer contract for small qualifying facilities and producers of renewable energy, by Tampa Electric Company.

DOCKET NO. 070236-EQ

**Filed July 2, 2007**

**The Florida Industrial Cogeneration Association's  
Petition For Formal Hearing and For Leave to Intervene**

Pursuant to Sections 120.57 and 120.569(1), Florida Statutes, Rules 25-22.029 and 28-106.201, Florida Administrative Code, and in accordance with the provisions of Order Nos. Order PSC-07-0491-TRF-EQ, PSC-07-0492-TRF-EQ, PSC-07-0493-TRF-EQ and PSC-07-0494-TRF-EQ, the Florida Industrial Cogeneration Association (FICA) and its members, by and through their undersigned attorney, file this Petition For Formal Hearing and For Leave to Intervene in each of the above captioned proceedings. In support thereof, FICA says:

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

Florida Industrial Cogeneration Association  
c/o Richard A. Zambo  
Richard A. Zambo, P.A.  
2336 S.E. Ocean Boulevard, #309  
Stuart, Florida 34996  
Phone: (772) 225-5400  
FAX: (772) 232-0205

DOCUMENT NUMBER-DATE  
**05297 JUL-26**  
FPSC-COMMISSION CLERK

2. Copies of all correspondence, pleadings, and other documents should be provided to:

Florida Industrial Cogeneration Association  
c/o Richard A. Zambo  
Richard A. Zambo, P.A.  
2336 S.E. Ocean Boulevard, #309  
Stuart, Florida 34996  
Phone: (772) 225-5400  
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3. FICA is a trade association of Florida industrial cogenerators the members of which purchase and consume substantial amounts of electricity and cogenerate substantial amounts of electricity and thermal energy (combined heat and power) using renewable energy resources.

**Statement of Substantial Interests**

4. FICA members produce and consume large quantities of electricity, the cost of which comprises a substantial portion of manufacturing costs. The Commission's decisions in these proceedings will determine the extent to which renewable energy resources are promoted and developed in the State, thereby affecting the availability, cost and reliability of supply of electricity to FICA members.
5. FICA members own and operate cogeneration (combined heat and power) facilities that utilize recovered waste heat from the manufacturing processes to produce electricity and useful thermal energy. Such recovered waste heat is considered a renewable energy resource pursuant to Chapter 366.91, F.S. Accordingly, the renewable energy contracts (and/or tariffs) that are the subject of these proceedings will be applicable to FICA's members and their generating facilities that produce electricity from waste heat thereby further affecting the substantial interests of FICA's members.
6. One of the purposes of these proceedings is to implement legislative directives that require the promotion of renewable energy resources such as waste heat. Accordingly, this

proceeding is designed to protect the interests of Florida electric customers and owners of renewable energy facilities such as FICA's members.

7. The substantial interests of FICA's members will be directly affected by the Commission's decision in this proceeding and are the type of interests that this proceeding is designed to protect. *See, e.g., Agrico Chemical Co. v. Department of Environmental Regulation*, 406 So.2d 478 (Fla. 2d DCA 1981).

**Disputed Issues Of Fact**

8. Without waiving or relinquishing the right to allege additional disputed issues of fact at a later date, FICA's allegations of disputed issues of fact include the following:
  - (i) Whether the renewable energy contracts (and/or tariffs) which are the subject of these proceedings will appropriately promote the development of renewable energy resources in the State as required by Florida law.
  - (ii) Whether the payments, contract terms and conditions established by, and the policies reflected in, said renewable energy contracts (and/or tariffs) are specifically designed to promote renewable energy resources in the State as required by Florida law.
  - (iii) The payments, calculations, terms and conditions established by said renewable energy contracts (and/or tariffs) raise additional disputed issues of material fact that can only be resolved by a formal hearing.

**Disputed Issues of Law**

9. Without waiving or relinquishing the right to allege additional disputed issues of law at a later date, FICA's allegations of disputed issues of law include the following:
  - (i) Whether the renewable energy contracts (and/or tariffs) which are the subject of these proceedings are in compliance with the requirements and intent of the Legislature.
  - (ii) The payments, calculation, terms and conditions established by said renewable energy contracts (and/or tariffs) raise additional disputed issues of law.

**Statement Of Ultimate Facts**

10. Without waiving or relinquishing the right to allege additional ultimate facts at a later date, FICA's allegations of ultimate facts include the following:
- (i) that matters within the scope of this proceeding will affect the cost, availability, reliability and security of electricity supplies;
  - (ii) that matters within the scope of this proceeding will determine to what extent renewable energy resources will be promoted;
  - (iii) that the renewable energy contracts (and/or tariffs) which are the subject of these proceedings are not specifically designed to promote renewable energy resources and fail to appropriately promote such resources;
  - (iv) that the renewable energy contracts (and/or tariffs) which are the subject of these proceedings do not comply with the requirements, intent and policies articulated by the Florida Legislature.

WHEREFORE, FICA and its members respectfully requests that the Commission enter an Order granting this Petition For Formal Hearings in each of the captioned proceedings and For Leave to Intervene as a full parties in interest to each of the captioned proceedings.

RESPECTFULLY submitted on July 2, 2007.

/s/

**Richard A. Zambo**

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Florida Bar No. 312525

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Attorney for: Florida Industrial Cogeneration Association