

Dorothy Menasco

From: John W.McWhirter [jmcwhirter@mac-law.com]
Sent: Monday, October 01, 2007 3:03 PM
To: Filings@psc.state.fl.us; Lee Willis
Cc: Jim Beasley; George Cavros, Esq; Jennifer Brubaker
Subject: Docket 070467-EI
Attachments: fipug petition to intervene.doc

Here is the corrected copy of FIPUG's petition to intervene in the above styled cause.

1. John W. McWhirter, Jr., 400 N. Tampa St. Tampa, FL 33602, jmcwhirter@mac-law.com is the person responsible for this electronic filing;
2. The filing is to be made in Docket 070467-EI, TECo Determination of Need
3. The filing is made on behalf of the Florida Industrial Power Users Group;
4. The total number of pages is 3; and
5. The attached document is the FIPUG's Petition to Intervene

John W. McWhirter, Jr.
McWhirter & Davidson, PA.
400 N. Tampa St
Suite 2450
Tampa, FL 33602
813.224.0866
813.221.1854 FAX

DOCUMENT NUMBER-DATE

0898 | OCT-1 07

10/1/2007

FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition to determine need for Polk Unit
6 electrical power plant, by Tampa Electric
Company.

DOCKET NO. 070467-EI

Submitted for filing October 1, 2007

THE FLORIDA INDUSTRIAL POWER USERS GROUP'S
PETITION TO INTERVENE

Pursuant to Chapter 120, Florida Statutes, and Rules 25-22.039 and 28-106.205, Florida Administrative Code, the Florida Industrial Power Users Group ("FIPUG"), through its undersigned counsel, files its Petition to Intervene. In support thereof, FIPUG states:

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

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

2. The name and address of the Petitioner is:

Florida Industrial Power Users Group
c/o McWhirter & Davidson, P.A.

3. Copies of all pleadings, notices, and orders in this docket should be provided to:

John W. McWhirter, Jr.
McWhirter & Davidson, P.A.
400 North Tampa Street, Suite 2450
Tampa, Florida 33602
Telephone: (813) 224-0866
Fax: (813) 221-1854
E-mail: jmcwhirter@mac-law.com

4. FIPUG is an ad hoc association consisting of industrial users of electricity in TECO's service territory. The cost of electricity constitutes a significant portion of these customers overall costs of production. FIPUG participants require an adequate, reasonably priced and reliable supply of electricity in order to compete in their respective markets.

DOCUMENT NUMBER-DATE

08981 OCT-15

FPSC-COMMISSION CLERK

5. Statement of Affected Interests. FIPUG's interests are of the type that this proceeding is designed to protect. The Commission will decide in this docket whether it should approve TECO's request for an exemption from the bid rule and the least cost method for meeting an expressed need for electric generation.

6. Disputed Issues of Material Fact. The Commission will decide whether there is a need for the proposed generating station and the probable cost of that generation to be borne by retail consumers.

8. Statement of Ultimate Facts Alleged. FIPUG accepts ultimate facts in dispute as they are memorialized in the Prehearing Order and takes no positions on the designated issues at this time.

9. Statutes and Rules that Require the Relief Requested by FIPUG. Statutes and rules that require the relief requested by FIPUG include, but are not limited to, Chapter 120, Florida Statutes, and Rules 25-22.039, 28-106.205 and 25-22.082, Florida Administrative Code.

10. Statement Explaining How the Facts Alleged By FIPUG Relate to the Above-Cited Rules and Statutes In Compliance With Section 120.54(5)(b)4.f, Florida Statutes. Rules 25-22.039 and 28-106.205, F.A.C., provide that persons whose substantial interests are subject to determination in, or may be affected through, an agency proceeding are entitled to intervene in such proceeding. FIPUG participants are TECO retail customers, and accordingly, their substantial interests are subject to determination in and will be affected by the Commission's decision. Accordingly, FIPUG is entitled to intervene herein.

WHEREFORE, FIPUG requests that the Commission enter an order granting its petition to intervene and further requests parties to provide the undersigned with all discovery filed in this docket.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing The Florida Industrial Power Users Group's Petition to Intervene has been furnished by electronic mail and U.S. Mail the 29th day of September 2007 to the following:

Ausley and McMullen
Lee L. Willis, Esq.
James D. Beasley, Esq.
P.O. Box 391
Tallahassee, FL 32302

Florida Public Service Commission
Jennifer Brubaker, Esq.
2540 Shumard Oak Blvd.
Tallahassee, FL 3299-0850

George Cavros, Esq.
Florida Bar No. 0022405
Counsel for Southern Alliance for Clean
Energy
120 E. Oakland Park Blvd, Ste. 105
Fort Lauderdale, FL 33334

s/
John W. McWhirter, Jr
John W. McWhirter, Jr..
McWhirter, Reeves, & Davidson, P.A.
400 North Tampa Street, Suite 2450
Tampa, Florida 33602
Telephone: (813) 224-0866
Telecopier: (813) 221-1854
jmcwhirter@mac-law.com
Attorneys for Florida Industrial Power Users
Group