

**Dorothy Menasco**

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**From:** John W. McWhirter [jmcwhirter@mac-law.com]  
**Sent:** Monday, March 24, 2008 4:53 PM  
**To:** Filings@psc.state.fl.us  
**Subject:** FW: FIPUG Petition to Intervene Docket 080119-EI  
**Attachments:** FIPUG 08324 petition to intervene.doc

John W. McWhirter, Jr., McWhirter & Davidson, P.A., 400 N. Tampa St. Tampa, FL 33602, [jmcwhirter@mac-law.com](mailto:jmcwhirter@mac-law.com) is the person responsible for this electronic filing;

1. The filing is to be made in Docket 080119-EI, In re: Nuclear Plant Cost Recovery
2. The filing is made on behalf of the Florida Industrial Power Users Group;
3. The total number of pages is 3; and
4. The attached document is The Florida Industrial Power User Group's Petition to Intervene

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*Dme*  
*3/25/08*  
*R.VN*

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Nuclear Power Plant )  
Cost Recovery Clause ) DOCKET NO. 080119-EI  
 ) FILED: March 24, 2008  
\_\_\_\_\_ )

**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.  
400 North Tampa Street, Suite 2450  
Tampa, Florida 33602  
Telephone: (813) 224-0866  
Fax: (813) 221-1854  
E-mail: [jmcwhirter@mac-law.com](mailto:jmcwhirter@mac-law.com)

4. FIPUG is an ad hoc association consisting of industrial users of electricity in the petitioning utilities' service territories. 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.

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 the cost recovery petitions of Florida Power and Light Company and Progress Energy of Florida, Inc to recover

DOCUMENT NUMBER-DATE

certain site preparation and pre construction nuclear power plant costs authorized by §366.93 *Florida Statutes* and Rule 25-6.0423 Florida Administrative Code.

6. Disputed Issues of Material Fact. The issues before the Commission are whether the generating station costs projected and spent heretofore are prudent and whether there is justification to presently collect the costs from retail consumers. Discovery and audits are underway to determine whether the alleged costs are appropriate for recovery. Disputed issues may or may not arise as a result of these activities.

7. Statement of Ultimate Facts Alleged. FIPUG takes no positions on any specific issue at this time.

8. 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.

9. 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 by an agency proceeding are entitled to intervene in such proceeding. FIPUG participants are retail customers of the petitioning utilities; their substantial interests are subject to determination in and will be affected by the Commission's decision. 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 24th day of March 2008 to the following:

<p>Lisa Bennett, Esquire Office of the General Counsel Florida Public Service Commission 2540 Shumard Oak Blvd. Tallahassee, Florida 32399-0850</p>	<p>Paul Lewis, Jr. Progress Energy Florida, Inc. 106 E. College Avenue, Suite 800 Tallahassee, Florida 32301-8738</p>
<p>Office of the Public Counsel J.R. Kelly, Esquire Stephen C. Burgess, Esquire c/o The Florida Legislature 111 West Madison Street Tallahassee, Florida 32399-1400</p>	<p>R. Alexander Glenn, Esquire John T. Burnett, Esquire Progress Energy Service Company, LLC Post Office Box 14042 St. Petersburg, Florida 33733-404</p>
<p>R. Wade Litchfield, Esquire John Butler, Esquire Bryan Anderson, Esquire Florida Power &amp; Light Company 700 Universe Boulevard Juno Beach, Florida 33408-0420</p>	<p>Michael B. Twomey Attorney for AARP Post Office Box 5256 Tallahassee, Florida 32314-5256 Telephone: 850-421-9530</p>
<p><b>Carlton Fields Law Firm</b> J. Michael Walls/Diane M. Tripplett Post Office Box 3239 Tampa, FL 33601-3239</p>	<p>s/ <u>John W. McWhirter, Jr</u> John W. McWhirter, Jr. McWhirter &amp; Davidson, P.A. 400 North Tampa Street, Suite 2450 Tampa, Florida 33602 Telephone: (813) 224-0866 Telecopier: (813) 221-1854 <a href="mailto:jmcwhirter@mac-law.com">jmcwhirter@mac-law.com</a> Attorneys for Florida Industrial Power Users Group</p>