

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Nuclear cost recovery clause.

DOCKET NO. 090009-EI
ORDER NO. PSC-09-0526-PCO-EI
ISSUED: July 30, 2009

ORDER GRANTING PETITION TO INTERVENE

On March 2, 2009, Florida Power & Light Company (FPL) filed a petition to seek a prudence review of and to recover certain costs associated with nuclear power plant costs pursuant to Rule 25-6.0423, Florida Administrative Code (F.A.C.), and Section 366.93, Florida Statutes (F.S.). FPL filed its petition in the Nuclear Cost Recovery Clause (NCRC) docket. By petition filed June 23, 2009, the Federal Executive Agencies (FEA) requested permission to intervene in this proceeding. No objections have been filed regarding FEA's Petition, and the time for doing so has expired.

FEA states that it consists of certain agencies of the United States Government which have offices, facilities, and/or installations within FPL's service area, and which offices, facilities, and/or installations purchase electric utility service from FPL. According to FEA, the General Services Administration has delegated authority to the Department of Defense to represent, through the Department of the Air Force counsel, the consumer interest of the FEA in this proceeding.

FEA alleges that chief among these Federal customers in terms of customer load are Patrick AFB, Cape Canaveral AFS, and Kennedy Space Center, all of whom are served by FPL. FEA asserts that electricity costs represent one of the largest variable expenses of operating the Federal offices, facilities, and installations on whose behalf intervention is sought. FEA states that all will be significantly affected by any action the Commission takes in this docket. FEA concludes that it has a substantial interest in the proceedings in this docket. No response was filed to FEA's petition.

Having reviewed the Petition, it appears that FEA may intervene because it is a party whose substantial interests may be affected by this proceeding. No party expressed opposition to FEA's request to intervene, and the time for doing so has expired. Therefore, the Petition shall be granted. Pursuant to Rule 25-22.039, F.A.C., FEA takes the case as it finds it.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that the Petition to Intervene filed by the Federal Executive Agencies is hereby granted. It is further

DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK

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ORDERED that all parties to this proceeding shall furnish copies of all testimony, exhibits, pleadings and other documents which may hereinafter be filed in this proceeding to:

Captain Shayla L. McNeill
AFLOA/ JACL-ULT
AFCESA
139 Barnes Drive, Suite 1
Tyndall Air Force Base, Florida 32403
Ph: (850) 283-6663
FAX: (850) 283-6219
Email: shayla.mcneill@tyndall.af.mil

By ORDER of the Florida Public Service Commission this 30th day of July, 2009.



ANN COLE
Commission Clerk

(SEAL)

ARW/ smc

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing or judicial review will be granted or result in the relief sought.

Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

Any party adversely affected by this order, which is preliminary, procedural or intermediate in nature, may request: (1) reconsideration within 10 days pursuant to Rule 25-22.0376, Florida Administrative Code; or (2) judicial review by the Florida Supreme Court, in the case of an electric, gas or telephone utility, or the First District Court of Appeal, in the case of a water or wastewater utility. A motion for reconsideration shall be filed with the Commission Clerk, Office of Commission Clerk, in the form prescribed by Rule 25-22.060, Florida Administrative Code. Judicial review of a preliminary, procedural or intermediate ruling or order is available if review of the final action will not provide an adequate remedy. Such review may be requested from the appropriate court, as described above, pursuant to Rule 9.100, Florida Rules of Appellate Procedure.