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Subject: Attorney General's Motion for Reconsideration in Dkt No. 090079
Attachments: motion for reconsideration rsk.doc



motion for
reconsideration rsk.doc

Attached is the Attorney General's Motion for Reconsideration for filing in Docket No. 090079.

(See attached file: motion for reconsideration rsk.doc)

Please note that Florida has a broad public records law, and that all correspondence to me via email may be subject to disclosure.

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

Petition for increase in rates by)
Progress Energy Florida, Inc.)
_____)

Docket No.090079-EI

Filed: September 18, 2009

ATTORNEY GENERAL'S MOTION FOR RECONSIDERATION

The Attorney General moves for reconsideration of the Commission's verbal ruling denying inclusion of Issue 1 and states in support thereof as follows:

ISSUE 1: Is the rate increase, requested by Progress Energy Florida, Inc., a just and reasonable rate for its customers and is it in the public interest? **(AG)**

Section 366.01, Florida Statutes, specifies that "[t]he regulation of public utilities as defined herein **is declared to be in the public interest** and this chapter shall be deemed to be an exercise of the police power of the state for the **protection of the public welfare and all the provisions hereof shall be liberally construed for the accomplishment of that purpose.**" (emphasis added).

Section 366.041, Florida Statutes, provides "(1) In fixing the **just, reasonable and compensatory rates**, charges, fares, tolls, or rentals to be observed and charged for service within the state by any and all public utilities under its jurisdiction, the commission is authorized to give consideration, among other things, to the efficiency, sufficiency, and adequacy of the facilities provided and the service rendered; the cost of providing such service **and the value of such services to the public . . .**" (emphasis added).

The language of the Attorney General's Issue 1 is taken from the foregoing statutory provisions, provisions that are not addressed by Issue 87. However, to address the concerns raised by PEF, the Attorney General is willing to substitute the following language:

DOCUMENT NUMBER-DATE

09716 SEP 21 8

FPSC-COMMISSION CLERK

Issue 115A: Are the rates proposed by Progress Energy Florida fair, just, and reasonable as those terms are used in Chapter 366, Florida Statutes, including specifically Sections 366.03, 366.05(1), and 366.06(1), Florida Statutes?

Issue 115B: In fulfilling its mandate under Section 366.01, Florida Statutes, to regulate public utilities in the public interest and for the protection of the public welfare, should the Commission grant any part of PEF's proposal to increase its base rates in this docket?

Hundreds of Florida citizens testified at the public hearings held around the state that they cannot afford a rate increase. Some spoke of having to move out of state to live with family and others spoke of moving to another state with more affordable utility rates. Many seniors testified that they were on fixed incomes and could not afford this proposed increase. Small business owners also testified about the impact such an increase would have on their businesses and customers.

The Commission spent days listening to the public testimony. The Attorney General respectfully submits that the Commission should not disregard such testimony and refuse to address whether this requested rate increase is just and reasonable for customers and in the public interest.

Although this case includes an extensive list of issues, almost all of those issues are focused on the company; none of them adequately address the issue of whether the requested rate increase is just and reasonable for the citizens of this State and in the public interest.

The Attorney General would urge the Commission to specifically address the statutory mandates as referenced in Issue 1 (even if the issue is moved to the end of the Issue List) so that the citizens will know that their concerns have been heard.

**Respectfully submitted,
BILL McCOLLUM
Attorney General**

s/ Cecilia Bradley
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CERTIFICATE OF SERVICE
DOCKET NO. 090079-EI

I HEREBY CERTIFY that a copy of the foregoing **ATTORNEY GENERAL'S MOTION FOR RECONSIDERATION** has been furnished by electronic mail on the 18th day of September 2009, to the following:.

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