

Ruth Nettles

090505-EI

From: Lynette Tenace [ltenace@kagmlaw.com]
Sent: Tuesday, January 19, 2010 1:53 PM
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Subject: Docket No. 090505-EI
Attachments: FIPUG Petition to Intervene 01.19.10.pdf

In accordance with the electronic filing procedures of the Florida Public Service Commission, the following filing is made:

a. The name, address, telephone number and email for the person responsible for the filing is:

Vicki Gordon Kaufman
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b. This filing is made in Docket No. 090505-EI, In re: Review of replacement costs associated with the February 26, 2008 outage on Florida Power & Light's electrical system.

c. The document is filed on behalf of Florida Industrial Power Users Group.

d. The total pages in the document are 5 pages.

e. The attached document is FIPUG's Petition to Intervene.

Lynette Tenace

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*Done
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RWT*

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DOCUMENT NUMBER-DATE

00444 JAN 19 2010

FPSC-COMMISSION CLERK

1/19/2010

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Review of replacement costs associated with the February 26, 2008 outage on Florida Power & Light's electrical system.

DOCKET NO. 090505

FILED: January 19, 2010

**THE FLORIDA INDUSTRIAL POWER USERS GROUP'S
PETITION TO INTERVENE**

Pursuant to sections 120.569, .57, Florida Statutes, and rules 25-22.039, 28-106.201 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. Name and address of agency. The affected agency is the Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850.

2. Name and address of Petitioner. The name and address of the Petitioner is:

Florida Industrial Power Users Group
c/o Keefe Anchors Gordon & Moyle, PA
118 North Gadsden Street
Tallahassee, Florida 32301
Telephone: (850) 681-3828
Facsimile: (850) 681-8788

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

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4. Notice of docket. Petitioner received notice of this docket by a review of the Commission's website.

5. Statement of Substantial Interests. FIPUG is an ad hoc association consisting of industrial users of electricity in Florida. The cost of electricity constitutes a significant portion of FIPUG companies' overall costs of production. FIPUG members require adequate, reasonably-priced electricity in order to compete in their respective markets.

6. In this case, the Commission will determine the measure of the cost of replacement power related to Florida Power and Light Company's (FPL) February 26, 2008 outage and how such costs should be refunded to customers. FIPUG companies will be directly affected by the Commission's decisions in this docket due to the impact on electric rates. Thus, FIPUG's companies' substantial interests will be affected in this docket.

7. FIPUG's interests are of the type that this proceeding is designed to protect. *See, Agrico Chemical Company v. Department of Environmental Regulation*, 406 So.2d 478 (Fla. 2nd DCA 1981). The purpose of the proceeding coincides with FIPUG companies' substantial interests, which is to ensure that the rates they pay are just and reasonable.

8. Disputed Issues of Material Fact. Disputed issues of material fact include, but are not limited to, the following:

1. Should FPL credit to customers the replacement power costs attributable to the February 26, 2008 outage?
 2. How should the replacement power costs attributable to the February 26, 2008 outage be measured, and what is the amount of such costs?
 3. What is the appropriate method to credit customers for the replacement power costs determined pursuant to Issue 2?
9. Statement of Ultimate Facts Alleged. Ultimate facts include, but are not limited to, the following:
- a. FPL should credit customers with replacement power costs.
10. Rules and statutes justifying relief. The rules and statutes that entitle FIPUG to intervene and participate in this case include, but are not limited to:
- a. Section 120.569, Florida Statutes;
 - b. Section 120.57, Florida Statutes;
 - c. Sections 366.04, 366.04 1, 366.05, 366.06, Florida Statutes;
 - d. Rule 25-22.039, Florida Administrative Code;
 - e. Rule 28-106.201, Florida Administrative Code.
11. Relief. FIPUG requests that it be permitted to intervene as a full party in this docket.

WHEREFORE, FIPUG requests that the Commission enter an order allowing it to intervene and participate as a full party in this docket.

s/ Vicki Gordon Kaufman
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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 this 19th day of January, 2010, to the following:

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