

**Ruth Nettles**

**From:** Lynette Tenace [ltenace@kagmlaw.com]  
**Sent:** Monday, April 05, 2010 1:51 PM  
**To:** Filings@psc.state.fl.us  
**Cc:** Katherine Fleming; Jennifer Brubaker; jbeasley@ausley.com; jwahlen@ausley.com; Regdept@tecoenergy.com; jmcwhirter@mac-law.com  
**Subject:** Docket No. 100159  
**Attachments:** FIPUG Petition to Intervene 04.05.10.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  
Jon C. Moyle, Jr.  
Keefe Anchors Gordon & Moyle  
118 North Gadsden Street  
Tallahassee, FL 32301  
(850) 681-3828  
[vkaufman@kagmlaw.com](mailto:vkaufman@kagmlaw.com)  
[jmoyle@kagmlaw.com](mailto:jmoyle@kagmlaw.com)
- b. This filing is made in Docket No. 100159, In re: Petition of Approval of demand-side Management Plan of Tampa Electric Company.
- 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

[ltenace@kagmlaw.com](mailto:ltenace@kagmlaw.com)



Keefe, Anchors, Gordon and Moyle, P.A.  
The Perkins House  
118 N. Gadsden St.  
Tallahassee, FL 32301  
850-681-3828 (Voice)  
850-681-8788 (Fax)  
[www.kagmlaw.com](http://www.kagmlaw.com)

*Done  
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NWN*

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DOCUMENT NUMBER-DATE

02501 APR-5 0

FPSC-COMMISSION CLERK

4/5/2010

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition of approval of  
demand-side Management Plan  
of Tampa Electric Company.

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DOCKET NO.: 100159

FILED: April 5, 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:

Jon C. Moyle, Jr.  
Vicki Gordon Kaufman  
Keefe Anchors Gordon & Moyle, PA  
118 North Gadsden Street  
Tallahassee, Florida 32301  
Telephone: (850) 681-3828  
Facsimile: (850) 681-8788  
[vkaufman@kagmlaw.com](mailto:vkaufman@kagmlaw.com)  
[jmoyle@kagmlaw.com](mailto:jmoyle@kagmlaw.com)

John W. McWhirter, Jr.  
P.O. Box 3350  
Tampa, Florida 33601-3350  
Telephone: (813) 505-8055  
Facsimile: (813) 221-1854  
[jmcwhirter@mac-law.com](mailto:jmcwhirter@mac-law.com)

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 review the demand side management (DSM) programs, Tampa Electric Company (TECO) has submitted in response to Order No. PSC-09-0855-FOF-EG. Upon the Commission's approval, such programs will be funded by Florida ratepayers, including FIPUG members. FIPUG was an intervenor in the prior docket where the Commission set conservation goals. 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 is to review and approve appropriate conservation programs. Thus, 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:

- a. What is the potential rate impact if TECO's proposed DSM programs are approved?
- b. Are there more cost-effective ways for TECO to meet its conservation goals?

9. Statement of Ultimate Facts Alleged. Ultimate facts include, but are not limited to, the following:

- a. Should TECO's proposed DSM programs be approved?

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 366.80-.85(1), 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  
Vicki Gordon Kaufman  
Jon C. Moyle, Jr.  
Keefe Anchors Gordon & Moyle, PA  
118 North Gadsden Street  
Tallahassee, Florida 32301  
Telephone: (850)681-3828  
Facsimile: (850)681-8788  
[vkaufman@kagmlaw.com](mailto:vkaufman@kagmlaw.com)  
[jmoyle@kagmlaw.com](mailto:jmoyle@kagmlaw.com)

John W. McWhirter, Jr.  
P.O. Box 3350  
Tampa, Florida 33601-3350  
Telephone: (813) 224-0866  
Facsimile: (813) 221-1854  
[jmcwhirter@mac-law.com](mailto:jmcwhirter@mac-law.com)

Attorneys for Florida Industrial  
Power Users Group

**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 5<sup>th</sup> day of April, 2010, to the following:

Katherine Fleming, Jennifer Brubaker  
Florida Public Service Commission  
2540 Shumard Oak Blvd.  
Tallahassee, FL 32399-0850  
[keflem@psc.state.fl.us](mailto:keflem@psc.state.fl.us)  
[jbrubake@psc.state.fl.us](mailto:jbrubake@psc.state.fl.us)

James D. Beasley, J. Jeffrey Wahlen  
Ausley Law Firm  
P.O. Box 391  
Tallahassee, FL 32302  
[jbeasley@ausley.com](mailto:jbeasley@ausley.com)  
[jwahlen@ausley.com](mailto:jwahlen@ausley.com)

Ms. Paula K. Brown  
Regulatory Affairs  
Tampa Electric Company  
P.O. Box 111  
Tampa, FL 33601-0111  
[Regdept@tecoenergy.com](mailto:Regdept@tecoenergy.com)

s/ Vicki Gordon Kaufman  
Vicki Gordon Kaufman