

Marguerite McLean

100160-EG

From: George Cavros [george@cavros-law.com]
Sent: Monday, April 12, 2010 1:25 PM
To: Filings@psc.state.fl.us
Cc: Katherine Fleming; Jennifer Brubaker; john.burnett@pgnmail.com; vkaufman@kagmlaw.com; jmoyle@kagmlaw.com; jmcwhirter@mac-law.com
Subject: SACE Petition to Intervene
Attachments: SACE- Intervention Petition-DSM Plan of PEF.pdf

Dear Commission Clerk,

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:

George Cavros, Esq.
 120 E. Oakland Park Blvd, Ste. 105
 Fort Lauderdale , FL 33334
 Telephone: 954.563.0074
 Facsimile: 866.924.2824
 Email: george@cavros-law.com

B. This filing is made in Docket No. 100160; In re: Petition of Approval of Demand-Side Management Plan of Progress Energy Florida.

C. This document is filed on behalf of Southern Alliance for Clean Energy (SACE).

D. The document is 5 total pages.

E. The attached document is SACE's Petition to Intervene.

Sincerely,

George Cavros

George Cavros, Esq.
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DOCUMENT NUMBER-DATE

02729 APR 12 9

4/12/2010

FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for Approval of) DOCKET NO. 100160
Demand-side Management Plan)
of Progress Energy Florida, Inc.) FILED: April 12, 2010
_____)

SOUTHERN ALLIANCE FOR CLEAN ENERGY'S
PETITION TO INTERVENE

Pursuant to sections 120.569, 120.57, Florida Statutes, and rules 25-22.039, 28-106.201 and 28-106.205, Florida Administrative Code, Southern Alliance for Clean Energy (SACE), through its undersigned counsel, files its Petition to Intervene in this docket and in support thereof states:

1. Name and address of agency affected by this petition is:

Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

2. Name and address of Petitioner is:

Southern Alliance for Clean Energy
P.O. Box 1842
Knoxville, Tennessee 37901
Telephone: 865-637-6055

3. The name and address of counsel for Petitioners, authorized to

receive all notices, pleadings, and orders in this docket is:

George Cavros, Esq.
120 E. Oakland Park Blvd, Ste. 105
Fort Lauderdale, FL 33334
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Email: george@cavros-law.com

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02729 APR 12 2010
FPSC-COMMISSION CLERK

4. Petitioner received notice of this docket by a review of the Public Service Commission's (Commission) website.

5. Statement of Substantial Interests. SACE is a non-profit corporation organized under the laws of the State of Tennessee and authorized to conduct operations in Florida. The mission of SACE is to promote responsible energy choices that solve global warming problems and ensure clean, safe and healthy communities throughout the Southeast, including the State of Florida. SACE has staff working on this mission in Tennessee, North Carolina, Georgia, South Carolina, and Florida. SACE has a substantial membership base in Florida dedicated to the promotion of responsible energy choices.

6. SACE advocates for adoption, implementation, and enforcement of meaningful energy policy, during the course of which they have presented experts and provided testimony in numerous forums in Florida, including before the Governor's Climate and Energy Action Team, the Florida State Legislature, the Department of Environmental Protection, and this Commission. SACE places an especially high priority on the importance of thoroughly evaluating all cost-effective energy efficiency programs as a means of mitigating or displacing the need for new, non-renewable electricity generation. SACE was granted intervention and participated in the recently concluded case: *In re: Commission Review of Numeric Conservation Goals*, Docket Nos. 080407 – 080413, which produced Commission Order No. PSC-09-0855-FOF-EG.

7. In this case, the Commission will review the demand side management (DSM) plans of Progress Energy Florida (PEF) has submitted in response to Order No. PSC-09-0855-FOF-EG. Proper program design and implementation is critical to PEF meeting the conservation goals established by the Commission in a cost effective manner.

The bill impacts alleged by PEF in its program filing of March 30, 2010 are significantly greater than those of similar programs in other states. If PEF's programs are not well designed or implemented, the delivery of cost-effective energy efficiency in Florida will suffer.

8. The interests of members of SACE are the type of interests this proceeding is designed to protect. *Ameristeel Corp. v. Clark*, 691 So.2d 473 (Fla. 1997); *Agrico Chemical Co. v. Department of Environmental Regulation*, 406 So.2d 478 (Fla. 2d DCA 1981), reh. denied, 415 So.2d 1359 (Fla. 1982); *Florida Home Builders Ass'n v. Department of Labor and Employment Security*, 412 So.2d 351, 353-54 (Fla. 1982). The purpose of this case is to review and approve appropriate DSM programs, which include efficiency programs. Therefore, the purpose of the proceeding coincides with the substantial interests of SACE.

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

- a. What are the rate and bill effects of PEF's proposed DSM plans?
- b. Are PEF's proposed DSM plans designed to deliver energy efficiency programs in a cost effective manner?

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

- a. Should PEF's DSM plans be approved as filed?

11. Rules and statutes justifying relief. The rules and statutes that entitle SACE to intervene and participate in this case include, but are not limited to, the following:

- a. Sections 366.80-.85, Florida Statutes;
- b. Section 120.569, Florida Statute;
- c. Section 120.57, Florida Statute;
- d. Rule 25-22.039, Florida Administrative Code
- e. Rule 28-106.21, Florida Administrative Code

12. Relief. SACE respectfully requests that it be permitted to intervene as a full party in this docket.

WHEREFORE, SACE respectfully request that the Commission enter an order granting it leave to intervene and participate in this docket as a full party.

s/ George Cavros
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Attorney for Southern Alliance for
Clean Energy

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was served by electronic mail and US Mail on this 12th day of April 2010, to the following:

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