

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Petition for limited proceeding to  
Approve revised and restated stipulation and  
Settlement agreement by Duke Energy  
Florida, Inc. d/b/a Duke Energy.

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DOCKET NO.: 130208-EI  
FILED: August 30, 2013

**FLORIDA INDUSTRIAL POWER USERS GROUP'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, the Florida Industrial Power Users Group (FIPUG), through its undersigned counsel, files its Petition to Intervene. In support thereof, FIPUG states the following:

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 Moyle Law Firm, P.A.  
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.  
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4. Notice of docket. Petitioner received notice of this docket by an informal communication from Duke Energy Florida (“Duke”) and a subsequent 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 members’ 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 decide whether to approve the Revised Settlement Agreement entered into by Duke and several major entities that represent the interests of consumers, including FIPUG. The decision whether to approve the Revised Settlement Agreement will affect FIPUG’s substantial interests, including but not limited to FIPUG’s members’ interests in the cost of electricity and thus their production costs, their competitive posture and levels of employment, and the establishment of rates for electric power that are fair, just, and reasonable. Thus, as customers of Duke, FIPUG members’ 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); and Florida Home Builders Ass’n v. Dep’t of Labor and Employment Security, 412 So.2d 351, 353-54 (Fla. 1982). The purpose of the proceeding is to evaluate Duke’s request that the Revised Settlement be approved. Thus, the purpose of the proceeding coincides with FIPUG members’ substantial interests, which is to ensure that the rates they pay to Duke are just and reasonable.

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

- a. Whether approval of the Revised Settlement Agreement is in the best interests of consumers of electric power, including FIPUG members; and
- b. Whether approval of the Revised Settlement Agreement is in the public interest.

FIPUG reserves all rights to raise additional issues in accordance with the Commission's rules and the Order Establishing Procedure that will be issued in this case.

9. Disputed Legal Issues. Disputed legal issues include, but are not limited to, the following: None at this time.

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

- a. Approval of the Revised Settlement Agreement is in the best interest of consumers of electric power; and
- b. Approval of the Revised Settlement Agreement is in the public interest.

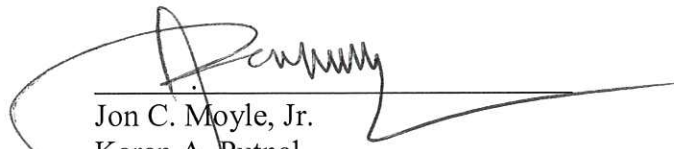
11. Rules and Statutes Justifying Relief. The rules and statutes that entitle FIPUG to intervene and participate in this case include, but are not limited to:

- a. Section 120.569, Florida Statutes;
- b. Section 120.57, Florida Statutes;
- c. Section 366.04(1), Florida Statutes;
- d. Section 366.06, Florida Statutes;
- e. Rule 25-22.039, Florida Administrative Code;
- f. Rule 28-106.201, Florida Administrative Code;
- g. Rule 28-106.205, Florida Administrative Code.

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

13. Position of Duke regarding FIPUG's petition to intervene. The undersigned is authorized to represent that Duke does not object to FIPUG being granted full party status as an intervenor in this case.

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



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Attorneys for Florida Industrial Power Users Group

**CERTIFICATE OF SERVICE**

I **HEREBY CERTIFY** that a true and correct copy of the foregoing Florida Industrial Power Users Group's Petition to Intervene has been furnished by electronic mail this 30 day of August, 2013, to the following:

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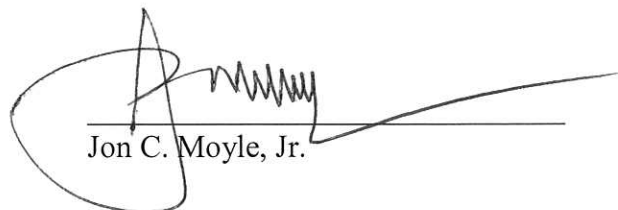
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