

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for Approval of Energy
Purchase Agreement between Gulf Power
Company and Morgan Stanley Capital
Group Inc. dated December 18, 2014

DOCKET NO.: 150049-EI

FILED: April 23, 2015

**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:

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4. Notice of docket. Petitioner received notice of this docket through an informal communication provided by Gulf Power Company (“Gulf”).

5. Statement of Substantial Interests. FIPUG is an ad hoc association consisting of industrial users of electricity in Florida, a number of whom receive electricity from the Petitioner. 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. Gulf asks the Commission to approve its negotiated purchase power agreement (“PPA”) with Morgan Stanley Capital Group Inc. (“Morgan Stanley”) dated December 18, 2014. Gulf asserts that this agreement will provide multiple benefits to ratepayers, which include FIPUG members. The alleged benefits include substantial ratepayer cost savings over the term of the PPA, renewable energy attributes, including renewable energy credits, and the promotion of new renewable wind energy in Oklahoma. See paragraph 8 of Gulf’s Petition for Approval of Energy Purchase Agreement.

7. In this proceeding, it is anticipated that the Commission will review the impacts of the proposed Morgan Stanley PPA upon ratepayers, including FIPUG members. A number of FIPUG members, as large retail customers of Gulf, will be required to fund the costs of the PPA if Gulf’s petition is approved by the Commission. Consequently, FIPUG members will be directly and substantially affected by the outcome of these proceedings.

FIPUG has associational standing and should be permitted to intervene.

8. FIPUG’s interests are of the type that this proceeding is designed to protect. *See, Agric Chemical Company v. Department of Environmental Regulation*, 406 So.2d 478 (Fla. 2nd

DCA 1981). The purpose of the proceeding is to evaluate Gulf's petition and evidence, determine the merits of Gulf's requests, and decide whether or not to approve Gulf's request that ratepayers pay for the Morgan Stanley purchased power agreement. Thus, the purpose of the proceeding coincides with numerous FIPUG members' substantial interests, which is to ensure that the rates they pay to Gulf are just and reasonable.

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

- (a) Is the proposed purchase power agreement in the best interest of Gulf's customers, including a number of FIPUG members?
- (b) How will Gulf's customers benefit from the environmental attributes associated with the proposed purchased power agreement?
- (c) What risks do Gulf's customers bear should the purchase power agreement be approved?
- (d) Are the projections used by Gulf to develop the predicted economic results of this purchased power agreement reasonable?
- (e) FIPUG reserves the right to raise additional disputed issues in this proceeding.

10. Disputed Legal Issues. None at this time.

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

- (f) Whether Gulf's proposed purchased power agreement with Morgan Stanley benefits ratepayers and is prudent?

Additional alleged ultimate facts may be identified in the course of these proceedings.

12. Rules and statutes justifying relief. FIPUG is entitled to relief under the following legal authorities: Sections 120.569 and 120.57(1), Florida Statutes, and Rule 25-22.039, Florida Administrative Code.

13. Position of Gulf regarding FIPUG's petition to intervene. The undersigned is authorized to represent that Gulf 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.

/s/ Jon C. Moyle _____

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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 23rd day of April, 2015, to the following:

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