

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

Petition of Duke Energy Florida, Inc. for Approval
To Include in Base Rates the Revenue Requirement
For the CR3 Regulatory Asset

DOCKET NO.: 150148-EI

FILED: June 11, 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:

Jon C. Moyle, Jr.
Karen A. Putnal
Moyle Law Firm, P.A.
118 North Gadsden Street
Tallahassee, Florida 32301
Telephone: (850) 681-3828
Facsimile: (850) 681-8788
jmoyle@moylelaw.com
kputnal@moylelaw.com

4. Notice of docket. Duke Energy Florida, Inc. (“DEF”) informally notified Petitioner about this filing, and thus, FIPUG received notice of this docket by means of such informal communication. Petitioner subsequently reviewed the subject petition on the Commission’s website.

5. Statement of Substantial Interests. FIPUG is an ad hoc association consisting of industrial users of electricity in Florida, many 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. DEF seeks to recover certain monies set forth in a prior settlement agreement to which FIPUG was a signatory. This proceeding will review the costs for which DEF seeks recovery and review DEF’s efforts to recoup certain funds for the use and benefit of ratepayers, including many FIPUG members.

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 evaluate DEF’s efforts to recoup monies for the use and benefit of ratepayers, and to review the reasonableness and prudence of certain DEF expenses related to the Crystal River 3 nuclear power plant. Thus, the Commission’s decisions in these matters will affect the substantial interests of many FIPUG members. The purpose of the proceeding coincides with numerous FIPUG members’ substantial interests, which is to ensure that the rates they pay to FPL are fair, just and reasonable.

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

- (a) Are the costs for which DEF seeks recovery from ratepayers reasonable and prudent?

9. Disputed Legal Issues. None at this time.

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

- (a) Are the costs for which DEF seeks recovery from ratepayers reasonable and prudent?

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

11. 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.

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

Jon C. Moyle, Jr.

Karen A. Putnal

Moyle Law Firm, P.A.

118 North Gadsden Street

Tallahassee, Florida 32301

Telephone: (850)681-3828

Facsimile: (850)681-8788

jmoyle@moylelaw.com

kputnal@moylelaw.com

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 11th day of June, 2015, to the following:

James W. Brew
Stone Mattheis Xenopoulos & Brew, PC
1025 Thomas Jefferson Street, NW,
Eighth Floor, West Tower
Washington, DC 20007-5201
jbrew@smxblaw.com

Matthew R. Bernier
Duke Energy Florida, Inc.
106 East College Avenue, Suite 800
Tallahassee, FL 32301
Matthew.bernier@duke-energy.com

Keino Young
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399
kyoung@psc.state.fl.us

Dianne Triplett
Duke Energy
299 First Avenue North
St. Petersburg, FL 33701
Dianne.triplett@duke-energy.com

J.R. Kelly, Esq.
Charles J. Rehwinkel
John Truitt
Office of Public Counsel
111 West Madison Street, room 812
Tallahassee, FL 32301
kelly.jr@leg.state.fl.us
rehwinkel.charles@leg.state.fl.us
truitt.john@leg.state.fl.us

/s/ Jon C. Moyle

Jon C. Moyle, Jr.