

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Application for limited proceeding for  
Recovery of incremental storm restoration costs  
Related to Hurricanes Irma and Nate, by Duke  
Energy Florida, LLC.

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DOCKET NO.: 20170272  
FILED: January 10, 2018

**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](mailto:jmoyle@moylelaw.com)  
[kputnal@moylelaw.com](mailto:kputnal@moylelaw.com)

4. Notice of docket. Petitioner received notice of this docket by informal discussions with Duke Energy Florida, L.L.C. (DEF) 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 consider DEF's request to recover storm restoration costs related to Hurricanes Irma and Nate and the replenishment of DEF's Storm Reserve. These costs will be recovered from DEF's customers, including 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 request to recover storm related restoration costs resulting from Hurricanes Irma and Nate. Thus, the purpose of the proceeding coincides with FIPUG's substantial interests, which is to ensure that the rates its members who receive electrical service from DEF are charged fair, just and reasonable rates.

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 customers reasonable?
- b. Has DEF correctly calculated the interim storm cost recovery factors that are proposed to go into effect for recovery of estimated restoration costs associated with Hurricanes Irma and Nate?
- c. What are the final, actual restoration costs for Hurricanes Irma and Nate that DEF may recover from customers?
- d. Based on the final, actual restoration costs for Hurricanes Irma and Nate that DEF is authorized to recover, by what amount, if any, assuming

advanced recovery is permitted, did DEF over- or under-recover those for the time period that the interim storm cost recovery factors were in effect?

- e. How should DEF credit to or recover from customers the over- or under-recovery?

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

9. Disputed Legal Issues. Disputed legal issues include, but are not limited to, the following:

- a. Has DEF met its burden of proof in this matter?

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

- a. Are the costs claimed by DEF related to Hurricanes Irma and Nate reasonable?

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 DEF. The undersigned is authorized to represent that DEF does not oppose FIPUG's Petition to Intervene.

**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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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](mailto:jmoyle@moylelaw.com)  
[kputnal@moylelaw.com](mailto: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 10th day of January, 2018, to the following:

Danijela Janjic  
Kyesha Mapp  
2540 Shumard Oak Blvd.  
Tallahassee, FL 32399-0850  
[kmapp@psc.state.fl.us](mailto:kmapp@psc.state.fl.us)  
[djanjic@psc.state.fl.us](mailto:djanjic@psc.state.fl.us)

Dianne M. Triplett  
Duke Energy Florida, Inc.  
299 First Avenue North  
St. Petersburg, FL 33701  
[dianne.triplett@duke-energy.com](mailto:dianne.triplett@duke-energy.com)

Matthew R. Bernier  
Duke Energy Florida.  
106 East College Ave, Suite 800  
Tallahassee, FL 32301-7740  
[matthew.bernier@duke-energy.com](mailto:matthew.bernier@duke-energy.com)

*/s/ Jon C. Moyle*

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Jon C. Moyle, Jr.