

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Petition by Florida City Gas for) DOCKET NO. 20220069-GU
Base Rate Increase)
) FILED: June 17, 2022

THE FEDERAL EXECUTIVE AGENCIES' PETITION TO INTERVENE

Pursuant to Rule 28-106.205, Florida Administrative Code, and Sections 120.569 and 120.57, Florida Statutes, the Federal Executive Agencies (FEA), through their undersigned counsel, hereby submit this Petition to Intervene in the aforementioned docket. In support thereof, FEA states the following:

1. Name of Affected Agencies:
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399
2. Name and address of Petitioner/Intervenor:
Federal Executive Agencies
139 Barnes Drive, Suite 1
Tyndall Air Force Base, Florida 32403
3. All pleadings, notices, and orders in this docket should be provided to the Intervenor's

mailing and e-mail addresses as follows:

Thomas A. Jernigan
AFIMSC/JA
139 Barnes Drive, Suite 1
Tyndall Air Force Base, Florida 32403
(850) 283-6663
thomas.jernigan.3@us.af.mil

Holly L. Buchanan, Maj, USAF
AF/JAOE-ULFSC
139 Barnes Drive, Suite 1
Tyndall Air Force Base, Florida 32403
(850) 283-6347
holly.buchanan.1@us.af.mil

Ebony M. Payton
AFCEC/CN-ULFSC
139 Barnes Drive, Suite 1
Tyndall Air Force Base, Florida 32403
(850) 283-6236
ebony.payton.ctr@us.af.mil

Rafael Franjul, TSgt, USAF
AF/JAOE-ULFSC
139 Barnes Drive, Suite 1
Tyndall Air Force Base, Florida 32403
(850) 283-6175
rafael.franjul@us.af.mil
ULFSC.Tyndall@us.af.mil

4. Statement of Substantial Interest: The FEA consists of certain agencies of the United States Government which have offices, facilities, and/or installations in the service area of Florida City Gas (“FCG”) and purchase natural gas service from FCG. The Department of Defense has been delegated authority by the General Services Administration to represent, through Department of the Air Force counsel, the consumer interest of the FEA in this proceeding under 40 U.S.C. §§ 501(c) and 121(d).

5. In this case, the Florida Public Service Commission (“Commission”) will consider FCG’s request for a general base rate increase and approval of its 2022 depreciation study. Utility costs represent one of the largest variable expenses of operating federal offices, facilities, and installations on whose behalf intervention is sought herein, and all will be significantly affected by any action the Commission takes in this docket. For these reasons, the FEA has a substantial interest in the above-captioned docket.

6. Notice of Docket: Based on the timing and provisions of the Settlement in FCG’s prior rate case, the FEA had been monitoring and anticipating that FCG would file a general rate case around this timeframe.

7. Disputed Issues of Material Fact: The FEA has not identified all disputed issues of material fact at this time. However, the FEA expects that disputed issues of material fact will include, but will not be limited to, the following:

- a. Determining the appropriate capital structure for FCG.
- b. Determining the appropriate return on equity for FCG.
- c. Determining the appropriate allocation of FCG’s cost of providing retail natural gas services among its customer classes.

d. Determining the appropriate rates to be charged by FCG for its service to each customer class.

e. Determining the appropriate depreciation rates for FCG.

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

9. Statement of Ultimate Facts Alleged: Because the FEA includes federal offices, facilities, and installations that are FCG ratepayers and will be significantly affected by any action the Commission takes in this docket, the FEA has substantial interests that are subject to determination in this docket. Therefore, the FEA is entitled to intervene and participate in the proceeding, which will determine the fair, just, and reasonable rates to be charged by FCG.

10. Standing: The FEA meets the three-prong associational standing test.¹ With regard to the first prong, the FEA asserts that its agencies are located in FCG's service area and receive service from FCG, for which they are charged FCG's applicable service rates. Therefore, the agencies the FEA represents will be substantially affected by the Commission's determinations in this proceeding concerning FCG's petition for a general base rate increase. Regarding the second prong of the test, the subject matter of the proceeding falls within the FEA's general scope of interest and activity. Ensuring that federal tax dollars spent by federal offices, facilities, and installations are spent on fair, just, and reasonable utility rates falls within the purview of the FEA's general scope of interest. With respect to the third prong of the test, the FEA seeks intervention in this docket to represent the interests of its agencies, as FCG customers, in seeking

¹ Florida Home Builders Association v. Department of Labor and Employment Security, 412 So. 2d 351, 353-54 (Fla. 1982); Farmworker Rights Organization, Inc. v. Department of Health and Rehabilitative Services, 417 So. 2d 753, 754 (Fla. 1st DCA 1982).

reliable service and fair, just, and reasonable rates. Therefore, the FEA asserts that it meets the requirements for standing in this docket.

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

- a. 40 U.S.C. Section 501(c);
- b. 40 U.S.C. Section 121(d);
- c. Section 120.569, Florida Statutes;
- d. Section 120.57, Florida Statutes;
- e. Section 366.04, Florida Statutes;
- f. Section 366.05, Florida Statutes;
- g. Section 366.06, Florida Statutes;
- h. Rule 28-106.201, Florida Administrative Code;
- i. Rule 28-106.205, Florida Administrative Code.

12. Conferral with Parties of Record: In accordance with Rules 28-106.204(3) and 28-106.205(2)(e), counsel for the FEA has conferred with the parties of record and is authorized to represent that none of the parties object to the FEA's intervention.

13. Relief Requested: The FEA requests permission to intervene as a full party in this docket.

WHEREFORE, the FEA respectfully requests the Commission enter an order granting this petition and thereby allowing the FEA to intervene and participate as a full party in this docket.

Respectfully submitted,

Attorneys for Federal Executive Agencies

By: /s/ Holly L. Buchanan

Holly L. Buchanan, Maj, USAF
Thomas A. Jernigan
AF/JAOE-ULFSC
139 Barnes Drive, Suite 1
Tyndall Air Force Base, Florida 32403
(850) 283-6347
holly.buchanan.1@us.af.mil
thomas.jernigan.3@us.af.mil

CERTIFICATE OF SERVICE
Docket No. 20220069-GU

I **HEREBY CERTIFY** that a true and correct copy of the foregoing Federal Executive Agencies' Petition to Intervene has been furnished by electronic mail this 17th day of June 2022 to the following:

Florida Public Service Commission Office of the General Counsel Matthew Jones Walter Trierweiler 2540 Shumard Oak Boulevard Tallahassee, Florida 32399-0850 mjones@psc.state.fl.us wtrierwe@psc.state.fl.us	Florida City Gas Kurt Howard 700 Universe Boulevard Juno Beach FL, 33408 (561) 304-5458 kurt.howard@nexteraenergy.com
Office of Public Counsel Richard Gentry Mary A. Wessling c/o The Florida Legislature 111 West Madison Street, Room 812 Tallahassee, FL 32399-1400 Gentry.richard@leg.state.fl.us Wessling.mary@leg.state.fl.us	Florida Power & Light Company Christopher T. Wright Joel Baker 700 Universe Boulevard Juno Beach, FL 33408 (561) 691-7144 (561) 691-7135 christopher.wright@fpl.com joel.baker@fpl.com
Gunster Law Firm Beth Keating 215 South Monroe St., Suite 601 Tallahassee, FL 32301 (850) 521-1706 bkeating@gunster.com	

/s/ Ebony M. Payton
Ebony M. Payton
Paralegal for FEA