

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Petition for rate increase by Tampa) DOCKET NO. 20240026-EI
Electric Company)
) FILED: March 20, 2024
)
_____)

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 dockets. 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:

LESLIE R. NEWTON, Maj, USAF
AFLOA/JAOE-ULFSC
139 Barnes Drive, Suite 1
Tyndall Air Force Base, Florida 32403
(850) 283-6347
Leslie.Newton.1@us.af.mil

ASHLEY N. GEORGE, Capt, USAF
AFLOA/JAOE-ULFSC
139 Barnes Drive, Suite 1
Tyndall Air Force Base, Florida 32403
(850) 283-6289
Ashley.George.4@us.af.mil

THOMAS A. JERNIGAN
AFCEC/JA-ULFSC
139 Barnes Drive, Suite 1
Tyndall Air Force Base, Florida 32403
(850) 283-6663
Thomas.Jernigan.3@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

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 Tampa Electric Company (“TEC”). 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 these proceedings under 40 U.S.C. §§ 501(c) and 121(d).

5. In this case, the Florida Public Service Commission (“Commission”) will consider TEC’s request for a general base rate increase and approval of its revenue increase. 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 these dockets. For these reasons, the FEA has a substantial interest in the above-captioned dockets.

6. Notice of Docket: Based on the timing and provisions of in TEC’s prior rate case, the FEA monitored the Commission’s docket and learned TEC anticipates filing a general rate case on 2 April 2024.

7. Disputed Issues of Material Fact: Since TEC will not file their general rate case until 2 April 2024, the FEA has not identified each disputed issue 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 TEC.
- b. Determining the appropriate return on equity for TEC.
- c. Determining the appropriate allocation of TEC’s cost of providing services among its customer classes.

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

e. Determining the appropriate revenue requirements for TEC.

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 TEC 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 these dockets. 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 TEC.

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 TEC's service area and receive service from TEC, for which they are charged TEC's applicable service rates. Therefore, the agencies that FEA represents will be substantially affected by the Commission's determinations in this proceeding concerning TEC'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 TEC 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 this 20th day of March, 2024.

Attorneys for Federal Executive Agencies

By: /s/Leslie R. Newton

Leslie R. Newton, Maj, USAF

Ashley N. George, Capt, USAF

Thomas A. Jernigan

AF/JAOE-ULFSC

139 Barnes Drive, Suite 1

Tyndall Air Force Base, Florida 32403

(850) 283-6347

leslie.newton.1@us.af.mil

ashley.george.4@us.af.mil

thomas.jernigan.3@us.af.mil

CERTIFICATE OF SERVICE
Docket Nos. 20240026-EI

I **HEREBY CERTIFY** that a true and correct copy of the foregoing has been furnished by electronic mail this 20th day of March, 2024, to the following:

Florida Public Service Commission Office of the General Counsel Adria Harper Carlos Marquez Timothy Sparks 2540 Shumard Oak Boulevard Tallahassee, Florida 32399 aharper@psc.state.fl.us cmarquez@psc.state.fl.us tspark@psc.state.fl.us	Ausley & McMullen J. Jeffrey Wahlen Malcolm Means V. Ponder P.O. Box 391 Tallahassee, Florida 32302 jwahlen@ausley.com mmeans@ausley.com vponder@ausley.com
Tampa Electric Company Paula K. Brown P.O. Box 111 Tampa, FL 33601 Regdept@tecoenergy.com	EarthJustice Bradley Marshall Jordan Luebke 111 S. Martin Luther King Jr. Blvd Tallahassee, Florida 32301 bmarshall@earthjustice.org jluebke@earthjustice.org
Office of Public Counsel Patricia A. Christensen Walt Trierweiler 111 West Madison Street, Room 812 Tallahassee, FL 32399 Christensen.patty@leg.state.fl.us Trierweiler.walt@leg.state.fl.us	Florida Industrial Power Users Group Moyle Law Firm Jon C. Moyle Jr. Karen A. Putnal 118 North Gadsden Street Tallahassee, Florida 32301 jmoyle@moylelaw.com kputnal@moylelaw.com
	Federal Executive Agencies Leslie Newton Ashley George Thomas Jernigan Ebony M. Payton AFLOA/JAOE-ULFSC 139 Barnes Drive, Suite 1 Tyndall Air Force Base, FL 32403 Leslie.Newton.1@us.af.mil Ashley.George.4@us.af.mil Thomas.Jernigan.3@us.af.mil Ebony.Payton.ctr@us.af.mil

/s/ Ebony M. Payton

Ebony M. Payton
Paralegal for FEA