

STATE OF FLORIDA
 DIVISION OF ADMINISTRATIVE HEARINGS

EDDY GROSSE)
)
 Petitioner)
)
 VS.)
)
 FLORIDA POWER & LIGHT COMPANY)
)
 Respondent.)
 _____)

CASE NO. 96-005784

MOTION FOR LEAVE TO INTERVENE

The FLORIDA PUBLIC SERVICE COMMISSION (FPSC or Commission), by and through its undersigned counsel, requests that the Administrative Law Judge grant leave to intervene in the above-styled cause for the reasons set forth below.

1. Mr. Eddy Grosse filed a complaint with the Public Service Commission's Division of Consumer Affairs (CAF). Mr. Grosse objected to Florida Power & Light Company (FPL), a public utility, transferring unpaid balances from FPL accounts at rental properties

ACK _____ he owns to his residential account. Pursuant to Section 366.04(1),
 AFA _____ Florida Statutes, the FPSC has exclusive jurisdiction "...to
 APP _____
 CAF _____ regulate and supervise each public utility with respect to its
 CMU _____ rates and service...."

2. On August 5, 1996, the FPSC issued Order No. PSC-96-0998-FOF-EI, Notice of Proposed Agency Action Order Affirming Liability For Unpaid Balance.

3. On August 26, 1996, Mr. Grosse filed a protest of the Commission's Order and the matter was referred to the Division of Administrative Hearings.

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4. Rule 25-22.026(3), Florida Administrative Code, specifically allows Commission staff to participate as a party in any proceeding before the Commission.

5. Rule 25-22.026(4), Florida Administrative Code, states that, in cases assigned to DOAH, the Commission staff's role is to represent the public interest and to assist in developing evidence to ensure a complete record. The rule states that Commission staff is not a party in interest (unless a show cause proceeding) and that the staff's role is to assist in developing evidence to ensure a complete record. The FPSC as the agency regulating public utilities, has a direct interest, Chapter 366, Florida Statutes. Florida Power & Light Company, like all investor-owned utilities, is required to have Commission-approved published tariffs for all its rates, services, and charges.

6. The FPSC has been granted intervention in other matters that have been referred to DOAH. See for example, Thomas L. Fuller v. Florida Power Corporation, Case 95-4253; Globe International Realty & Mortgage Corporation v. Florida Power & Light Company, Case 95-2514; Jory Bricker v. Florida Power Corporation, Case 93-5713; Janet Knauss v. Florida Power & Light Company, Case 91-4910; Larry Timm v. Florida Power & Light Company, Case 91-2755; Arturo Toboada v. Florida Power & Light Company, Case 91-0331.

WHEREFORE, the Florida Public Service Commission requests that its Motion for Leave to Intervene in the above-styled cause be granted.

Respectfully submitted this 23rd day of December, 1996.

Robert V. Elias For

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EDDY GROSSE

Petitioner

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that one true and correct copy of The Florida Public Service Commission's Motion for Leave to Intervene has been furnished this 23rd day of December, 1996, to the following:

Mr. Eddy Grosse
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Mr. Bill Walker
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