

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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In re: Review of Nuclear Outage
at Florida Power Corporation's
Crystal River Unit No. 3

Docket No.: 970261-EI

PETITION OF THE HONORABLE CHARLIE CRIST
FOR LEAVE TO INTERVENE

The Honorable Charlie Crist, by and through the undersigned
counsel and pursuant to Rule 25-22, Florida Administrative Code,
hereby files this Petition for Leave to Intervene in the above-
styled proceeding, and in support thereof would allege:

1. The affected agency is the Florida Public Service
Commission, 101 East Gaines Street, Tallahassee, Florida 32301.

2. Petitioner is a customer of Florida Power Corporation
receiving electrical utility service from Florida Power Corporation
in Pinellas County. Petitioner is billed by Florida Power
Corporation each month for electrical services pursuant to tariffs
approved by, and on file with, The Public Service Commission.

3. The Public Service Commission temporarily granted Florida
Power Corporation's request for recovery of replacement fuel costs
from its rate payers in excess of Ninety Million Dollars as a
result of the extended outage at Crystal River No. 3 Nuclear Plant,
with approval is subject to the Commission's review of the causes
of the outage.

4. The extended outage resulted from Florida Power
Corporation's ineffective management and operation of the plant.

Additionally, Florida Power Corporation's ineffective management
resulted in numerous violations of Nuclear Safety Regulations of

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the Nuclear Regulatory Commission resulting in civil penalties against Florida Power Corporation, including a penalty imposed on July 10, 1996, in the amount of Five Hundred Thousand Dollars.

5. While the Nuclear Regulatory Commission was investigating Florida Power's management of the nuclear plant, Florida Power voluntarily took the nuclear plant off line at the beginning of the current outage. Florida Power Corporation took this voluntary action to prevent the Regulatory Commission from shutting down the nuclear plant due to Florida Power Corporation's ineffective management.

6. Notwithstanding the reasons cited by Florida Power Corporation for the shut-down, the Nuclear Regulatory Commission will not at this time allow Florida Power Corporation to operate the nuclear plant.

7. Additionally, during hearings held in February of 1997 the Florida Power Corporation did not offer evidence to establish the reasonableness or prudence of replacement fuel costs caused by the outage at the nuclear unit. Commissioners, before they voted, acknowledged that Florida Power Corporation had not offered any evidentiary basis to justify increasing its fuel costs recovery factor.¹

8. Despite the absence of evidence to support their conclusion, the Commissioners voted to allow Florida Power Corporation to increase its Fuel Cost Recovery Factor.

9. Florida Power Corporation failed to establish its Fuel

¹ Chairman Julia Johnson noted that "...there's nothing in the record either way." (Official Transcript, page 321).

Cost Recovery Factor by preponderance of the evidence.

10. Petitioner will submit evidence and information of material value to the Commission in its determination of the issues involved. Petitioner's intervention will not broaden the issues nor cause unnecessary delay in this matter.

11. The names and addresses of the persons to whom pleadings, notices and other documents should be sent are:

J. Emory Wood, Esquire
WOOD, CRIST & VALENTI, P.A.
One Tampa City Center
Suite 1700
Tampa, Florida 33601

Charlie Crist, Esquire
360 Central Avenue
Suite 1210
St. Petersburg, Florida 33701

WHEREFORE, Petitioner, the Honorable Charlie Crist, hereby petitions for leave to intervene and to be treated as a full party to this proceeding with a right to have notice of and to appear at all matters in this action.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was furnished by regular U.S. Mail to James A. McGee, Esquire, Post Office Box 14042, St. Petersburg, Florida 33733-4042 (on behalf of Florida Power Corporation), and to Matthew M. Childs, Esquire, STEEL, HECTOR & DAVIS, L.L.P., 215 South Monroe Street, Suite 601, Tallahassee, Florida 32301 (on behalf of Florida Power & Light Company), and to William B. Willingham, Esquire, RUTLEDGE, ECENIA, UNDERWOOD, PURNELL & HOFFMAN, P.A., Post Office Box 551, Tallahassee, Florida 32302-0551 (on behalf of Florida Public Utilities Company), and to Jeffrey A. Stone, Esquire and Russell A. Badders, Esquire, BEGGS & LANE, 700 Bount Building, 3 West Garden Street, Post Office Box 12950, Pensacola, Florida 32576-2950 (on

behalf of Gulf Power Company), and to Lee L. Willis, Esquire, and James D. Beasley, Esquire, AUSLEY & McMULLEN, Post Office Box 391, Tallahassee, Florida 32302 (on behalf of Tampa Electric Company), and to Joseph A. McGlothlin, Esquire and Vicki Gordon Kaufman, Esquire, McWHIRTER, REEVES, MCGLOTHIN, DAVIDSON, RIEF AND BAKAS, P.A., 117 South Gadsden Street, Tallahassee, Florida 32301 (on behalf of Florida Industrial Power Users Group), and to John Roger Howe, Esquire, Deputy Public Counsel, Office of Public Counsel, c/o The Florida Legislature, 111 West Madison Street, Room 812, Tallahassee, Florida 32399 (on behalf of the Citizens of the State of Florida), and to Vicki D. Johnson, Esquire, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850 (on behalf of the Commission Staff), and to Sylvia H. Walbolt, Esquire, CARLTON FIELDS, Post Office Box 2861, St. Petersburg, Florida 33731-2861 (on behalf of Florida Power Corporation), and to Mr. Monte E. Belote, FLORIDA CONSUMER ACTION NETWORK, 4100 West Kennedy Boulevard, #128, Tampa, Florida 33609, and to Louis D. Putney, Esquire, 4805 South Himes Avenue, Tampa, Florida 33611 (on behalf of the Florida Consumer Action Network), this 11th day of June, 1997.

WOOD, CRIST & VALENTI, P.A.

By: 

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