

Ruth Nettles

From: John W McWhirter [jmcwhirter@mac-law.com]
Sent: Tuesday, August 19, 2008 2:32 PM
To: Filings@psc.state.fl.us
Subject: RE: FIGU Intervention
Attachments: FIGU 08818 petition to intervene.doc

Dorothy: See if it comes through this time. Filing info is below

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*Dme
8/19/08
R.V.N*

From: Filings@psc.state.fl.us [mailto:Filings@PSC.STATE.FL.US]
Sent: Tuesday, August 19, 2008 1:40 PM
To: jmcwhirter@mac-law.com
Cc: Kimberley Pena; Ruth Nettles
Subject: FW: FIGU Intervention

Mr. McWhirter,

We received the e-filing cover page below, however there was no attachment included. On our end it shows that there is an attachment, however, it is just the blue cloud stationery setting in your e-mail. Please resubmit information, with attachment(s), to be considered an official filing. Thank you for assistance.

*Dorothy Menasco
FPSC
Office of Commission Clerk
850-413-6770*

DOCUMENT NUMBER DATE
07446 AUG 19 2008
FPSC-COMMISSION CLERK

From: John W McWhirter [mailto:jmcwhirter@mac-law.com]
8/19/2008

Sent: Tuesday, August 19, 2008 10:17 AM

To: Filings@psc.state.fl.us

Subject: FIGU Intervention

1. John W. McWhirter, Jr., McWhirter Law Firm PO Box 3350. Tampa, FL 33601, jmcwhirter@mac-law.com is the person responsible for this electronic filing;
2. The filing is to be made in Docket 080318-GU In re: Petition for Rate Increase by Peoples Gas System
3. The filing is made on behalf of the Florida Industrial Gas Users;
4. The total number of pages is 3; and
5. The attached document is The Florida Industrial Gas Users Petition to Intervene

John W. McWhirter, Jr.

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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Petition for Rate Increase by)
Peoples Gas System)
_____)

DOCKET NO. 080318-GU
FILED: August 18, 2008

THE FLORIDA INDUSTRIAL GAS USERS
PETITION TO INTERVENE

Pursuant to Chapter 120, Florida Statutes, and Rules 25-22.039 and 28-106.205, Florida Administrative Code, the Florida Industrial Gas Users ("FIGU"), through its undersigned counsel, files its Petition to Intervene. In support thereof, FIGU states:

1. The name and address of the affected agency is:

The Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850.

2. The name and address of the Petitioner is:

Florida Industrial Gas Users
c/o McWhirter Law Firm

3. Copies of all pleadings, notices, and orders in this docket should be provided to:

John W. McWhirter, Jr.
PO Box 3350
Tampa, Florida 33601
Telephone: (813) 224.0866; or (813) 505.8055
Fax: (813) 221.1854
E-mail: jmcwhirter@mac-law.com

Annette Follmer
US Gypsum Company
Energy Department
PO Box 806278
125 So Franklin St
Chicago, Illinois 60680-4124

4. FIGU is an ad hoc association consisting of industrial users of natural gas in the petitioning utility's service territory. The cost of electricity constitutes a significant portion of these customers overall costs of production. FIGU participants require an adequate, reasonably priced and reliable supply of electricity in order to compete in their respective markets.

DOCUMENT NUMBER - DATE

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5. Statement of Affected Interests. FIGU's interests are of the type that this proceeding is designed to protect. The Commission will decide in this docket whether it should approve the base rate and cost recovery petition of People's Gas System authorized by §366.06 *Florida Statutes*.

6. Disputed Issues of Material Fact. The issues before the Commission are whether to grant a rate increase, the costs of providing service and the need for cost recovery for certain future investments in utility infrastructure.

7. Statement of Ultimate Facts Alleged. FIGU takes no positions on any specific issue at this time.

8. Statutes and Rules that Require the Relief Requested by FIGU. Statutes and rules that require the relief requested by FIGU include, but are not limited to, Chapter 120, Florida Statutes, and Rules 25-22.039, 28-106.205 and 25-22.082, Florida Administrative Code.

9. Statement Explaining How the Facts Alleged By FIGU Relate to the Above-Cited Rules and Statutes In Compliance With Section 120.54(5)(b)4.f, Florida Statutes. Rules 25-22.039 and 28-106.205, F.A.C., provide that persons whose substantial interests are subject to determination in, or may be affected by an agency proceeding are entitled to intervene in such proceeding. FIGU participants are retail customers of the petitioning utility; their substantial interests are subject to determination in and will be affected by the Commission's decision. FIGU is entitled to intervene herein.

WHEREFORE, FIGU requests that the Commission enter an order granting its petition to intervene and further requests parties to provide the undersigned with all discovery filed in this docket.

/s/ John W. McWhirter, Jr.
Attorney for the Intervenor
Florida Industrial Gas Users

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing The Florida Industrial Gas Users's Petition to Intervene has been furnished by electronic mail and U.S. Mail the 18th day of August 2008 to the following:

<p>Macfarlane Law Firm Ansley Watson, Jr. P.O. Box 1531 Tampa, FL 33601-1531 Phone: 813-273-4321 FAX: 813-273-4396 Email: aw@macfar.com</p>	<p>Office of Public Counsel J.R. Kelly/Patricia Christensen % The Florida Legislature 1110 West Madison St. Tallahassee, FL 32399-1400 Phone: 850-488-9330</p> <p>Florida Public Service Commission Caroline Klancke Senior Attorney 2540 Shumard Oak Blvd Tallahassee, FL 32399-0850 (850) 413 6220</p>
<p>Peoples Gas System Paula K. Brown/Kandi M. Floyd Regulatory Affairs P.O. Box 2562 Tampa, FL 33601-0111 Phone: (813) 228-1444 FAX: (813) 228-1770</p>	
<p>TECO Energy, Inc. Matthew R. Costa P. O. Box 111 Tampa, FL 33601-0111 Phone: 813-228-4938 FAX: 813-228-1328 Email: mcosta@tecoenergy.com</p>	<p>s/ <u>John W. McWhirter, Jr</u> John W. McWhirter, Jr.. McWhirter Law Firm PO Box 3350 Tampa, Florida 33601 Telephone: (813) 224-0866; (813)505-8055 Telecopier: (813) 221-1854 jmcwhirter@mac-law.com Attorneys for Florida Industrial Gas Users</p>