

Marguerite McLean

080677-EI

From: FPSC Reports Staff [tips@fpscreports.com]
Sent: Thursday, August 13, 2009 4:07 PM
To: Filings@psc.state.fl.us
Cc: Lisa Bennett; Anna Williams; Martha Brown; Jean Hartman; sugarman@sugarmansusskind.com; mbraswell@sugarmansusskind.com; Kelly.jr@leg.state.fl.us; mcglouthin.joseph@leg.state.fl.us; swright@yvlaw.net; jlavia@yvlaw.net; kwiseman@andrewskurth.com; msundback@andrewskurth.com; jspina@andrewskurth.com; linomendiola@andrewskurth.com; meghangriffiths@andrewskurth.com; jmoyle@kagmlaw.com; vkaufman@kagmlaw.com; jmcwhirter@mac-law.com; barmstrong@ngnlaw.com; support@SaporitoEnergyConsultants.com; cecilia.bradley@myfloridalegal.com; sda@trippscott.com; tperdue@aif.com; shayla.mcneill@tyndall.af.mil; john.butler@fpl.com; 'Andrew Bertino'
Subject: Petition to Intervene
Attachments: RichardUngarPetition.pdf

Electronic Filing

a. Person responsible for filing:

Richard Ungar
 4858 Tamiami Trail
 Sarasota, FL 34231
 Phone: 941-921-7027

b. Docket No. 80677-EI

c. Document being filed on behalf of Richard Unger

d. There is a total of 8 pages.

e. The document attached for electronic filing is Richard Unger Petition For Leave To Intervene

Thank you for your attention and cooperation to this request.

Stephen Stewart
 P.O. Box 12878
 Tallahassee, FL 32317
 Phone: 850-766-6208
 Email: tips@fpscreports.com

DOCUMENT NUMBER-DATE

08430 AUG 13 8

8/13/2009

FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for rate increase }
by Florida Power & Light }

Docket No. : 080677-E1
Filed: August 13,2009

RICHARD UNGER PETITION FOR LEAVE TO INTERVENE

I, Richard Ungar, submit a Petition for Leave to Intervene in the above-styled proceeding and submit the following:

1. The name and address of the affected agency:

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

2. The name and address of the petitioner is:

Richard Ungar
4858 Tamiami Trail
Sarasota, FL 34231
Phone: 941-921-7027

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

Stephen Stewart
P.O. Box 12878
Tallahassee, Fl 32317
Email: tips@fpscreports.com
Phone: 850-766-6208

4. Statement of Affected Interests.

I as an individual, meet the two-prong standing test set forth in AgriCo, in that I am a customer of FPL whose interests may be substantially affected by this proceeding.

5. Request of Richard Ungar to be Represented by Stephen Stewart as a Qualified Representative.

Pursuant to Rule 28-106.106 of the Florida Administrative Code, as a Florida Power & Light customer, I, Rich Unger, hereby file this request to grant Stephen Stewart Qualified Representative status to appear in the captioned proceeding on my behalf. I am fully aware of the services which Stephen Stewart can provide and I am aware that I can be represented by counsel of the Florida Bar as defined in Rule 28-106.106 and I have chosen to be represented by Steve Stewart.

In accordance with Rule 28-106.106, I provide the following information with respect to Stephen Stewart:

(1) Mr. Stewart has extensive regulatory experience before the Florida Public Service Commission. Attached is a document providing details about the cases he has participated in before the Commission.

(2) Mr. Stewart has previously sought and received a Class B Practitioner classification before this Commission.

(3) During the 17 years of testifying before the Commission, working with FPSC staff, and interacting with intervenors and regulated entities, Mr. Stewart has conducted himself in a professional manner.

(4) See the attached sworn affidavit of Stephen Stewart stating that he is; experienced in the matters involved in public utility regulation; has appeared before the FPSC as a witness in major cases; has knowledge of the Florida Statutes relative to the Commission's jurisdiction; has knowledge of the Florida Rules of Civil Procedure relating to discovery in an administrative proceeding; has knowledge of the Florida Administrative Code and Florida Statutes relative to the rules of evidence, including the concept of hearsay in an administrative proceeding; has acquired and will acquire further knowledge of the factual and legal issues involved in this proceeding; and has knowledge of and complied with the Standards of Conduct for Qualified Representatives, Rule 28-106.107 of the Florida Administrative Code.

Therefore, I request that the Commission grant this request.

Respectfully submitted,

/s/ Richard Ungar

Richard Ungar
4858 Tamiami Trail
Sarasota, FL 34231

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for rate increase }
by Florida Power and Light. }


Docket No. : 080677-E1
Filed: August 13, 2009

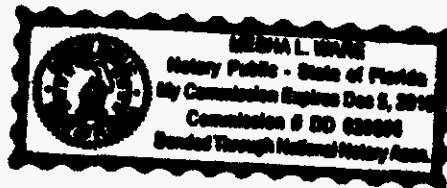
AFFIDAVIT OF STEPHEN STEWART

I, Stephen Stewart, hereby certify, pursuant to Rule 28-106.106 of the Florida Administrative Code, that I am experienced in the matters involved in public utility regulation; that I have appeared before the Florida Public Service Commission on a number of occasions; that I have knowledge of the Florida Statutes relative to the Commission's jurisdiction; that I have knowledge of the Florida Rules of Civil Procedure relating to discovery in an administrative proceeding; that I have knowledge of the Florida Administrative Code and Florida Statutes relative to the rules of evidence, including the concept of hearsay in an administrative proceeding; that I have acquired and will further acquire knowledge of the factual and legal issues involved in this proceeding; and that I have knowledge of and have complied with the Standards of Conduct for Qualified Representatives, Rule 28-106.107 of the Florida Administrative Code.


Stephen Stewart

Affirmed and subscribed before me this 13th day of August, 2009.


Notary Public



My Commission Expires 12/2/2010

DOCUMENT NUMBER-DATE

08430 AUG 13 09

FPSC-COMMISSION CLERK

Utility Regulation Experience
Stephen A. Stewart

Florida Public Service Commission, Docket No. 080317-EI: Tampa Electric's Petition for Rate Increase.

Provided testimony on behalf of AARP. The testimony disputed the level of Storm Damage Reserve being requested by the utility.

Resolution: The case went to full hearing and I provided testimony before the Commission.

Florida Public Service Commission, Docket No. 060038-EI: Florida Power & Light Company's Petition for Issuance of a Storm Recovery Financing Order.

Provided testimony on behalf of AARP and the Office of Public Counsel. The testimony disputed the level of Storm Damage Reserve being requested by the utility.

Resolution: The case went to full hearing and I provided testimony before the Commission. The Commission accepted my recommendation for the level of the Storm Damage Reserve.

Florida Public Service Commission, Docket No. 050078-EI: Petition for rate increase by Progress Energy Florida, Inc.

Provided testimony on behalf of AARP. The testimony disputed the ROE being requested by the utility and argued for a lower storm damage reserve than being requested.

Resolution: The case was settled by the parties prior to hearing.

Florida Public Service Commission, Docket No. 050045-EI: Petition for rate increase by Florida Power & Light Company.

Provided testimony on behalf of AARP. The testimony disputed the ROE being requested by the utility and argued for a lower storm damage reserve than being requested.

Resolution: The case was settled by the parties prior to hearing.

Florida Public Service Commission, Docket No. 050001-EI: Fuel and Purchased Power Cost Recovery Clause with Generating Performance Incentive Factor.

Provided testimony on behalf of AARP. The testimony disputed FPL's entitlement to between \$25 million and \$30 million in steam generator sleeving repairs as "fuel related" and, thus, recoverable through the fuel clause.

Resolution: The matter went to hearing and the Commission denied FPL recovery of the monies sought for the steam generator sleeving repairs.

Florida Public Service Commission, Docket No. 041272-EI: Petition for approval of storm cost recovery clause for recovery of extraordinary expenditures related to Hurricanes Charley, Frances, Jeanne, and Ivan, by Progress Energy Florida, Inc.

Provided testimony on behalf of SugarMill Woods Civic Association. The testimony supported an approach that would have resulted in a sharing of prudently incurred expenses between the utility and consumers.

Resolution: The case went to full hearing and I provided testimony before the Commission

Florida Public Service Commission, Docket No. 001148-EI: Review of Florida Power & Light earnings.

As a consultant for the Office of Public Counsel, I developed direct testimony addressing the operation and maintenance expenses requested by FPL.

Resolution: The Office of Public Counsel and FPL settled the case before testimony was filed with the FPSC.

Florida Public Service Commission, Docket No. 010503-WS: Investigation of Aloha Utilities rates.

As a consultant for the Office of Public Counsel, I provided direct testimony filed with the FPSC that addressed the methodology used by Aloha Utilities to project test year water consumption.

Resolution: The case went to full hearing and I provided testimony before the Commission.

Florida Public Service Commission, Docket No. 000824-EI: Review of Florida Power Corporation Earnings.

As a consultant for the Office of Public Counsel, I provided direct testimony filed with the FPSC that addressed the prudence of the Operation and Maintenance (O&M) expenses requested by Florida Power Corporation (FPC).

Resolution: Testimony was filed with FPSC. The Office of Public Counsel and FPC settled the case before hearing.

Florida Public Service Commission, Docket No. 930001-EI: Tampa Electric fuel cost recovery case.

As an employee of the Office of Public Counsel, I assisted lead counsel with negotiations between TECO and the Office of Public Counsel. The case centered around TECO's cost recovery from consumers of fuel purchased by a TECO affiliate.

Resolution: The Office of Public Counsel and TECO settled the case before testimony was filed with the FPSC.

Florida Public Service Commission, Docket No. 920655-WS: Investigation of Southern Utilities rates.

My responsibilities as an employee of the Office of Public Counsel included providing direct testimony, assisting counsel with formulation of cross examination questions for utility witnesses, and assisting utility customers during the hearing.

Resolution: The case went to full hearing and I provided testimony before the Commission.

Florida Public Service Commission, Docket No. 920324-EI: Investigation into Tampa Electric rates.

My responsibilities as an employee of the Office of Public Counsel included providing direct testimony, assisting counsel with formulation of cross examination questions for utility witnesses, and assisting utility customers during the hearing.

Resolution: The case went to full hearing and I provided testimony before the Commission.

Florida Public Service Commission, Docket No. 910890-EI: Review of Florida Power Corporation earnings.

My responsibilities as an employee of the Office of Public Counsel included providing direct testimony, assisting counsel with formulation of cross examination questions for utility witnesses, and assisting utility customers during the hearing.

Resolution: The case went to full hearing.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished electronically this 13th day of August, 2009, to the following:

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Anna Williams, Esquire
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<p>Thomas Saporito Saporito Energy Consultants, Inc. Post Office Box 8413 Jupiter, FL 33468-8413 support@SaporitoEnergyConsultants.com</p>	<p>Cecilia Bradley Senior Assistant Attorney General Office of the Attorney General The Capitol - PL01 Tallahassee, FL 32399-1050 cecilia.bradley@myfloridalegal.com</p>
<p>Stephanie Alexander, Esquire Tripp Scott, P.A. 200 West College Avenue, Suite 216 Tallahassee, FL 32301 Attorneys for Association For Fairness In Rate Making (AFFIRM) sda@trippscott.com</p>	<p>Tamela Ivey Perdue, Esquire Associated Industries of Florida 516 North Adams Street Tallahassee, FL 32301 tperdue@aif.com</p>
<p>Shayla L. McNeill, Capt, USAF Utility Litigation & Negotiation Team Staff Attorney AFLOA/JACL-ULT AFCESA 139 Barnes Drive, Suite 1 Tyndall AFB, FL 32403-5317 Attorneys for the Federal Executive Agencies shayla.mcneill@tyndall.af.mil</p>	<p>John T. Butler Florida Power & Light Company 700 Universe Blvd Juno Beach, FL 33408-0420 john.butler@fpl.com</p>

By: /s/Richard Ungar
Richard Ungar