## Marguerite McLean

From:

Keating, Beth [BKeating@gunster.com]

Sent:

Monday, October 10, 2011 4:55 PM

To:

Filings@psc.state.fl.us

Subject:

Docket No. 110002-Eg

Attachments: 20111010165110778.pdf

Attached for electronic filing, please find the Florida Public Utilities Company's Response to Petition to Intervene in the referenced docket.

Beth Keating

## Gunster, Yoakley & Stewart, P.A.

215 S. Monroe St., Suite 618 Tallahassee, FL 32301 bkeating@gunster.com
Direct Line: (850) 521-1706

a. Person responsible for this electronic filing:

Beth Keating

# Gunster, Yoakley & Stewart, P.A.

215 S. Monroe St., Suite 618 Tallahassee, FL 32301 bkeating@gunster.com
Direct Line: (850) 521-1706

- b. Docket No. 110002-EG In re: Energy Conservation Cost Recovery Clause
- c. On behalf of: Florida Public Utilities Company
- d. There are a total of 5 pages.
- e. Description: Response to Petition to Intervene



Beth Keating | Attorney Governmental Affairs 215 S. Monroe Street, Suite 601 Tallahassee, FL 32301 P 850-521-1706 C 850-591-9228 gunster.com | View my bio

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Writer's Direct Dial Number: (850) 521-1706 Writer's E-Mail Address: bkeating@gunster.com

October 10, 2011

# VIA E-MAIL FILINGS@PSC.STATE.FL.US

Ms. Ann Cole Commission Clerk Florida Public Service Commision 2540 Shumard Oak Boulevard Tallahassee, FL 32399-0850

Re: Docket No. 110002-EG - Energy Conservation Cost Recovery Clause

Dear Ms. Cole:

Attached for electronic filing, please find the Florida Public Utilities Company's limited Response to the Petition to Intervene by SACE.

As always, thank you for your assistance with this filing, and please don't hesitate to let me know if you have any questions at all.

Sincerely,

Beth Keating

Gunster, Yoakley & Stewart, P.A. 215 South Monroe St., Suite 601

Tallahassee, FL 32301

(850) 521-1706

**MEK** 

#### BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Energy Conservation Cost	)	Docket No. 110002-EG
Recovery Clause.	)	
	)	Filed: October 10, 2010

# FLORIDA PUBLIC UTILITIES COMPANY'S LIMITED RESPONSE TO PETITION TO INTERVENE

Florida Public Utilities Company ("FPUC"), by and through its undersigned counsel, hereby submits this limited Response to the Petition to Intervene filed on October 3, 2010, by the Southern Alliance for Clean Energy ("SACE").

FPUC submits this Response, not to object to SACE's request for intervention, but instead, to object to the inclusion of SACE's proposed Issues 7 through 11 in the instant proceeding. These proposed issues are included both in SACE's Petition to Intervene, as well as its Preliminary Statement of Issues and Positions, which was also submitted on October 3. Inclusion of these issues would improperly expand the scope of the proceeding and relitigate issues which the Commission has already addressed.

FPUC's Demand Side Management ("DSM") programs have already been reviewed and approved by the Commission as memorialized by Order No. PSC-10-0678-PAA-EG, issued November 12, 2010, in Docket 100158-EG - a proceeding in which SACE was granted intervenor status. Through its proposed Issues 7 through 11, SACE apparently seeks to rehash the propriety of FPUC's DSM programs, which would have the Commission revisit matters addressed in Docket No. 100158-EG only a few short months ago.

<sup>&</sup>lt;sup>1</sup> See Order No. PSC-10-0496-PCO-EG, issued on August 8, 2010, in Docket No. 100158-EG.

WHEREFORE, Florida Public Utilities Company respectfully submits this Response, and asks that SACE's proposed generic Issues 7 through 11 be excluded from this proceeding should the Commission decide to otherwise grant SACE's Petition to Intervene.

RESPECTFULLY SUBMITTED this 10th day of October, 2011.

Ad K.J.
Beth Keating

Gunster, Yoakley & Stewart, P.A. 215 South Monroe St., Suite 601 Tallahassee, FL 32301

(850) 521-1706

# **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by electronic mail or U.S. Mail to the following parties of record this 10th day of October, 2011:

Florida Public Utilities Company	Jon C. Moyle, Jr., Esq.	
Cheryl Martin/Curtis Young	Vicki G. Kaufman, Esq.	
P.O. Box 3395	Keefe, Anchors, Gordon & Moyle	
West Palm Beach, FL 33402-3395	118 North Gadsden St.	
·	Tallahassee, FL 32301	
Lee Eng Tan, Esq.	Office of Public Counsel	
Theresa L. Tan, Esq.	Patricia Christensen	
Florida Public Service Commission	c/o The Florida Legislature	
2540 Shumard Oak Boulevard	111 West Madison Street, Room 812	
Tallahassee, FL 32399	Tallahassee, FL 32399-1400	
Paula K. Brown	John T. Burnett, Esq.	
Tampa Electric Company	Progress Energy Florida, Inc.	
P.O. Box 111	P.O. Box 14042	
Tampa, FL 33601-0111	St. Petersburg, FL 33733-4042	
Paul Lewis, Jr.	James D. Beasley, Esq.	
Progress Energy Florida, Inc.	J. Jeffry Wahlen, Esq.	
106 E. College Ave., Suite 800	Ausley & McMullen	
Tallahassee, FL 32301	P.O. Box 391	
	Tallahassee, FL 32302	
Jeffrey A. Stone, Esq.	Kenneth Rubin, Esq.	
Russell A. Badders, Esq.	Florida Power & Light Company	
Steve R. Griffin, Esq.	700 Universe Boulevard	
Beggs & Lane	Juno Beach, FL 33408-0420	
P.O. Box 12950		
Pensacola, FL 32591-2950		
R. Wade Litchfield	John W. McWhirter, Jr., Esq.	
Vice President/Assoc. Gen. Counsel	McWhirter Law Firm	
Florida Power & Light Company	P.O. Box 3350	
700 Universe Boulevard	Tampa, FL 33601-3350	
Juno Beach, FL 33408-0420		
Ms. Susan Ritenour	James W. Brew, Esq.	
Secretary and Treasurer	Brickfield, Burchette, Ritts & Stone, P.C.	
Gulf Power Company	Eighth Floor, West tower	
One Energy Place	1025 Thomas Jefferson Street, NW	
Pensacola, FL 32520-0780	Washington, DC 20007	

Randy B. Miller	Karen S. White, Staff Attorney
White Springs Agricultural Chemicals, Inc.	c/o AFCESA-ULFSC
P.O. Box 300	139 Barnes Drive, Suite 1
15843 Southeast 78 <sup>th</sup> St.	Tyndall Afb, FL 32403-5319
White Springs, FL 32096	
Suzanne Brownless *	
433 North Magnolia Drive	
Tallahassee, FL 32308	

Beth Keating

Gunster, Yoakley & Stewart, P.A. 215 South Monroe St., Suite 601 Tallahassee, FL 32301 (850) 521-1706