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From: Kim Hancock [khancock@kagmlaw.com]
Sent: Friday, February 10, 2012 2:48 PM
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Subject: Docket No. 120022-EI
Attachments: FIPUG Petition to Intervene 2.10.12.pdf

In accordance with the electronic filing procedures of the Florida Public Service Commission, the following filing is made:

a. The name, address, telephone number and email for the person responsible for the filing is:

Vicki Gordon Kaufman
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- b. This filing is made in Docket No. 120022-EI.
- c. The document is filed on behalf of Florida Industrial Power Users Group.
- d. The total pages in the document are 4 pages.
- e. The attached document is FLORIDA INDUSTRIAL POWER USERS GROUP'S PETITION TO INTERVENE.

Kim Hancock
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DOCUMENT NUMBER-DATE

00809 FEB 10 2012

2/10/2012

FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition of Progress Energy Florida, Inc.
for limited proceeding to approve Stipulation
and Settlement Agreement, including Certain
Rate Adjustments.

DOCKET NO.: 120022-EI

FILED: February 10, 2012

FLORIDA INDUSTRIAL POWER USERS GROUP'S
PETITION TO INTERVENE

Pursuant to sections 120.569, 120.57, Florida Statutes, and rules 25-22.039, 28-106.201 and 28-106.205, Florida Administrative Code, the Florida Industrial Power Users Group (FIPUG), through its undersigned counsel, files its Petition to Intervene. In support thereof, FIPUG states the following:

1. Name and address of agency. The affected agency is the Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850.

2. Name and address of Petitioner. The name and address of the Petitioner is:

Florida Industrial Power Users Group
c/o Keefe Anchors Gordon & Moyle, PA
118 North Gadsden Street
Tallahassee, Florida 32301
Telephone: (850) 681-3828
Facsimile: (850) 681-8788

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

Vicki Gordon Kaufman
Jon C. Moyle, Jr.
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FPSC-COMMISSION CLERK

4. Notice of docket. Petitioner received notice of this docket by a review of the Commission's website.

5. Statement of Substantial Interests. FIPUG is an ad hoc association consisting of industrial users of electricity in Florida. The cost of electricity constitutes a significant portion of FIPUG members' overall costs of production. FIPUG members require adequate, reasonably-priced electricity in order to compete in their respective markets.

6. In this case, the Commission will consider Progress Energy Florida, Inc.'s (PEF) request for approval of a Stipulation and Settlement Agreement to which FIPUG is a signatory. This Stipulation and Settlement Agreement will affect FIPUG members' substantial interests because it relates to their costs of electricity, thus affecting their production costs, their competitive posture and their levels of employment. Thus, as customers of PEF, FIPUG members' substantial interests will be affected in this docket.

7. FIPUG's interests are of the type that this proceeding is designed to protect. *See, Agrico Chemical Company v. Department of Environmental Regulation*, 406 So.2d 478 (Fla. 2nd DCA 1981). The purpose of the proceeding is to evaluate the Stipulation and Settlement Agreement. Thus, the purpose of the proceeding coincides with FIPUG members' substantial interests, which is to ensure that the rates they pay to PEF are just and reasonable.

8. Disputed Issues of Material Fact. FIPUG is unaware of any disputed issues of material fact.

9. Disputed Legal Issues. FIPUG is unaware of any disputed legal issues.

10. Statement of Ultimate Facts Alleged. Ultimate facts include the following:

- a. The Stipulation and Settlement Agreement are in the best interests of PEF and its customers and should be approved.

11. Rules and statutes justifying relief. The rules and statutes that entitle FIPUG to intervene and participate in this case include, but are not limited to:

- a. Section 120.57(2), Florida Statutes;
- b. Section 366.04(1), Florida Statutes;
- c. Section 366.06, Florida Statutes;
- d. Rule 28-106.201, Florida Administrative Code;
- e. Rule 28-106.205, Florida Administrative Code.

12. Relief. FIPUG requests that it be permitted to intervene as a full party in this docket.

WHEREFORE, FIPUG requests that the Commission enter an order allowing it to intervene and participate as a full party in this docket.

s/ Vicki Gordon Kaufman

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Attorneys for Florida Industrial Power Users Group

CERTIFICATE OF SERVICE

I **HEREBY CERTIFY** that a true and correct copy of the foregoing Florida Industrial Power Users Group's Petition to Intervene has been furnished by electronic mail and U.S. Mail this 10th day of February, 2012, to the following:

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