

Eric Fryson

From: Kim Hancock [khancock@kagmlaw.com]
Sent: Tuesday, February 14, 2012 3:35 PM
To: Filings@psc.state.fl.us
Cc: Charles Murphy; john.butler@fpl.com; Vicki Gordon Kaufman; Jon Moyle
Subject: Docket No. 110309-EI
Attachments: FIPUG Petition to Intervene 2.14.12.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
 Keefe Anchors Gordon & Moyle
 118 North Gadsden Street
 Tallahassee, FL 32301
 (850) 681-3828
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b. This filing is made in Docket No. 110309-EI.

c. The document is filed on behalf of Florida Industrial Power Users Group.

d. The total pages in the document are 5 pages.

e. The attached document is THE FLORIDA INDUSTRIAL POWER USERS GROUP'S PETITION TO INTERVENE.

Kim Hancock
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Keefe, Anchors, Gordon and Moyle, P.A.
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Parties updated 2/15/12 -sm

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DOCUMENT NUMBER-DATE

00849 FEB 14 2012

FPSC-COMMISSION CLERK

2/14/2012

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition to determine need for
Modernization of Port Everglades Plant, by
Florida Power & Light Company.

DOCKET NO. 110309-EI

FILED: February 14, 2012

**THE FLORIDA INDUSTRIAL POWER USERS GROUP'S
PETITION TO INTERVENE**

Pursuant to sections 120.569, 120.57(1), Florida Statutes, and rule 25-22.039, Florida Administrative Code, the Florida Industrial Power Users Group (FIPUG), through its undersigned counsel, files its Petition to Intervene. In support thereof, FIPUG states:

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:

Jon C. Moyle, Jr.
Vicki Gordon Kaufman
Keefe Anchors Gordon & Moyle, PA
118 North Gadsden Street
Tallahassee, Florida 32301
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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 Florida Power & Light Company's (FPL) request to determine the need to modernize its existing Port Everglades plant site and build a combined cycle gas unit there. FPL estimates the cost for this project to be \$1.185 million. FPL's plans to embark upon this project and ultimately recover the costs from ratepayers, including FIPUG members, will affect FIPUG members' substantial interests. As customers of FPL, 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 FPL's requests and determine if any of the requests have merit. Thus, the purpose of the proceeding coincides with FIPUG's substantial interests, which is to ensure that the rates it pays to FPL are just and reasonable.

8. Disputed Issues of Material Fact. Disputed issues of material fact include, but are not limited to, the following:

- a. Is there a need to modernize the Port Everglades plant?
- b. Are there other technologies, including renewable technologies, that could mitigate any such need?
- c. Are FPL's projected costs for the Port Everglades project reasonable?

- d. Will FPL's Port Everglades project provide reliable electricity at a reasonable cost?
- e. Will FPL's Port Everglades project promote fuel diversity?
- f. Is the Port Everglades project the most cost-effective source of power?
- g. Can FPL adequately serve its projected energy load without the modernized Port Everglades project?

9. Disputed Legal Issues. Disputed legal issues include, but are not limited to, the following:

- a. Has FPL carried its burden to prove that the Port Everglades project meets all the required statutory criteria and that it has resolved all disputed issues of fact?

10. Statement of Ultimate Facts Alleged. Ultimate facts include, but are not limited to, the following:

- a. The Port Everglades project is not needed, is not the most cost-effective project and does not promote fuel diversity.

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 120.569, Florida Statutes;
- b. Section 120.57, Florida Statutes;
- c. Section 366.04, Florida Statutes;
- d. Section 403.519, Florida Statutes;
- e. Rule 25-22.039, 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 The Florida Industrial Power Users Group's Petition to Intervene has been furnished by electronic mail and U.S. Mail this 14th day of February, 2012, to the following:

Charles Murphy
Office of General Counsel
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850

John T. Butler
Florida Power & Light Company
700 Universe Boulevard
Juno Beach, Florida 33408-0420

s/Vicki Gordon Kaufman_____

Vicki Gordon Kaufman