

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for Determination of Cost
Effective Generation Alternative to Meet Need
Prior to 2018 for Duke Energy Florida, Inc.

DOCKET NO.: 140111-EI

FILED: June 3, 2014

**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 Moyle Law Firm, P.A.
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.
Karen A. Putnal
Moyle Law Firm, P.A.
118 North Gadsden Street
Tallahassee, Florida 32301
Telephone: (850) 681-3828
Facsimile: (850) 681-8788
jmoyle@moylelaw.com
kputnal@moylelaw.com

4. Notice of docket. Petitioner received notice of this docket by an informal communication from Duke Energy Florida (“Duke”) and a subsequent 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. Duke requests an affirmative determination that it needs additional generation capacity prior to 2018 and asserts that the Suwannee Simple Cycle and Hines Chillers Power Uprate projects are the most cost effective generation alternatives to meet that need. In this proceeding, it is anticipated that the Commission will review the need for electric system reliability and integrity, the need for adequate reasonable cost electricity, the need for fuel diversity and supply reliability, the cost-effectiveness of Duke’s proposals compared to alternatives available, and whether renewable energy sources and technologies, as well as conservation measures, are utilized to the extent reasonably available. Numerous FIPUG members, as large customers of Duke, will be required to fund the costs of the proposed Suwannee Simple Cycle and Hines Chillers Power Uprate projects in rates if these projects are approved by the Commission. Consequently, FIPUG members will be directly and substantially affected by the outcome of these proceedings. FIPUG has associational standing and should be permitted to intervene.

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 Duke’s requests and determine the

merits of Duke's request. Thus, the purpose of the proceeding coincides with numerous FIPUG members' substantial interests, which is to ensure that the rates they pay to Duke are just and reasonable.

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

- (a) What is Duke's need, if any, for additional generation capacity before 2018?
- (b) Whether, if such a need exists, Duke's proposed Suwannee Simple Cycle and Hines Chillers Power Uprate projects is the most cost effective method of satisfying its need considering the need for electric system reliability and integrity, the need for adequate electricity at a reasonable cost, the need for fuel diversity and supply reliability, whether Duke's proposal is the most cost-effective alternative available, and whether renewable energy sources and technologies, as well as conservation measures, are utilized to the extent reasonably available.
- (c) FIPUG reserves the right to raise additional disputed issues in this proceeding

9. Disputed Legal Issues. None at this time.

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

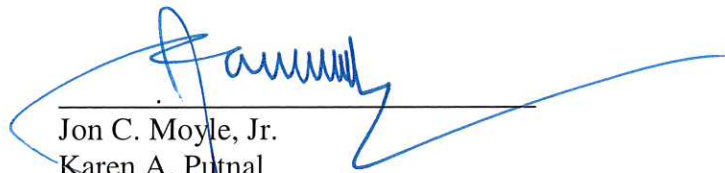
- (d) What is Duke's need, if any, for additional generation capacity before 2018.
- (e) Whether Duke's proposed Suwannee Simple Cycle and Hines Chillers Power Uprate projects are the most cost effective method of satisfying any need Duke may have before 2018?

Additional alleged ultimate facts may be identified in the course of these proceedings.

11. Rules and statutes justifying relief. FIPUG is entitled to relief under the following legal authorities: Sections 120.569 and 120.57(1), Florida Statutes, and Rules 25-22.039, 25-22.080 and 25-22.082, Florida Administrative Code.

12. Position of Duke regarding FIPUG's petition to intervene. The undersigned is authorized to represent that Duke does not object to FIPUG being granted full party status as an intervenor in this case.

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



Jon C. Moyle, Jr.
Karen A. Putnal
Moyle Law Firm, P.A.
118 North Gadsden Street
Tallahassee, Florida 32301
Telephone: (850)681-3828
Facsimile: (850)681-8788
jmoyle@moylelaw.com
kputnal@moylelaw.com

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 this 3rd day of June, 2014, to the following:

Paul Lewis, Jr.
Matthew R. Bernier
Duke Energy Florida
106 East College Avenue, Suite 800
Tallahassee, FL 32301
matthew.bernier@duke-energy.com

Justin Green
Department of Environmental Protection
Program Administrator 2600 Blair Stone
Road, MS 5500 Tallahassee, FL 32399-2400
justin.b.green@dep.state.fl.us

J. Michael Walls
Blaise N. Gamba
Carlton Law Firm 4221 W. Boy Scout
Blvd., Ste. 1000 Tampa, FL 33607-5780
mwalls@CFJBLaw.com

John Burnett
Diane M. Triplett
Duke Energy
P.O. Box 14042 Saint Petersburg, FL 33733
john.burnett@duke-energy.com

J.R. Kelly, Esq.
Charles J. Rehwinkel
Office of Public Counsel
111 West Madison Street, room 812
Tallahassee, Florida 32399-1400
kelly.jr@leg.state.fl.us

Robert Scheffel Wright
John T. LaVia c/o Gardner Law Firm 1300
Thomaswood Drive Tallahassee, FL 32308
Schef@gbwlegal.com

Michael Lawson
Florida Public Service Commission
2540 Shumard Oak Blvd
Tallahassee, Florida 32399
mike@thelawsonlawfirm.com

James W. Brew
Brickfield, Burchette, Ritts & Stone, P.C.
1025 Thomas Jefferson Street, NW,
Eighth Floor, West Tower
Washington, DC 20007-5201
jbrew@bbrslaw.com



Jon C. Moyle, Jr.