

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for recovery of costs associated with named tropical systems during the 2015, 2016, and 2017 hurricane seasons and replenishment of storm reserve subject to final true-up, Tampa Electric Company.

DOCKET NO.: 20170271
FILED: January 10, 2018

**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:

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4. Notice of docket. Petitioner received notice of this docket by informal discussions with Tampa Electric Company, (TECO) 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. In this case, the Commission will consider TECO's request to recover storm restoration costs related to costs associated with named tropical systems during the 2015, 2016, and 2017 hurricane seasons and the replenishment of TECO's storm reserve fund. These costs will be recovered from TECO's customers, including FIPUG members.

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 TECO's request to recover storm related restoration costs resulting from named tropical systems during the 2015, 2016, and 2017 hurricane seasons, and the replenishment of TECO's storm reserve fund. Thus, the purpose of the proceeding coincides with FIPUG's substantial interests, which is to ensure that the rates its members who receive electrical service from TECO are charged fair, just and reasonable rates.

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

- a. Are the costs for which TECO seeks recovery from customers reasonable?
- b. Has TECO properly calculated the interim storm cost recovery factors that are proposed to go into effect, for recovery of estimated restoration costs associated with costs associated with named tropical systems during the

2015, 2016, and 2017 hurricane seasons and replenishment of TECO's storm reserve fund?

- c. What are the final, actual restoration costs for costs associated with named tropical systems during the 2015, 2016, and 2017 hurricane seasons??
- d. Based on the final, actual restoration costs for costs associated with named tropical systems during the 2015, 2016, and 2017 hurricane seasons that TECO is authorized to recover, by what amount, if any, assuming advanced recovery is permitted, did TECO over- or under-recover those for the time period that the interim storm cost recovery factors were in effect?
- e. How should TECO credit to or recover from customers the over- or under-recovery?

FIPUG reserves all rights to raise additional issues in accordance with the Commission's rules and the Order Establishing Procedure in this case.

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

- a. Has TECO met its burden of proof in this matter?

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

- a. Are the costs claimed by TECO related to costs associated with named tropical systems during the 2015, 2016, and 2017 hurricane seasons and replenishment of TECO's storm reserve fund reasonable?

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(1), Florida Statutes;
- d. Section 366.06, Florida Statutes;

- e. Rule 25-22.039, Florida Administrative Code;
 - f. Rule 28-106.201, Florida Administrative Code;
 - g. Rule 28-106.205, Florida Administrative Code.
12. Relief. FIPUG requests that it be permitted to intervene as a full party in this docket.
13. Position of TECO. The undersigned is authorized to represent that TECO

does not oppose FIPUG's Petition to Intervene.

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

/s/ Jon C. Moyle

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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 10th day of January, 2018, to the following:

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