

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Review of 2007 Electric Infrastructure Storm Hardening Plan filed pursuant to Rule 25-6.0342, F.A.C., submitted by Florida Public Utilities Company.

DOCKET NO. 070300-EI

In re: Petition for rate increase by Florida Public Utilities Company.

DOCKET NO. 070304-EI  
ORDER NO. PSC-07-0692-PCO-EI  
ISSUED: August 24, 2007

ORDER GRANTING INTERVENTION TO  
THE FLORIDA CABLE TELECOMMUNICATIONS ASSOCIATION, INC.,  
IN DOCKET NO. 070300-EI

BY THE COMMISSION:

Rule 25-6.0342, Florida Administrative Code, requires each investor-owned electric utility (IOU) to file a comprehensive storm hardening plan for review and approval by the Commission. On May 4, 2007, Florida Public Utilities Company (FPUC) filed a Petition for Variance from Rule 25-6.0342(2), Florida Administrative Code, seeking an additional 60 days to file its Storm Hardening Plan. By Order No. PSC-07-0558-PAA-EI, the Commission granted FPUC's Petition, thereby making its Storm Hardening Plan due on or before July 6, 2007. Docket No. 070300-EI was opened to address FPUC's Storm Hardening Plan.

On July 3, 2007, FPUC submitted its Storm Hardening Plan to the Commission pursuant to Rule 25-6.0342, Florida Administrative Code. By Order No. PSC-07-0647-PCO-EI, issued August 9, 2007, Docket No. 070300-EI was consolidated with Docket No. 070304-EI for the purpose of the evidentiary hearing. Docket No. 070304-EI is FPUC's request for general rate increase in Marianna and Fernandina Beach Divisions. The evidentiary hearing in the consolidated docket has been tentatively scheduled for February 28-29, 2008.

By Petition dated June 13, 2007, the Florida Cable Telecommunication Association, Inc. (FCTA), requested permission to intervene in Docket No. 070300-EI. FCTA asserts that it has associational standing to participate in this proceeding representing the interests of its members, a substantial number of whom would otherwise have the right to participate individually in this proceeding. See Hunt v. Washington State Apple Advertising Commission, 432 U.S. 333 (1977), and Florida Home Builders Ass'n. v. Dept. of Labor, 412 So. 2d 351 (Fla. 1982). FCTA states that it is a non-profit trade association representing the cable telecommunications industry in the State of Florida, cable companies providing cable services in Florida, as well as certificated competitive local exchange carriers (CLEC) providing voice communications services in Florida. FCTA alleges that its members distribute service through a community along lines and cables that extend either above ground attached to each respective utility pole or

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below ground through conduits and trenchers. Moreover, FCTA alleges that its members attach their facilities to poles owned by FPUC. Thus, FCTA asserts that its members are third party attachers as contemplated by Rule 25-6.0342, Florida Administrative Code, and their substantial interests will necessarily be directly and profoundly impacted by the Commission's decisions with regard to FPUC's Storm Hardening Plan.

Having reviewed the Petition, it appears that the FCTA members' substantial interests may be affected by this proceeding as it relates to FPUC's Storm Hardening Plans. There has been no response filed in opposition to FCTA's Petition. Therefore, the Petition shall be granted in Docket No. 070300-EI. Pursuant to Rule 25-22.039, Florida Administrative Code, FCTA takes the case as it finds it.

Therefore, it is

ORDERED by the Florida Public Service Commission that the Petition to Intervene filed by Florida Cable Telecommunication Association, Inc., is hereby granted in Docket No. 070300-EI. It is further

ORDERED that all parties to this proceeding shall furnish copies of all testimony, exhibits, pleadings and other documents which may hereinafter be filed in this proceeding, to:

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By ORDER of the Florida Public Service Commission this 24th day of August, 2007.



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ANN COLE  
Commission Clerk

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NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing or judicial review will be granted or result in the relief sought.

Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

Any party adversely affected by this order, which is preliminary, procedural or intermediate in nature, may request: (1) reconsideration within 10 days pursuant to Rule 25-22.0376, Florida Administrative Code; or (2) judicial review by the Florida Supreme Court, in the case of an electric, gas or telephone utility, or the First District Court of Appeal, in the case of a water or wastewater utility. A motion for reconsideration shall be filed with the Office of Commission Clerk, in the form prescribed by Rule 25-22.060, Florida Administrative Code. Judicial review of a preliminary, procedural or intermediate ruling or order is available if review of the final action will not provide an adequate remedy. Such review may be requested from the appropriate court, as described above, pursuant to Rule 9.100, Florida Rules of Appellate Procedure.