

Ruth Nettles

From: Ann Bassett [abassett@lawfla.com]
Sent: Thursday, April 23, 2009 4:27 PM
To: Filings@psc.state.fl.us
Subject: Docket No. 090172-EI
Attachments: 2009-04-23, 090172, FGT's Petition to Intervene.pdf

The person responsible for this electronic filing is:

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The Docket No. is 090172-EI - Petition to determine need for Florida EnergySecure Pipeline by Florida Power & Light Company

This is being filed on behalf of Florida Gas Transmission Company, LLC.

Total Number of Pages is 8

Florida Gas Transmission Company, LLC's Petition to Intervene

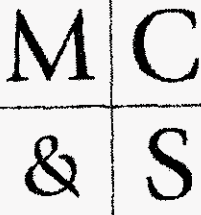
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DOCUMENT NUMBER-DATE

03808 APR 23 8

FPSC-COMMISSION CLERK



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April 23, 2009

VIA ELECTRONIC MAIL

Ms. Ann Cole, Commission Clerk
Office of Commission Clerk
Room 110, Easley Building
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, Florida 32399-0850

Re: Docket No. 090172-EI

Dear Ms. Cole:

Enclosed for filing on behalf of Florida Gas Transmission Company, LLC is Florida Gas Transmission Company, LLC's Petition to Intervene in the above referenced docket.

Thank you for your assistance with this filing.

Sincerely yours,

Floyd R. Self

FRS/amb
Enclosures

cc: Mr. Michael T. Langton
Parties of Record

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition to determine need for Florida
EnergySecure Pipeline by Florida Power &
Light Company.)
_____)

Docket No. 090172-EI
Dated: April 23, 2009

PETITION TO INTERVENE

Florida Gas Transmission Company, LLC ("FGT"), pursuant to Section 120.52(13), Florida Statutes, and Rules 25-22.039 and 28-106.205, Florida Administrative Code, hereby requests leave to intervene in this proceeding, and as grounds therefor states:

1. FGT is an interstate natural gas transmission company transporting natural gas to the Gulf Coast and Florida for nearly 50 years serving electric utilities, local natural gas distribution companies, and industrial and commercial customers. FGT operates over 5,000 miles of natural gas transmission pipeline, including some 3,500 miles in Florida.

2. FGT's principal place of business is 5444 Westheimer Road, Houston, Texas, 77056. Pleadings, orders, notices, discovery, and all other papers filed or served in this matter should be served upon:

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3. This docket was initiated by Florida Power and Light Company ("FPL") by its petition on April 7, 2009, pursuant to the Natural Gas Transmission Pipeline Siting Act ("NGPSA") for a determination of need for the construction of a natural gas transmission pipeline, including the mainline and all associated laterals and branch lines, equipment, facilities, and buildings, pursuant to Section 403.9403(16), Florida Statutes. FPL's "Florida EnergySecure Line" will consist of approximately 280 miles of mainline pipe and approximately 23 miles of lateral and branch lines that will be put in service by 2014. The proposed project will interconnect with a new interstate natural gas pipeline as well as interconnect with various other existing intrastate and interstate pipelines. FPL Petition, at pages 1-3. FPL alleges, among other things, that it anticipates incremental natural gas firm transportation needs of over 1.6 billion cubic feet per day ("Bcf/d") by the year 2030 and further alleges that the current natural gas transmission capacity in Florida is inadequate to meet FPL's incremental natural gas supply requirements. FPL is seeking a certificate of need from this Commission for the construction of this new intrastate natural gas transmission pipeline and, it appears, authorization for the inclusion of this pipeline in its rate base.

4. FGT cannot take a position at this time on whether FPL's need should be certified by this Commission because much of the critical information filed by FPL in this docket has been filed as confidential data, and it is not possible to fully understand FPL's request or the effect of certifying the need on the ratepayers generally and FGT specifically without a review of this information. However, it is clear from the four corners of the Petition that the scope of this docket and the certification of the requested need will have a direct and immediate impact on FGT in several different ways.

5. First, FGT is a customer of FPL's electrical power, with FPL supplying electric service to FGT's offices, compression equipment, meter stations, and other FGT equipment located throughout

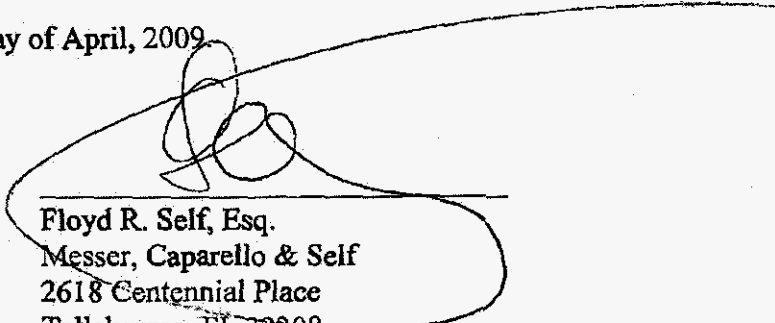
the FPL electric service area. Granting or not granting the certificate of need may have an impact on the availability of electric power to FGT's operations and the rates FGT pays for such electricity.

6. Second, FPL has specifically identified FGT in its Petition as being impacted by its project, both with respect to interconnecting its proposed pipeline with the FGT pipeline network as well as identifying FGT as a competitive alternative supplier of natural gas transportation to FPL's existing and future planned gas generation facilities. Petition, at pages 6 and 8-10, and Appendix A. As such, FGT is a specifically named person entitled to be a party to this proceeding.

7. Third, the Legislature has established that in evaluating whether there is a need for additional natural gas transmission pipeline that the Commission "shall take into account the need for natural gas delivery reliability, safety, and integrity; the need for abundant clean-burning natural gas to assure the economic well-being of the public; the appropriate commencement and terminus of the line; and other matters within the jurisdiction deemed relevant to the determination of need." Section 404.9422(1)(b), Florida Statutes. In order to evaluate these enumerated responsibilities, the Commission must consider the information regarding the existing and other proposed natural gas transmission pipeline networks in Florida, including currently available and planned capacity of such pipelines and their associated facilities and operations. FGT is the largest natural gas transmission pipeline provider in Florida, and its current, projected, and potential capacity to deliver natural gas in the quantities sought by FPL will directly affect any determination of need. While FPL bears the burden of proof in this proceeding, FGT's participation in this proceeding is vital to the Commission's development of a complete record and reaching an informed decision. For these reasons, FGT's substantial interests will be affected by the granting of the requested certificate of need requested by FPL in this docket.

WHEREFORE, pursuant to Section 120.52(13), Florida Gas Transmission Company, LLC meets the definition of a "party," and respectfully requests that the Commission grant it intervention in this matter as a party of record for all purposes.

Respectfully submitted this 23rd day of April, 2009.



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Attorneys for Florida Gas Transmission
Company, LLC

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that true and correct copies of the foregoing have been served by Electronic Mail (*) and/or U.S. Mail this 23rd day of April, 2009 upon the following:

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South Florida Water Management
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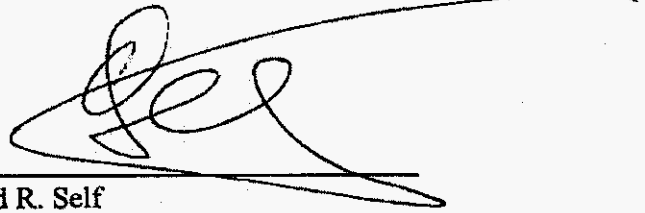
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