

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Analysis of IOUs' Hedging Practices

DOCKET NO.: 170057-EI
FILED: March 23, 2017

**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 an informal communication during a recent hedging workshop.

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 hedging, a Commission-authorized utility implement practice that has cost utility customers more than \$6.5 billion dollars since 2002. This issue affects FIPUG's 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 utility hedging, namely whether utility hedging should continue or be modified. Thus, the purpose of the proceeding coincides with FIPUG's substantial interests, which is to ensure that the rates its members receive electrical service are fair, just and reasonable.

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

- a. Should hedging be discontinued?
- b. What changes, if any, should be made to current utility hedging practices?
- c. Has hedging benefitted customers, and if so, how has it benefitted customers?
- d. Should the Commission engage in rulemaking related to hedging?

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. Have the utilities met their burden of proof in this matter?

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

- a. Is it in the best interest of utility customers, including FIPUG members, to continue hedging?

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 Utilities. Duke and Florida Power & Light do not oppose FIPUG's intervention. Tampa Electric Company and Gulf Power take no position on FIPUG's petition. Tampa Electric Company asked that the following qualification be included with its position:

“the company reserves the right to oppose FIPUG’s intervention, for lack of standing or on any other grounds, in any future FPSC proceeding that may affect Tampa Electric’s substantial interests.”

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

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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 27th day of March, 2017, to the following:

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