

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for Rate increase by
Progress Energy Florida, Inc.

Docket No. 050078-EI

**PETITION OF CHARLES J. CRIST, JR.,
ATTORNEY GENERAL, STATE OF FLORIDA, TO INTERVENE**

CHARLES J. CRIST, JR., Attorney General, State of Florida (Attorney General), pursuant to Rule 25-22.039, Florida Administrative Code, petitions the Florida Public Service Commission (Commission) to enter an order granting leave to the Attorney General to intervene in this Docket and states:

1. The Attorney General, pursuant to Art. IV, Section 4, Fla. Const., is the chief legal officer of the State with his principal place of business in Tallahassee, Florida.
2. The Attorney General brings this Petition in his *parens patriae* capacity as guardian of the health, welfare, and safety of the citizens of the State of Florida.
3. The Attorney General has broad statutory authority to prosecute and appear in suits in which the State is a party or is otherwise interested. Section 16.01(4), (5), and (6), Florida Statutes. The State has a substantial interest in the establishment of fair, just and reasonable rates to be charged by Progress Energy Florida, Inc. (“PEF”). In this case, PEF seeks an extraordinary general rate increase of approximately \$205 million.
4. Where the public interest is involved, the Attorney General may not only initiate litigation, but also intervene in pending litigation. *State ex rel. Shevin v. Yarbrough*, 257 So. 2d 891, 894 (Fla. 1972). The Attorney General is granted wide discretion in

determining what particular matters involve the public interest. *State ex rel. Shevin v. Exxon Corp.*, 526 F. 2d 266, 268-69 (5th Cir. 1976). Accordingly, his conclusion that a particular matter involves the public interest is presumed to be correct. *Yarbrough*, 257 So. 2d at 895.

5. The substantial interests of the State and the people will be directly affected by the Commission's decisions in this case.

6. The name address and telephone number of the Petitioner are as follows:

CHARLES J. CRIST, JR.
Attorney General
The Capitol-PL01
Tallahassee, Florida 32399-1050
Tel: (850) 414-3300

All pleadings, orders and correspondence should be directed to Petitioner's representatives as follows:

CHRISTOPHER M. KISE
Solicitor General
JACK SHREVE
Senior General Counsel
OFFICE OF THE ATTORNEY GENERAL
The Capitol-PL01
Tallahassee, Florida 32399-1050
Tel: (850) 414-3681
Fax: (850) 410-2672

WHEREFORE, the Attorney General respectfully requests that the Commission enter an order allowing the Attorney General to intervene in this Docket.

DATED this 4th day of August, 2005.

Respectfully submitted,

CHARLES J. CRIST, JR.
ATTORNEY GENERAL

s/Christopher M. Kise
CHRISTOPHER M. KISE
SOLICITOR GENERAL
Florida Bar No. 855545

JACK SHREVE
Florida Bar No. 73622
Senior General Counsel

Office of the Attorney General
The Capitol-PL01
Tallahassee, Florida 32399-1050
Tel: (850) 414-3681
Fax: (850) 410-2672

CERTIFICATE OF SERVICE
DOCKETS NO. 050078

I CERTIFY that a true and correct copy hereof has been furnished by United States mail to the following on this 4th day of August, 2005.

Jennifer Brubaker Felicia Banks Jennifer Rodan Florida Public Service Commission Division of Legal Services 2540 Shumard Oaks Boulevard Tallahassee, FL 32399-0850	Timothy M. Perry McWhirter Reeves 117 South Gadsden Street Tallahassee, FL 32301 <i>Attorneys for the Florida Industrial Power Users Group</i>
Harold A. McLean Charles J. Beck Office of Public Counsel c/o The Florida Legislature 111 W. Madison Street, Room 812 Tallahassee, FL 32399-1400	John W. McWhirter, Jr. McWhirter Reeves 400 North Tampa Street, Suite 2450 Tampa, FL 33601-3350 <i>Attorneys for Florida Industrial Power Users Group</i>
Robert Scheffel Wright John T. Lavia, III Landers & Parsons P. O. Box 271 Tallahassee, FL 32302 <i>Attorneys for Florida Retail Federation</i>	Michael B. Twomey P. O. Box 5256 Tallahassee, FL 32314-5256
David Brown McKenna Long & Aldridge One Peachtree Center 303 Peachtree Street, N.E., Suite 5300 Atlanta, GA 30308 <i>Attorneys for the Commercial Group</i>	Gary Sasso James Walls John Burnett Carolton Fields P. O. Box 3239 Tampa, FL 33601-3239 <i>Attorneys for Progress Energy</i>
Buddy L. Hansen 13 Wild Olive Court Homosassa, FL 34446	R. Alexander Glenn Deputy General Counsel Progress Energy Service Company 100 Central Avenue, Suite 1D St. Petersburg, FL 33701
C. Everett Boyd, Jr. Sutherland Asbill & Brennan 2282 Killearn Center Boulevard Tallahassee, FL 32309	

James M. Bushee
Daniel D. Frank
Andrew K. Soto
Sutherland Asbill & Brennan
1275 Pennsylvania Avenue N.W.
Washington, D.C.20004-2415

Richard A. Zambo
Richard A. Zambo, P.A.
2336 S.E. Ocean Boulevard, #309
Stuart, FL 34996

Karin S. Torain
PCS Administration USA, Inc.
Suite 400
Skokie Blvd.
Northbrook, IL 60062

Counsel for White Springs

s/Christopher M. Kise
Christopher M. Kise