

Matilda Sanders

ORIGINAL

From: Mary Kay Carlton [Mary\_Kay\_Carlton@oag.state.fl.us]  
Sent: Thursday, August 04, 2005 12:05 PM  
To: Filings@psc.state.fl.us  
Subject: Docket No. 050078-EI - Petition of Charles Jr. Crist, Jr., Attorney General, State of Florida to Intervene

Attachments: Petition to Intervene-50078.pdf



Petition to  
vene-50078.

(See attached file: Petition to Intervene-50078.pdf)

1. Christopher M. Kise, Solicitor General, Office of the Attorney General, PL-01 The Capitol, Tallahassee, FL 32399, (850) 414-3681, is responsible for this electronic filing; 2. The filing is to be made in Docket No. 050078-EI, In re: Petition for Rate Increase by Progress Energy Florida, Inc.; 3. The filing is made on behalf of Charles J. Crist, Jr., Attorney General, State of Florida; 4. The total number of pages is 5 ; and 5. Attached to this e-mail in Adobe format is the Petition of Charles J. Crist, Jr., Attorney General, State of Florida, to Intervene.

Mary Kay Carlton  
Assistant to Christopher M. Kise, Solicitor General Office of the Attorney General  
PL-01 The Capitol  
Tallahassee, FL 32399  
850-414-3681  
850-410-2672

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FPSC-COMMISSION CLERK

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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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

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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

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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 4<sup>th</sup> 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

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**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 4<sup>th</sup> 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>
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s/Christopher M. Kise  
Christopher M. Kise