

Shawna Senko

From: Al Taylor <Al.Taylor@bbrslaw.com>
Sent: Tuesday, June 10, 2014 3:12 PM
To: Filings@psc.state.fl.us
Cc: Jay Brew; Triplett, Dianne; Bernier, Matthew; Lewis Jr, Paul; Lee Eng Tan; Charles Murphy; Shalonda Hopkins; acoe@earthjustice.org; dguest@earthjustice.org; bbeard@earthjustice.org; steven.hall@FreshFromFlorida.com; jmoyle@moylelaw.com; kputnal@moylelaw.com; schef@gbwlegal.com; jlavie@gbwlegal.com; george@cavros-law.com; John.butler@fpl.com; jessica.cano@FPL.com; JBeasley@ausley.com; jwahlen@ausley.com; adaniels@ausley.com; srg@beggslane.com; jas@beggslane.com; rab@beggslane.com; rlmcgee@southernco.com; kelly.jr@leg.state.fl.us; Diana.Csank@sierraclub.org; kevin.donaldson@fpl.com; pkbrown@tecoenergy.com; gperko@hgslaw.com; jfinnigan@edf.org; sayler.erik@leg.state.fl.us; ckettles@fsec.ucf.edu; kfox@kfwlaw.com; mrogers@comcast.net; alex.lopez@opower.com; aschwimmer@seealliance.org; anne@allianceforsolarchoice.com
Subject: FPSC Docket No. 130200-EI - PCS Phosphate's Prehearing Statement
Attachments: PCS Prehearing Statement_2014 FINAL.pdf

a. Person responsible for filing

James W. Brew
Brickfield, Burchette, Ritts & Stone, P.C.
1025 Thomas Jefferson Street, N.W.
Eighth Floor West Tower
Washington, D.C. 20007
Tel: (202) 342-0800
Fax: (202) 342-0807
jwb@bbrslaw.com

- b. DOCKET NO. 130200-EI – In re: Commission review of numeric conservation goals (Duke Energy Florida, Inc.)
- c. Filed on behalf of White Springs Agricultural Chemicals, Inc. d/b/a PCS Phosphate – White Springs
- d. Total Pages = 7
- e. PCS Phosphate’s Prehearing Statement

**BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION**

In re: Commission review of numeric conservation goals (Duke Energy Florida, Inc.). <hr/>))))))	Docket No. 130200-EI Filed on: June 10, 2014
---	----------------------------	---

**PREHEARING STATEMENT OF
WHITE SPRINGS AGRICULTURAL CHEMICALS, INC.
d/b/a PCS PHOSPHATE – WHITE SPRINGS**

Pursuant to the Florida Public Service Commission’s August 19, 2013 *Order Establishing Procedure*, Order No. PSC-13-0386-PCO-EU and the February 26, 2014 *Order Modifying Procedure*, Order No. PSC-14-0112-PCO-EU (together, the “*Procedural Order*”), White Springs Agricultural Chemicals, Inc. d/b/a PCS Phosphate – White Springs (“PCS Phosphate”), through its undersigned attorney, files its Prehearing Statement.

A. APPEARANCES

James W. Brew
F. Alvin Taylor
Brickfield, Burchette, Ritts & Stone, P.C.
1025 Thomas Jefferson St., NW
Eighth Floor, West Tower
Washington, DC 20007
Tel: (202) 342-0800
Fax: (202) 342-0807
E-mail: jbrew@bbrslaw.com
ataylor@bbrslaw.com

B. WITNESSES

PCS Phosphate does not plan to call any witnesses at this time.

C. EXHIBITS

PCS Phosphate does not plan to offer any exhibits at this time, but may introduce exhibits during the course of cross-examination.

D. STATEMENT OF BASIC POSITION

PCS Phosphate agrees with the fundamental underlying energy efficiency goal expressed in Florida Energy Efficiency and Conservation Act that “[r]eduction in, and control of, the growth rates of electric consumption and of weather-sensitive peak demand are of particular importance.”¹ Also, it is apparent from the changes in the generation fleet and load forecasts of Duke Energy Florida (“Duke”) that are reflected in that utility’s most recent Ten Year Site Plan, including the experience during the “polar vortex” last winter, that management of peak load growth associated with weather-sensitive usage should be an increasing concern. That objective is best addressed through improved price signals in rates, and particularly to weather-sensitive loads during peak and peak-like system conditions, rather than through expansion of utility-administered DSM measures using a broadened cost-effectiveness screen that will unacceptably increase all consumer rates. The notion that utility customers are concerned only about their overall bill and not the level of utility rates is utterly false with respect to large, energy-intensive manufacturing customers, and we expect that the same is true for a large segment of smaller customer groups as well. The numeric conservation goals proposed by Duke represent a reasonable balance of encouraging demand-side management while managing the cost and rate impacts on its customers.

¹ Section 366.81, Florida Statutes.

E. STATEMENT ON SPECIFIC ISSUES

With respect to the various issues presented in this proceeding, PCS Phosphate takes no position regarding the resolution of the issues with respect to any utility other than Duke. PCS Phosphate takes the following positions on the specific issues presented below as they pertain to Duke:

GENERIC CONSERVATION COST RECOVERY ISSUES

ISSUE 1: Are the Company’s proposed goals based on an adequate assessment of the full technical potential of all available demand-side and supply-side conservation and efficiency measures, including demand-side renewable energy systems, pursuant to Section 366.82(3), F.S.?

PCS Phosphate: No position at this time.

ISSUE 2: Do the Company’s proposed goals adequately reflect the costs and benefits to customers participating in the measure, pursuant to Section 366.82(3)(a), F.S.?

PCS Phosphate: No position at this time.

ISSUE 3: Do the Company’s proposed goals adequately reflect the costs and benefits to the general body of rate payers as a whole, including utility incentives and participant contributions pursuant to Section 366.82(3)(b), F.S.?

PCS Phosphate: Yes. PCS Phosphate agrees with Duke.

ISSUE 4: Do the Company’s proposed goals adequately reflect the need for incentives to promote both customer-owned and utility-owned energy efficiency and demand-side renewable energy systems, pursuant to Section 366.82, F.S.?

PCS Phosphate: No. Improved price signals pertaining to peak and peak-like system conditions are needed to support cost-justified utility administered DSM measures.

ISSUE 5: Do the Company’s proposed goals adequately reflect the costs imposed by state and federal regulations on the emission of greenhouse gases, pursuant to Section 366.82(3)(d), F.S.?

PCS Phosphate: Yes. Duke’s goals should be based upon rules and regulations actually in effect rather than proposed regulations that are not final

and effective.

ISSUE 6: What cost-effectiveness test or tests should the Commission use to set goals, pursuant to Section 366.82, F.S.?

PCS Phosphate: PCS Phosphate agrees with Duke.

ISSUE 7: Do the Company's proposed goals appropriately reflect consideration of free riders?

PCS Phosphate: No position at this time.

ISSUE 8: What residential summer and winter megawatt (MW) and annual Gigawatt-hour (GWh) goals should be established for the period 2015-2024?

PCS Phosphate: No position at this time.

ISSUE 9: What commercial/industrial summer and winter megawatt (MW) and annual Gigawatt hour (GWh) goals should be established for the period 2015-2024?

PCS Phosphate: No position at this time.

ISSUE 10: What goals, if any, should be established for increasing the development of demand-side renewable energy systems, pursuant to Section 366.82(2), F.S.?

PCS Phosphate: No position at this time.

ISSUE 11: Should the Company's existing Solar Pilot Programs be extended and, if so, should any modifications be made to them?

PCS Phosphate: No position at this time.

F. STIPULATED ISSUES

PCS Phosphate is not a party to any stipulated issues.

G. PENDING MOTIONS

None.

H. PENDING REQUESTS OR CLAIMS FOR CONFIDENTIALITY

None.

I. OBJECTIONS TO QUALIFICATIONS OF WITNESS AS EXPERT

None at this time.

J. REQUIREMENTS OF ORDER ESTABLISHING PROCEDURE

There are no requirements of the *Procedural Order* with which PCS Phosphate cannot comply.

Respectfully submitted the 10th day of June, 2014.

BRICKFIELD, BURCHETTE, RITTS & STONE, P.C.

s/ James W. Brew _____

James W. Brew

F. Alvin Taylor

Brickfield, Burchette, Ritts & Stone, P.C.

1025 Thomas Jefferson St., NW

Eighth Floor, West Tower

Washington, DC 20007

Tel: (202) 342-0800

Fax: (202) 342-0807

E-mail: jbrew@bbrslaw.com

Attorneys for

White Springs Agricultural Chemicals, Inc.

d/b/a/ PCS Phosphate – White Springs

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing has been furnished by electronic mail and/or U.S. Mail this 10th day of June 2014 to the following:

Charles Murphy / Theresa Tan Office of General Counsel Florida Public Service Commission 2540 Shumard Oak Blvd. Tallahassee, FL 32399-0850	Florida Power & Light Company Kenneth Hoffman 215 South Monroe Street, Suite 810 Tallahassee, FL 32301-1858
James D. Beasley / Jeffrey Wahlen Ausley & McMullen Law Firm P.O. Box 391 Tallahassee, FL 32302	Gary V. Perko Hopping Law Firm P.O. Box 6526 Tallahassee, FL 32314
Jeffrey A. Stone /Russell A. Badders Beggs & Lane Law Firm PO Box 12950 Pensacola, FL 32591	Southern Alliance for Clean Energy c/o George Cavros, Esq. 120 East Oakland Park Blvd., Suite 105 Fort Lauderdale, FL 33334
J. R. Kelly / E. Sayler Office of Public Counsel c/o The Florida Legislature 11 1 West Madison Street, #812 Tallahassee, FL. 32399	Florida Industrial Power Users Group c/o Moyle Law Firm Jon C. Moyle, Jr./Karen Putnal 118 North Gadsden Street Tallahassee, FL 32301
John Butler / Jessica Cano Florida Power & Light 700 Universe Boulevard Juno Beach, FL 33408-0420	Ms. Paula K. Brown Tampa Electric Company P.O. Box 111 Tampa, FL 33601
Robert McGee Gulf Power Company One Energy Place Pensacola, FL 32520-0780	Anne Smart The Alliance for Solar Choice 595 Market St. 29th Floor San Francisco, CA 94105
Kevin Donaldson Florida Power & Light Company (Miami) 4200 West Flagler Street Miami, FL 33134	Kevin Fox/Justin Barnes/Rusty Haynes Keyes, Fox and Wiedman LLP 436 14th St., Ste. 1305 Oakland, CA 94612
Alisa Coe/David G. Guest Earthjustice 111 S. Martin Luther King Jr. Blvd. Tallahassee, FL 32301	John Finnigan Environmental Defense Fund 128 Winding Brook Lane Terrace Park, OH 45174

<p>Steven L. Hall, Senior Attorney Florida Department of Agriculture and Consumer Services Office of General Counsel 407 South Calhoun Street, Suite 520 Tallahassee, FL 3239</p>	<p>Kenneth E. Baker Wal-Mart Stores East, LP and Sam's East, Inc. Energy Department 2001 SE 10th St. Bentonville, AR 72716-0550</p>
<p>Diana Csank Sierra Club 50 F St. NW, 8th Floor Washington, DC 20001</p>	<p>Robert Scheffel Wright/John T. La Via, 1300 Thomaswood Drive Tallahassee, FL 32308</p>

s/ F. Alvin Taylor _____