

**BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION**

In re: Request to Opt-Out of Cost Recovery for)
Investor-Owned Electric Utility Energy Efficiency)
Programs by Wal-Mart Stores East, LP and Sam’s) DOCKET NO. 140226-EI
East, Inc. and Florida Industrial Power Users Group)

**PETITION TO INTERVENE OF
WHITE SPRINGS AGRICULTURAL CHEMICALS, INC.
d/b/a PCS PHOSPHATE – WHITE SPRINGS**

Pursuant to Sections 120.569 and 120.57(1), Florida Statutes and Rules 25-22.039 and 28-106.205, Florida Administrative Code, White Springs Agricultural Chemicals, Inc. d/b/a PCS Phosphate – White Springs (“PCS Phosphate”), through its undersigned attorney, files its Petition to Intervene. In support thereof, PCS Phosphate states as follows:

1. The name and address of the affected agency is:

Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

2. The name and address of the petitioner is:

White Springs Agricultural Chemicals, Inc.
d/b/a PCS Phosphate – White Springs
15843 SE 78th Street, P.O. Box 300
White Springs, Florida 32096

3. All pleadings, motions, orders and other documents directed to the petitioner

should be served on:

James W. Brew
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4. PCS Phosphate is a manufacturer of fertilizer products with plants and operations located within Duke Energy Florida's ("DEF" or "Duke") electric service territory. PCS Phosphate receives service under various PEF rate schedules.

5. Statement of Affected Interests. In this proceeding, the Commission will review proposals to redesign the Energy Conservation Cost Recovery ("ECCR") program. The proposed changes would distinguish between charges for energy efficiency and charges for demand side management and would allow qualifying large non-residential customers to opt out of the energy efficiency portion of the ECCR charge. The proposed modifications to the ECCR mechanism would apply to Florida Power & Light Company, Duke Energy Florida, Tampa Electric Company, and Gulf Power Company. PCS Phosphate is a large customer of Duke that is subject to ECCR cost recovery, and may be eligible to opt-out of the ECCR energy efficiency charges through self-directed efficiency actions under the proposed modifications to the ECCR program. As a result, PCS Phosphate will be directly and substantially affected by the outcome of these proceedings.

Because of the implications of the proposed ECCR modifications, PCS Phosphate anticipates taking an active role in this proceeding.

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

- (a) Should the Commission require the utilities to separate their Energy Conservation Cost Recovery expenditures into two categories, one for Energy Efficiency programs and the other for Demand Side Management programs?
- (b) Should the Commission allow pro-active non-residential customers who implement their own energy efficiency programs and meet certain other criteria to opt out of the utility's Energy Efficiency programs and not be required to pay the cost recovery charges for the utility's Energy Efficiency programs approved by the Commission pursuant to Section 366.82, Florida Statutes?

- (c) If the Commission allows pro-active customers to opt out of participating in, and paying for, a utility's Energy Efficiency's programs, what criteria should the Commission apply in determining whether customers who wish to opt out are eligible to do so?

7. Disputed Legal Issues. PCS Phosphate anticipates that disputed legal issues may be identified in the course of this proceeding.

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

- (a) Whether the proposed ECCR opt-out provision is in the public interest and should be implemented; and
- (b) Whether the proposed ECCR opt-out eligibility criteria are reasonable and appropriate.

PCS Phosphate anticipates that additional alleged ultimate facts will be identified in the course of these proceedings.

9. Laws Entitling Petitioner to Relief and Relation to Alleged Facts. The rules and statutes entitling PCS Phosphate to relief include, but are not necessarily limited to, the following: Sections 120.569 and 120.57(1), Florida Statutes, and Rules 25-22.039 and 28-106.205, Florida Administrative Code.

WHEREFORE, White Springs Agricultural Chemicals, Inc. d/b/a PCS Phosphate – White Springs respectfully requests that the Commission enter an order allowing it to intervene as a full party in this docket.

Respectfully submitted,

/s/ James W. Brew

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*Attorney for White Springs Agricultural
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Springs*

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing Petition to Intervene has been furnished by electronic mail and/or U.S. Mail this 5th day of June 2015 to the following:

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