

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Fuel and purchased power cost recovery  
clause with generating performance incentive  
factor.

DOCKET NO. 080001-EI  
ORDER NO. PSC-08-0233-PCO-EI  
ISSUED: April 8, 2008

ORDER GRANTING INTERVENTION

By petition, dated March 11, 2008, White Springs Agricultural Chemical, Inc. d/b/a PCS Phosphate – White Springs (White Springs) has requested permission to intervene in this proceeding. White Springs states that it is a manufacturer located within the service territory of Progress Energy Florida, Inc. (PEF), and receives electric service from the utility. White Springs alleges that the relief requested in PEF's petition to revise its fuel adjustment charges, effective January 1, 2009, will substantially affect White Springs by increasing its cost of purchasing power, thereby affecting its production and operating costs, overall industry competitiveness, and level of sustainable employment in the region. White Springs asserts that the Commission, in Order No. PSC-06-0824-PCO-EI, issued October 6, 2006, in Docket No. 060001-EI, In re: Fuel and purchased power cost recovery clause with generating performance incentive factor, recognized White Springs as having a substantial interest in the fuel proceeding, and therefore granted White Springs's petition to intervene. White Springs asserts that it remained a party in 2006 and a portion of 2007 until it requested interested person status. White Springs contends that because of the implications of PEF's current fuel cost recovery proposal, White Springs anticipates taking an active role in this fuel proceeding. White Springs concludes it will be a substantially affected party by any action the Commission takes in this docket. No response was filed to White Springs's petition.

Having reviewed the Petition, it appears that White Springs's substantial interests may be affected by this proceeding. There has been no response filed in opposition to this request and the time for doing so has expired. Therefore, the Petition shall be granted. Pursuant to Rule 25-22.039, Florida Administrative Code, White Springs takes the case as it finds it.

Therefore, it is

ORDERED by the Florida Public Service Commission that the Petition to Intervene filed by White Springs is hereby granted. It is further

ORDERED that all parties to this proceeding shall furnish copies of all testimony, exhibits, pleadings, and other documents which may hereinafter be filed in this proceeding, to:

DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK

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By ORDER of the Florida Public Service Commission this 8th day of April, 2008.

  
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ANN COLE  
Commission Clerk

( S E A L )

LCB

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing or judicial review will be granted or result in the relief sought.

Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

Any party adversely affected by this order, which is preliminary, procedural or intermediate in nature, may request: (1) reconsideration within 10 days pursuant to Rule 25-22.0376, Florida Administrative Code; or (2) judicial review by the Florida Supreme Court, in the case of an electric, gas or telephone utility, or the First District Court of Appeal, in the case of a water or wastewater utility. A motion for reconsideration shall be filed with the Office of Commission Clerk, in the form prescribed by Rule 25-22.060, Florida Administrative Code. Judicial review of a preliminary, procedural or intermediate ruling or order is available if review of the final action will not provide an adequate remedy. Such review may be requested from the appropriate court, as described above, pursuant to Rule 9.100, Florida Rules of Appellate Procedure.