

BEFORE THE PUBLIC SERVICE COMMISSION

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

DOCKET NO. 050078-EI  
ORDER NO. PSC-05-0512-PCO-EI  
ISSUED: May 10, 2005

ORDER GRANTING INTERVENTION

By petition dated March 31, 2005, the White Springs Agricultural Chemicals, Inc. d/b/a PCS Phosphate – White Springs, (“White Springs”) requested permission to intervene in this proceeding. White Springs states that White Springs 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 for a rate increase will potentially increase its members’ costs of electricity, thus affecting their production costs, their competitive posture, and their levels of employment. Therefore, White Springs concludes it will be substantially affected by any action the Commission takes in this docket.

Having reviewed the Petition, it appears that White Springs’ 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 elapsed. 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 Agricultural Chemicals, Inc. d/b/a PCS Phosphate – 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:

James M. Bushee, Esq./Daniel E.  
Frank, Esq.  
Sutherland Asbill & Brennan LLP  
Attorneys for White Springs  
1275 Pennsylvania Avenue, N.W.  
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Karin S. Torain  
PCS Administration (USA), Inc.  
Skokie Boulevard, Suite 400  
Northbrook, IL 60062

DOCUMENT NUMBER-DATE

04530 MAY 10 05

FPSC-COMMISSION CLERK

By ORDER of the Florida Public Service Commission this 10th day of May, 2005.

BLANCA S. BAYÓ, Director  
Division of the Commission Clerk  
and Administrative Services

By: Kay Flynn  
Kay Flynn, Chief  
Bureau of Records

( S E A L )

JSB

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 Director, Division of the Commission Clerk and Administrative Services, 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.