

ORIGINAL

Timolyn Henry

From: Cameron Prell [Cameron.Prell@bbrslaw.com]  
 Sent: Wednesday, September 20, 2006 4:42 PM  
 To: Filings@psc.state.fl.us  
 Cc: KSTorain@Potashcorp.com; Jay Brew  
 Subject: RE: Docket No. 060001-EI - Petition to Intervene of PCS Phosphate - White Springs  
 Attachments: PCS Phosphate\_interv 09 20 06.pdf

a. The following individual is responsible for the contents of this electronic filing:

James W. Brew  
 Brickfield, Burchette, Ritts & Stone, P.C.  
 1025 Thomas Jefferson Street, NW, Eighth Floor, West Tower  
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- b. This filing is made in Docket No. 060001-EI, *In Re: Fuel and Purchased Power Cost Recovery Clause with Generating Performance Incentive*;
- c. Filing Party. White Springs Agricultural Chemicals, Inc. d/b/a PCS Phosphate – White Springs;
- d. The total number of pages in the attached PDF document is 6; and
- e. Filing Description. Attached is a petition to intervene in the above-referenced docket of White Springs Agricultural Chemicals, Inc. d/b/a PCS Phosphate – White Springs.

CMP \_\_\_\_\_  
 COM \_\_\_\_\_  
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 OTH KMP.

9/20/2006

DOCUMENT NUMBER-DATE  
 08690 SEP 20 06  
 FPSC-COMMISSION CLERK

ORIGINAL

BEFORE THE  
FLORIDA PUBLIC SERVICE COMMISSION

In Re: Fuel and Purchased Power )  
Cost Recovery Clause with Generating ) Docket No. 060001-EI  
Performance Incentive ) Filed: September 20, 2006  
\_\_\_\_\_)

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  
Brickfield, Burchette, Ritts & Stone, P.C.  
1025 Thomas Jefferson Street, NW, Eighth Floor, West Tower  
Washington, DC 20007-5201  
Phone: (202) 342-0800  
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DOCUMENT NUMBER-DATE

08690 SEP 20 06

FPSC-COMMISSION CLERK

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Karin S. Torain  
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Suite 400  
Skokie Boulevard  
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4. Florida Power and Light Company, Progress Energy Florida (“PEF”), Tampa Electric Company, Gulf Power Company and Florida Public Utilities Company are regulated electric utilities collectively serving in excess of 80 percent of all retail electric customers throughout the State of Florida.

5. PCS Phosphate is a manufacturer of fertilizer products with plants and operations located within PEF’s electric service territory.<sup>1</sup> PSC Phosphate receives service under PEF’s IS-1, IST-1, SS-2, GS-1, GSD-1, GSDDT-1, and LS-1 Rates.

6. Statement of Affected Interests. In the above-referenced docket, the Commission will decide, among other things, whether to approve PEF’s request to increase its fuel adjustment charges by roughly \$161.4 million effective January 1, 2007. PEF’s request, if approved, will substantially affect PCS Phosphate by directly increasing its cost of purchasing power, thereby affecting its production and operating costs, overall industry competitiveness, and level of sustainable employment in the region.

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

- (a) Whether historical fuel costs being sought for recovery here are reasonable, prudent and necessary.

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<sup>1</sup> PCS Phosphate mines phosphate ore on approximately 100,000 acres (160 square miles) located in Hamilton County, Florida, and employs approximately 1,185 individuals.

- (b) Whether the projected fuel costs sought to be recovered by PEF in this proceeding is based upon reasonable projections and whether those forecasts are reasonable, prudent and necessary.
- (c) Whether all costs being sought by PEF by PEF in this proceeding are of the type to appropriately be recovered as part of a fuel adjustment modification.

PCS Phosphate anticipates that additional disputed issues of material fact will be identified in the course of these proceedings.

8. Disputed Legal Issues. PCS Phosphate anticipates that disputed legal issues will be identified in the course of these proceedings.

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

- (a) PEF has the burden to prove that all costs for which they seek recovery were and are, or will be, reasonably and prudently incurred and of the type appropriate to be recovered through these proceedings, and
- (b) PEF has the burden to prove that no such costs sought for recovery are duplicative.

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

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  
Chemicals Inc. d/b/a PCS Phosphate –  
White Springs*

**CERTIFICATE OF SERVICE**

I hereby certify that a true copy of the foregoing Petition to Intervene has been furnished by electronic mail and U.S. Mail this 20th day of September 2006 to the following individuals:

/s/ James W. Brew

AARP c/o Mike B. Twomey P. O. Box 5256 Tallahassee, FL 32314-5256 Phone: 850-421-9530 FAX: 421-8543 Email: <a href="mailto:miketwomey@talstar.com">miketwomey@talstar.com</a>	McWhirter Law Firm Timothy J. Perry 117 South Gadsden Street Tallahassee, FL 32301 Phone: 850-222-2525 FAX: 222-5606 Email: <a href="mailto:tperry@mac-law.com">tperry@mac-law.com</a>
Ausley Law Firm Lee L. Willis/James D. Beasley P.O. Box 391 Tallahassee, FL 32302 Phone: 850-224-9115 FAX: 222-7952	Messer Law Firm Norman H. Horton, Jr. P.O. Box 1876 Tallahassee, FL 32302-1876 Phone: 850-222-0720 FAX: 224-4359 Email: <a href="mailto:nhorton@lawfla.com">nhorton@lawfla.com</a>
Beggs & Lane Law Firm J. Stone/R. Badders/S. Griffin P.O. Box 12950 Pensacola, FL 32591-2950 Phone: 850-432-2451 FAX: 850-469-3331	Office of Public Counsel P. Christensen/C. Beck/J. McGlothlin c/o The Florida Legislature 111 West Madison Street, Room 812 Tallahassee, FL 32399-1400 Phone: 850-488-9330
Federal Executive Agencies Lt. Col. K. White/Capt. D. Williams c/o AFLSA/JACL-ULT 139 Barnes Drive, Suite 1 Tyndall AFB, FL 32403-5319 Phone: 850-283-6217 FAX: 850-283-6219	Progress Energy Florida, Inc. Mr. Paul Lewis, Jr. 106 East College Avenue, Suite 800 Tallahassee, FL 32301-7740 Phone: 222-8738 FAX: 222-9768 Email: <a href="mailto:paul.lewisjr@pgnmail.com">paul.lewisjr@pgnmail.com</a>

<p>Florida Industrial Power Users Group  John W. McWhirter, Jr.  c/o McWhirter Reeves  400 North Tampa Street, Suite 2450  Tampa, FL 33602  Phone: 813-224-0866  FAX: 813-221-1854  Email: <a href="mailto:jmcwhirter@mac-law.com">jmcwhirter@mac-law.com</a></p>	<p>Progress Energy Service Company, LLC  John T. Burnett/R. Alexander Glenn  P.O. Box 14042  Saint Petersburg, FL 33733-4042  Phone: 727-820-5184  FAX: 727-820-5519  Email: <a href="mailto:john.burnett@pgnmail.com">john.burnett@pgnmail.com</a></p>
<p>Florida Power &amp; Light Company  Mr. Bill Walker  215 South Monroe Street, Suite 810  Tallahassee, FL 32301-1859  Phone: (850) 521-3910  FAX: 521-3939</p>	<p>Tampa Electric Company  Ms. Brenda Irizarry  Regulatory Affairs  P. O. Box 111  Tampa, FL 33601-0111  Phone: (813) 228-1934  FAX: (813) 228-1770  Email: <a href="mailto:regdept@tecoenergy.com">regdept@tecoenergy.com</a></p>
<p>Florida Power &amp; Light Company  R. Litchfield/J. Butler/N. Smith  700 Universe Boulevard  Juno Beach, FL 33408-0420  Phone: 561-691-7101  FAX: 561-691-7135  Email: <a href="mailto:Wade.Litchfield@fpl.com">Wade.Litchfield@fpl.com</a></p>	<p>Young Law Firm  R. Scheffel Wright/John LaVia  225 South Adams Street, Suite 200  Tallahassee, FL 32301  Phone: 850-222-7206  FAX: 561-6834</p>
<p>Florida Public Utilities Company  Ms. Cheryl Martin  P.O. Box 3395  West Palm Beach, FL 33402-3395  Phone: (561) 838-1725</p>	<p>Gulf Power Company  Ms. Susan D. Ritenour  One Energy Place  Pensacola, FL 32520-0780  Phone: (850) 444-6231  FAX: (850) 444-6026</p>
<p>Florida Retail Federation  100 E. Jefferson St.  Tallahassee, FL 32301  Phone: 850-222-4082  FAX: 226-4082</p>	<p>Lisa Bennett  Office of General Counsel  Florida Public Service Commission  2540 Shumard Oak Blvd.  Tallahassee, FL 32399-0850</p>