# BRICKFIELD BURCHETTE RITTS & STONE, PC

WASHINGTON, D.C. AUSTIN, TEXAS



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March 9, 2007

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Director, Division of the Commission Clerk and Administrative Services Florida Public Service Commission 2540 Shuard Oak Boulevard Tallahassee, FL 32399-0850

RE: In the Petition on Behalf of Citizens of the State of Florida to Require Progress Energy Florida, Inc. to Refund Customers \$143 Million Docket No. 060658-EI

#### Dear Sir/Madam:

Enclosed are an original and five (5) copies of the *Prehearing Statement of White Springs* in the above-captioned proceeding.

If you have any questions or comments, please give me a call.

OMP	Yery truly yours,
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CTR	
ECR	Jany Cell
CCL	James W. Brew
OPC	/ Attorneys for White Springs
RCA	Agricultural Chemicals, Inc d/b/a PCS Phosphate White Springs
SOR	Test nesphate nime springs
SCA	
Sin C	Enclosures: a/s
OTH	Cc: All Parties of Record (via e-mail and first-class mail)

DOCUMENT NUMBER-DATE

02431 HAR 195

## ORIGINAL

#### BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition on behalf of Citizens of the )		
State of Florida to require Progress Energy)	DOCKET	NO. 060658-EI
Florida, Inc. to refund customers )		
\$143 million	FILED:	March 9, 2007

#### PREHEARING STATEMENT OF WHITE SPRINGS

Pursuant to the Orders Establishing Procedure in this docket, Order No. PSC-07-0048-PCO-EI, issued January 16, 2007, Order No. PSC-07-0132-PCO-EI, dated February, 15, 2007, and Order No. PSC-07-0191--PCO-EI, issued March 2, 2007, White Springs Agricultural Chemicals, Inc. d/b/a PCS Phosphate White Springs ("White Springs") hereby files its Prehearing Statement.

#### A. APPEARANCES

James W. Brew 1025 Thomas Jefferson Street, N.W. Eighth Floor, West Tower Washington, D.C. 20007 Tel: (202) 342-0800

Fax: (202) 342-0800 jbrew@bbrslaw.com

#### B. ALL KNOWN WITNESSES

None

#### C. ALL KNOWN EXHIBITS

None

#### D. <u>STATEMENT OF BASIC POSITION</u>

White Springs generally adopts as its own the positions on all of the issues taken by the Office of Public Counsel, and further adopts as its own the positions taken by AARP as to penalty matters (Issues 5 and 6).

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#### E. STATEMENT OF ISSUES AND POSITIONS

**ISSUE 1**: Did PEF act prudently in purchasing coal for Crystal River Units 4 and

5 beginning in 1996 and continuing to 2005?

White Springs: Agree with OPC.

**ISSUE 2:** If the Commission determines that PEF acted imprudently in its coal

purchases, should PEF be required to refund customers for coal

purchased to run Crystal River Units 4 and 5 during the time period of

1996-2005?

White Springs: Agree with OPC.

ISSUE 3: If the Commission determines that PEF should be required to refund

customers for coal purchased to run Crystal River Units 4 and 5, what

amount should be refunded?

**White Springs:** Agree with OPC.

**ISSUE 4:** If the Commission determines that PEF should be required to refund

customers for coal purchased to run Crystal River Units 4 and 5, how

and when should such refund be accomplished?

White Springs: No position at this time.

**ISSUE 5:** If the Commission determines that PEF acted imprudently, should the

Commission impose a penalty on PEF?

White Springs: Agree with AARP.

**ISSUE 6:** If the Commission determines to impose a penalty on PEF, what should

be the amount of the penalty and how should it be imposed?

**White Springs:** No position at this time.

#### F. <u>STIPULATED ISSUES</u>

None.

#### G. PENDING MOTIONS

None.

# H. <u>STATEMENT OF PENDING REQUESTS OR CLAIMS FOR</u> CONFIDENTIALITY

White Springs has no pending requests or claims for confidentiality.

### I. OBJECTIONS TO QUALIFICATIONS OF WITNESSES AS AN EXPERT

White Springs does not anticipate challenging the qualification of any witness in this proceeding.

# J. <u>STATEMENT OF COMPLIANCE WITH ORDERS ESTABLISHING PROCEDURE</u>

There are no requirements of the Orders Establishing Procedures with which White Springs cannot comply.

Respectfully submitted the 9<sup>th</sup> day of March, 2007.

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

/s/	James	W.	Brew
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Counsel 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 Prehearing Statement has been furnished by electronic mail and U.S. Mail this 9th day of March, 2007 to the following individuals:

### /s/ James W. Brew\_\_\_\_

AARP	McWhirter Law Firm
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Federal Executive Agencies	Progress Energy Florida, Inc.
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	<u> </u>
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Mr. Bill Walker	Ms. Brenda Irizarry
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