

**Dorothy Menasco**

---

**From:** Pam Ingram [Pam.Ingram@bbrslaw.com]  
**Sent:** Tuesday, March 11, 2008 3:53 PM  
**To:** Filings@psc.state.fl.us; James Beasley; John Burnett; John McWhirter, Jr.; John T. Butler; Lee Willis; Lisa Bennett; Mehrdad Khojasteh; Michael Twomey; Norman Horton; Patricia Christensen; Paul Lewis; Paula Brown; S. Griffin; Susan D. Ritenour; Wade Litchfield  
**Cc:** Jay Brew; Al Taylor  
**Subject:** Docket No. 080001-EI - Intervention of PCS Phosphate - White Springs  
**Attachments:** PCS-2008 intervention.pdf

- a. Person responsible for filing
- James W. Brew  
 Brickfield, Burchette, Ritts & Stone, P.C.  
 1025 Thomas Jefferson Street, N.W.  
 Eighth Floor West Tower  
 Washington, D.C. 20007  
 Tel: (202) 342-0800  
 Fax: (202) 342-0807  
[jwb@bbrslaw.com](mailto:jwb@bbrslaw.com)
- b. Docket No. 080001-EI, In Re: Fuel and Purchased Power Cost Recovery Clause with Generating Performance Incentive
- c. Filed on behalf of White Springs Agricultural Chemicals, Inc. d/b/a PCS Phosphate – White Springs
- d. Total Pages = 5
- e. Petition to Intervene of White Springs Agricultural Chemicals, Inc. d/b/a PCS Phosphate – White Springs (attached as PCS-2008 intervention.pdf)

**DOCUMENT NO. DATE**

01820-08 3/11/08  
**FPSC - COMMISSION CLERK**

**BEFORE THE  
FLORIDA PUBLIC SERVICE COMMISSION**

<b>In Re: Fuel and Purchased Power</b>	)	
<b>Cost Recovery Clause with Generating</b>	)	<b>Docket No. 080001-EI</b>
<b>Performance Incentive</b>	)	<b>Filed: March 11, 2008</b>
<hr/>		

**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 (“White Springs”), through its undersigned attorney, files its Petition to Intervene. In support thereof, White Springs 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  
Fax: (202) 342-0807  
[jbrew@bbrslaw.com](mailto:jbrew@bbrslaw.com)

**DOCUMENT NO.      DATE**

0182008      3/11/08  
**FPSC - COMMISSION CLERK**

Karin S. Torain  
Legal Counsel  
PCS Administration (USA), Inc.  
Suite 400  
Skokie Boulevard  
Northbrook, IL 60062  
[KSTorain@potashcorp.com](mailto:KSTorain@potashcorp.com)  
(847) 849-4291

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 is a manufacturer of fertilizer products with plants and operations located within PEF’s electric service territory.<sup>1</sup> PCS receives service under various PEF rate schedules. In the last 12 months, PCS paid tens of millions of dollars for electric power purchased from PEF.

6. Statement of Affected Interests. In this docket, the Commission will decide, among other things, whether to approve PEF’s request to revise its fuel adjustment charges effective January 1, 2009. PEF’s request, if approved, will substantially affect PCS 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.

PCS’ interest in PEF’s recovery of its fuel costs and power purchases has been previously recognized by the Commission in its October 6, 2006 “Order Granting Intervention” in which it stated that PCS had “substantial interests which may be affected

---

<sup>1</sup> The White Springs phosphate mining facilities are on approximately 100,000 acres (160 square miles) located in Hamilton County, Florida, and employs approximately 1,185 individuals.

by” the earlier proceeding on PEF’s fuel costs recovery. Order No. PSC-06-0824-PCO-EI, issued in Docket No. 060001-EI. PCS remained a party in the fuel cost recovery proceedings until October 12, 2007, when it requested that it be granted “interested person” status because it did not intend to be an active participant in the 2007 proceeding.

Because of the implications of PEF’s current fuel costs recovery proposal, PCS anticipates taking an active role in this proceeding.

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

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

8. Disputed Legal Issues. White Springs 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.

White Springs 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

James W. Brew  
F. Alvin Taylor  
Brickfield, Burchette, Ritts & Stone, P.C.  
1025 Thomas Jefferson Street, NW,  
Eighth Floor, West Tower  
Washington, DC 20007-5201  
Phone: (202) 342-0800  
Fax: (202) 342-0807  
[jbrew@bbrslaw.com](mailto:jbrew@bbrslaw.com)

*Attorneys 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 11<sup>th</sup> day of March 2008 to the following:

R. Wade Litchfield Vice President & Associate General Counsel Florida Power & Light Company 700 Universe Boulevard Juno Beach, Florida 33408-0420	AARP c/o Michael B. Twomey 8903 Crawfordville Road Tallahassee, FL 32305
Messer Law Firm Norman H. Horton, Jr. P.O. Box 15579 Tallahassee, FL 32317	Lisa Bennett Office of the General Counsel Florida Public Service Commission 2540 Shumard Oak Blvd. Tallahassee, Florida 32399-0850
Florida Public Utilities Company Mehrdad Khojasteh P.O. Box 3395 West Palm Beach, FL 33402-3395	Tampa Electric Company Paula K. Brown Regulatory Affairs P. O. Box 111 Tampa, FL 33601-0111
Beggs & Lane Law Firm J. Stone/R. Badders/S. Griffin P.O. Box 12950 Pensacola, FL 32591-2451	John T. Butler Attorney for FPL 700 Universe Boulevard Juno Beach, Florida 33408-0420
Progress Energy Florida, Inc. Mr. Paul Lewis, Jr. 106 East College Avenue, Suite 800 Tallahassee, FL 32301-7740	Gulf Power Company Ms. Susan D. Ritenour One Energy Place Pensacola, FL 32520-0780
Ausley Law Firm Lee L. Willis/James D. Beasley P.O. Box 391 Tallahassee, FL 32302	Progress Energy Service Company, LLC John T. Burnett/ R. Alexander Glenn P.O. Box 14042 St. Petersburg, FL 33733-4042

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