

**BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION**

In Re: Fuel and Purchased Power)
Cost Recovery Clause with Generating)
Performance Incentive)
_____)

Docket No. 080001-EI
Filed: March 11, 2008

**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
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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 is a manufacturer of fertilizer products with plants and operations located within PEF’s electric service territory.¹ 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

¹ 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 _____

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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 11th 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
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*s/James W. Brew*_____