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Sent: Friday, March 21, 2008 2:09 PM
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Subject: FPSC Docket 070235 - E-filing of Motion for Continuance
Attachments: PCS Motion for Continuance.doc

Electronic Filing

- a. Person Responsible for Filing - James W. Brew, Brickfield, Burchette, Ritts & Stone, P.C., 1025 Thomas Jefferson Street, N.W., Washington, D.C. 20007, jay.brew@bbrslaw.com is the person responsible for this electronic filing.
- b. Dockets - The filing is to be made in Docket No. 070235-EQ.
- c. The filing is made on behalf of White Springs Agricultural Chemicals, Inc., d/b/a PCS Phosphate-White Springs.
- d. The total number of pages is 5.
- e. The document attached for electronic filing is the "Motion for Continuance of White Springs Agricultural Chemicals, Inc. d/b/a PCS Phosphate – White Springs"

(see attached file: **PCS Motion for Continuance.doc**)

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DOCUMENT NUMBER-DATE

02146 MAR 21 8

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for approval of standard offer)
contract for purchase of firm capacity and energy) DOCKET NO. 070235-EQ
from renewable energy producer or qualifying)
facility less than 100kW tariff, by Progress)
Energy Florida, Inc.) **Dated: March 21, 2008**

**MOTION FOR CONTINUANCE OF
WHITE SPRINGS AGRICULTURAL CHEMICALS, INC.
d/b/a PCS PHOSPHATE – WHITE SPRINGS**

Pursuant to Rule 28-106.204, Florida Administrative Code, White Springs Agricultural Chemicals, Inc. d/b/a PCS Phosphate White Springs (“PCS Phosphate”) files this motion and requests that the Commission continue this docket and toll all deadlines, including the prehearing conference and the evidentiary hearing, until after the filing of Progress Energy Florida’s (“PEF”) new standard offer contract on April 1, 2008. As grounds therefore, PCS Phosphate states:

Procedural Background

1. On April 2, 2007, PEF filed its petition for approval of its standard offer contract for purchases of firm capacity and energy from reliable energy producer or qualifying facility less than 100 kW tariff in alleged conformance with Commission rules 25-17.0832, 25-17.200 — 25.17.310, Florida Administrative Code. The Commission promulgated these rules as a result of the passage of Section 366.91, Florida Statutes, requiring the promotion of the development of renewable energy and the protection of Florida’s existing renewable facilities.

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FPSC-COMMISSION CLERK

2. On June 11, 2007, the Commission issued Order No. PSC-07-0433-TRF-EQ preliminarily approving PEF's filing. No hearing was held prior to the issuance of the Proposed Agency Action ("PAA") Order. The PAA Order was protested by PSC Phosphate, among others.

3. Thereafter, various motions and responses were filed with the Commission regarding the protests.

4. After resolution of the pending motions, the prehearing conference was scheduled for March 24, 2008 and the evidentiary hearing was set for April 10-11, 2008, with post-hearing briefs due on May 9, 2008. Though no Staff recommendation date or agenda date has yet been set, it is reasonable to assume that a final order would be issued sometime in the summer of 2008.

5. Rule 25-17.250(l), Florida Administrative Code, requires each investor-owned utility to file a new standard offer contract on April 1 of each year based on its Ten Year Site Plan filing. Thus, PEF will file a new Ten Year Site Plan and a new tariff and standard offer contract on April 1, 2008. PEF's new filing will take the place of the contract under consideration at the April 10-11, 2008 hearing in this docket.

The Commission Should Continue This Docket and Postpone All Activities Related to It

6. PCS Phosphate requests that the Commission continue this hearing to allow PCS Phosphate and other parties to assess the impact of PEF's 2008 standard offer contract on the issues that are in dispute in Docket No. 070235-EQ. This also will allow the Commission's resources to be used in the most efficient manner. Both parties have spent considerable time and effort responding to discovery requests and preparing testimony in this proceeding. PEF has stated that it will revise its 2008 standard offer contract to address

several of the issues raised by PCS Phosphate, but many of the issues raised in PCS Phosphate's protest in this proceeding almost will certainly remain in dispute once the new contract is filed. The requested continuance will allow the issues in dispute to be narrowed.

7. The request continuance also will result in a more efficient use of the Commission's resources. As noted above, several of the contested issues may be resolved by 2008 standard offer contract, and, therefore, may be removed from the issues which the Commission would otherwise be forced to address. More importantly, a continuance will make certain that any Commission decision occurs in the context of the current standard offer contract.

8. By requesting this continuance, PCS Phosphate does not waive any of its rights or the issues it has identified in this docket. PCS Phosphate will continue to work with PEF and Staff to narrow and refine the issues necessary for further Commission review, thereby promoting administrative efficiency.

9. The Commission should further hold all activities in this docket in abeyance, including the pre-hearing conference, hearing and briefing.

10. In accordance with Rule 28-106.204(3), Florida Administrative Code, PCS Phosphate has contacted the parties in this docket to attempt to ascertain their position on the motion. Commission Staff supports the motion. PEF states that although it does not agree that a Motion for Continuance is the procedurally appropriate method to accomplish the desired result in this case (because once it files a new Standard Offer Contract on April 1, 2008, that would supersede the contract that is the subject of this proceeding). PEF does not object to the motion as a means of preserving the testimony and discovery developed to date so that it is available for use in a subsequent protest of PEF's 2008 Standard Offer Contract

by PCS Phosphate, should there be one.

WHEREFORE, PCS Phosphate requests that the Commission hold all the activities in this docket in abeyance and toll all deadlines, postpone the prehearing conference set for March 24, 2008 and the evidentiary hearing set for April 10-11, 2008 until after a new docket to address PEF's April 1, 2008 standard offer filing is opened.

Respectfully submitted the 21st day of March, 2008.

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

s/ James W. Brew

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CERTIFICATE OF SERVICE

I CERTIFY that a true and correct copy of the foregoing has been furnished by Electronic Mail and/or U.S. Mail this 21st day of March 2008, to the following:

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