

Ruth Nettles

From: Chris Andersen [Chris.Andersen@bbrslaw.com]
Sent: Tuesday, May 13, 2008 11:21 AM
To: Filings@psc.state.fl.us
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Subject: Docket No. 080149 - PCS Phosphate's Petition to Intervene
Attachments: P-Petition to Intervene 080149.doc

a. Person responsible for filing

James W. Brew
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b. Docket No. 080149-EI, In Re: Petition by Progress Energy Florida Inc. to establish discovery docket regarding actual and projected costs for the Levy Nuclear Project

c. Filed on behalf of White Springs Agricultural Chemicals, Inc. d/b/a PCS Phosphate – White Springs

d. Total Pages = 4

e. Petition to Intervene of White Springs Agricultural Chemicals, Inc. d/b/a PCS Phosphate – White Springs (attached as P-Petition to Intervene 080149.doc)

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**BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION**

**In Re: Petition by Progress Energy Florida Inc.)
to establish discovery docket regarding actual)
and projected costs for the Levy Nuclear Project)**

**Docket No. 080149-EI
Filed: May 13, 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 (“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.
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FPSC-COMMISSION CLERK

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4. PCS Phosphate is a manufacturer of fertilizer products with plants and operations located within Progress Energy Florida's ("PEF") electric service territory.¹ PCS Phosphate receives service under various PEF rate schedules. In the last 12 months, PCS Phosphate paid tens of millions of dollars for electric power purchased from PEF.

5. Statement of Affected Interests. In this docket, the Commission will decide, subsequent to the issuance of a determination of need for the Levy Units 1 and 2 nuclear plants, what costs PEF will be allowed to recover under the nuclear cost recovery rule. PEF's petition, 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.

6. Disputed Issues of Material Fact. PCS Phosphate anticipates that disputed issues of material fact will be identified in the course of these proceedings.

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

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.

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

- (a) PEF has the burden to prove that it has satisfied the requirements to recover its costs pursuant to Section 366.93 Florida Statutes, and Rule 25-6.0423, F.A.C.

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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*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 13th day of May 2008 to the following:

J. Michael Walls/Dianne M. Tripplett Carlton Fields Law Firm Post Office Box 3239 Tampa, GA 33601	Bob Krasowski 1086 Michigan Ave. Naples, FL 34103
Mr. Paul Lewis, Jr. Progress Energy Florida 106 East College Avenue, Suite 800 Tallahassee, FL 32301-7740	J.R. Kelly/Stephen Burgess Office of Public Counsel c/o The Florida Legislature 111 W. Madison Street, Room 812 Tallahassee, FL 32399-1400
John T. Burnett/R. Alexander Glenn Progress Energy Service Company, LLC Post Office Box 14042 St. Petersburg, FL 33733-4042	

s/ James W. Brew _____