

Dorothy Menasco

From: Al Taylor [Al.Taylor@bbrslaw.com]
Sent: Tuesday, June 10, 2008 3:49 PM
To: Filings@psc.state.fl.us
Cc: Jay Brew; 'KSTorain@potashcorp.com'; miketwomey@talstar.com; mwalls@carltonfields.com; jmcwhirter@mac-law.com; wade_litchfield@fpl.com; paul.lewisjr@pgnmail.com; john.burnett@pgnmail.com; 'burgess.steve@leg.state.fl.us'; Jennifer Brubaker; Keino Young; Lisa Bennett
Subject: FPSC Docket No. 080009 - PCS Phosphate Petition to Intervene
Attachments: PCS-2008 nuclear cost recovery intervention.doc

a. Person responsible for filing

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b. Docket No. 080009-EI, In re: Nuclear cost recovery clause

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 PCS-2008 nuclear cost recovery intervention.doc)

CMP _____
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 SED _____
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DOCUMENT NUMBER DATE

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FPSC-COMMISSION CLERK

**BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION**

In Re: Nuclear cost recovery clause)
_____)

**Docket No. 080009-EI
Filed: June 10, 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
F. Alvin Taylor
Brickfield, Burchette, Ritts & Stone, P.C.
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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.

5. Statement of Affected Interests. In this docket, the Commission will decide, among other things, whether to approve the construction costs associated with PEF's Crystal River Unit 3 "Uprate" and the proposed Levy County nuclear units. PEF's request, 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.

Because of the implications of PEF's nuclear construction costs recovery proposal, PCS Phosphate anticipates taking an active role in this proceeding.

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 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.

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/or U.S. Mail this 10th day of June 2008 to the following:

R. Wade Litchfield / John Butler 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
Carlton Fields Law Firm J. Michael Walls/Diane M. Tripplett Post Office Box 3239 Tampa, FL 33601-3239	Florida Industrial Power Users Group John W. McWhirter, Jr. c/o McWhirter Law Firm 400 North Tampa Street, Suite 2450 Tampa, FL 33602
Office of Public Counsel J.R. Kelly/Stephen Burgess c/o The Florida Legislature 111 W. Madison St., Room 812 Tallahassee, FL 32399-1400	Progress Energy Florida, Inc. Mr. Paul Lewis, Jr. 106 East College Avenue, Suite 800 Tallahassee, FL 32301-7740
Progress Energy Service Company, LLC John T. Burnett/ R. Alexander Glenn P.O. Box 14042 St. Petersburg, FL 33733-4042	Lisa Bennett / Jennifer Brubaker / Keino Young Office of the General Counsel Florida Public Service Commission 2540 Shumard Oak Blvd. Tallahassee, Florida 32399-0850

s/ James W. Brew _____