

Dorothy Menasco

090002-EG

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**Sent:** Thursday, October 01, 2009 4:17 PM  
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**Subject:** FPSC Docket No 090002 - PCS Phosphate Petition to Intervene  
**Attachments:** P-PCS Intervention.doc

a. Person responsible for filing

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b. Docket No. 09000 2 -EI, In Re: Energy Conservation 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. PCS Phosphate's Petition to Intervene

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DOCUMENT NUMBER-DATE

10168 OCT-18

10/1/2009

FPSC-COMMISSION CLERK

**BEFORE THE  
FLORIDA PUBLIC SERVICE COMMISSION**

**In re: Energy Conservation Cost  
Recovery Clause**

**Docket No. 090002-EG  
Filed: October 1, 2009**

**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  
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FPSC-COMMISSION CLERK

4. PCS Phosphate is a manufacturer of fertilizer products with plants and operations located within Progress Energy Florida's ("PEF" or "Progress") electric service territory.<sup>1</sup> PCS Phosphate receives service under various PEF rate schedules.

5. Statement of Affected Interests. In these dockets, the Commission will decide, among other things, the energy conservation cost recovery factors applicable to PEF, including in particular the interruptible demand credits. PEF's recovery request, if approved, will substantially affect PCS Phosphate by directly increasing the cost of power supplied by PEF to the PCS facilities in and around White Springs, Florida, 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 proposed recovery, 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.

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 it seeks recovery were and are, or will be, reasonably and prudently incurred and of the type appropriate to be recovered through this proceeding,
- (b) the interruptible demand credit properly reflects the value provide by interruptible customers, and

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<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.

- (c) 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.

9. Laws Entitling Petitioner to Relief and Relation to Alleged Facts. The rules and statutes entitling PCS Phosphate to relief include but are not necessarily limited to the following: Sections 120.569 and 120.57(1), Florida Statutes, and Sections 366.04 through 366.07, Florida Statutes; and Rule 25-22.039, Florida Administrative Code.

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 1st day of October 2009 to the following:

Katherine Fleming, Esq. Office of General Counsel Florida Public Service Commission 2540 Shumard Oak Blvd. Tallahassee, FL 32399-0850	Florida Industrial Power Users Group c/o John McWhirter, Jr. McWhirter Reeves & Dawson, PA. Tampa, FL 33601-3350
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John Burnett Progress Energy Services Co. 299 First Avenue North St. Petersburg, FL 33701	Mr. Paul Lewis, Jr. Progress Energy Florida, Inc. 106 East College Avenue, Suite 800 Tallahassee, FL 32301-7740

s/ F. Alvin Taylor