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080407-EG

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Subject: Docket Nos. 080408-EG et al - PCS Phosphate Petition to Intervene
Attachments: P-PCS Intervention.pdf

a. Person responsible for filing

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b. Docket No. 080408-EG In re: Commission review of numeric conservation goals (Progress Energy Florida, Inc.)

Docket No. 080407-EG In re: Commission review of numeric conservation goals (Florida Power & Light Company)

Docket No. 080409-EG In re: Commission review of numeric conservation goals (Tampa Electric Company)

Docket No. 080410-EG In re: Commission review of numeric conservation goals (Gulf Power Company)

Docket No. 080411-EG In re: Commission review of numeric conservation goals (Florida Public Utilities Company)

Docket No. 080412-EG In re: Commission review of numeric conservation goals (Orlando Utilities Commission)

Docket No. 080413-EG In re: Commission review of numeric conservation goals (JEA)

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

d. Total Pages = 6

e. PCS Phosphate's Petition to Intervene

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Done
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RW

DOCUMENT NUMBER-DATE
 00205 JAN-8 09
 FPSC-COMMISSION CLERK

**BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION**

In re: Commission review of numeric conservation goals (Florida Power & Light Company).	DOCKET NO. 080407-EG
In re: Commission review of numeric conservation goals (Progress Energy Florida, Inc.).	DOCKET NO. 080408-EG
In re: Commission review of numeric conservation goals (Tampa Electric Company).	DOCKET NO. 080409-EG
In re: Commission review of numeric conservation goals (Gulf Power Company).	DOCKET NO. 080410-EG
In re: Commission review of numeric conservation goals (Florida Public Utilities Company).	DOCKET NO. 080411-EG
In re: Commission review of numeric conservation goals (Orlando Utilities Commission).	DOCKET NO. 080412-EG
In re: Commission review of numeric conservation goals (JEA).	DOCKET NO. 080413-EG Filed: January 8, 2010

**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:

DOCUMENT NUMBER-DATE

0205 JAN-8 2010

FPSC-COMMISSION CLERK

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:

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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.¹ PCS Phosphate receives service under various PEF rate schedules.

5. Statement of Affected Interests. By order dated December 30, 2009 (FPSC Order No. PSC-09-0855-FOF-EG), the Commission adopted, among other things, expanded demand reduction and energy savings goals for PEF and other regulated electric utilities. PEF's implementation plan to effectuate these goals, if practicable at all, will substantially affect PCS Phosphate by directly increasing the cost of power supplied by PEF to the PCS

¹ The White Springs phosphate mining facilities are on approximately 100,000 acres (160 square miles) located in Hamilton County, Florida.

Phosphate facilities in and around White Springs, Florida. This, in turn, will substantially affect production and operating costs and overall industry competitiveness of PCS Phosphate's operations, which are energy-intensive.

PCS Phosphate accepts the record as it stands in this docket but expects that substantial issues will be presented regarding PEF's development of an economically feasible implementation plan.

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

7. Disputed Legal Issues. PCS Phosphate anticipates that disputed legal issues may be identified in the course of these proceedings, and will include whether the goals and methods set forth in the Commission's order are consistent with applicable statutory provisions or adequately supported by the evidence in the record.

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

- (a) The numeric demand reduction and energy savings goals established by the Commission are excessive and will harm PEF's industrial, commercial and residential ratepayers; and
- (b) PEF's implementation plan must be economically feasible, avoid excessive rate impacts to consumers, appropriately allocate program costs and benefits among customer classes, and provide program flexibility for very large manufacturing loads.

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, Sections 366.04 through 366.07,

Florida Statutes; Sections 366.80 through 366.85 and 403.519, 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, based on the record as it currently exists in this proceeding

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 8th day of January 2010 to the following:

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