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100160-EG

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**Subject:** FPSC Docket Nos.100160-EG - PCS Phosphate Petition to Intervene  
**Attachments:** P-PCS Intervention.pdf

## a. Person responsible for filing

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- b. Docket No. 100160-EG - In re: PEF's Petition for Approval of Proposed Demand-Side Management Plan  
 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

F. Alvin Taylor  
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FPSC-COMMISSION OF ETHICS



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

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, as well as the appropriate credits to be provided to interruptible customers. On April 1, 2010, PEF filed its plan to effectuate these goals. PEF's implementation plan will substantially affect PCS Phosphate by directly increasing the cost of power supplied by PEF to the PCS 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.

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:

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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.

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 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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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 15th day of April 2010 to the following:

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