

Crystal Card

From: Al Taylor <Al.Taylor@bbrslaw.com>
Sent: Thursday, August 22, 2013 2:19 PM
To: Filings@psc.state.fl.us
Cc: Jay Brew; Jon C. Moyle, Jr.; Burnett, John; Blaise N. Gamba; Charles Rehwinkel; Erik L. Sayler; J. Michael Walls; J.R. Kelly; Lewis Jr, Paul; Robert Scheffel Wright; dianne.triplett@duke-energy.com; Keino Young
Subject: FPSC Docket 130208-EI - PCS Phosphate's Petition to Intervene
Attachments: P-PCS Intervention Revised Settlement Agreement Proceeding_FINAL.pdf

a. Person responsible for filing

James W. Brew
Brickfield, Burchette, Ritts & Stone, P.C.
1025 Thomas Jefferson Street, N.W.
Eighth Floor West Tower
Washington, D.C. 20007
Tel: (202) 342-0800
Fax: (202) 342-0807
jwb@bbrslaw.com

- b. Docket No. 130208 -EI, Petition for limited proceeding to approve revised and restated stipulation and settlement agreement by Duke Energy Florida, Inc. d/b/a Duke Energy
- 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
Brickfield Burchette Ritts & Stone
1025 Thomas Jefferson Street, NW
Eighth Floor, West Tower
Washington, DC 20007-5201
202-342-0800
202-342-0807 (fax)

4. PCS Phosphate is a manufacturer of fertilizer products with plants and operations located within Duke Energy Florida's ("DEF" or "Duke") electric service territory. PCS Phosphate receives service under various DEF rate schedules.

5. Statement of Affected Interests. In this docket, the Commission will determine whether to approve the Revised and Restated Stipulation and Settlement Agreement filed by DEF on August 1, 2013. If approved, the Revised and Restated Stipulation and Settlement Agreement will resolve several significant outstanding issues currently facing Progress and its customers, including outstanding issues associated with the extended forced outage of the Crystal River Unit 3 ("CR3") nuclear unit, refunds of the cost to procure replacement power due to that extended outage, the recovery of costs collected pursuant to the Fuel and Purchased Power Cost Recovery Clause and the Environmental Cost Recovery Clause. As a signatory to both the original and revised Settlement Agreements and a large customer of Duke, PCS Phosphate will be substantially affected by the outcome of this proceeding. The proposed terms of the Revised and Restated Stipulation and Settlement Agreement will directly impact the cost of power supplied by DEF to the PCS Phosphate's 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. PCS Phosphate anticipates taking an active role in this proceeding.

6. Disputed Issues of Material Fact. PCS Phosphate is not aware of any disputed issues of material fact.

7. Disputed Legal Issues. PCS Phosphate not aware of any disputed legal issues.

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

- (a) Whether Commission approval of the Revised and Restated Stipulation and Settlement Agreement will result in rates that are fair, just and reasonable, and
- (b) Whether Commission approval of the Agreement in its entirety is in the public interest.

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

James W. Brew
F. Alvin Taylor
Brickfield, Burchette, Ritts & Stone, P.C.
1025 Thomas Jefferson Street, NW,
Eighth Floor, West Tower
Washington, DC 20007-5201
Phone: (202) 342-0800
Fax: (202) 342-0807
jbrew@bbrslaw.com
ataylor@bbrslaw.com

*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 22nd day of August 2013 to the following:

J. Michael Walls/Blaise N. Gamba
Carlton Fields
P.O. Box 3239
Tampa, FL 33601-3239

J.R. Kelly/Charles J. Rehwinkel
Office of Public Counsel
c/o The Florida Legislature
111 W. Madison Street, Room 812
Tallahassee, FL 32399-1400

Mr. Paul Lewis, Jr.
Duke Energy Florida, Inc.
106 East College Avenue, Suite 800
Tallahassee, FL 32301-7740

John T. Burnett / Diane Triplett
Duke Energy Service Company, LLC
299 1st Avenue North
St. Petersburg, FL 33701

s/ F. Alvin Taylor