

**Shawna Senko**

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**Sent:** Monday, February 24, 2014 3:09 PM  
**To:** Filings@psc.state.fl.us  
**Cc:** Jay Brew; paul.lewisjr@duke-energy.com; Steven.Hall@FreshFromFlorida.com; 'John.Butler@fpl.com'; kevin.donaldson@fpl.com; 'James D. Beasley'; 'J. Jeffrey Wahlen'; 'Jeffrey Stone'; 'Steven R. Griffin'; 'Russell A. Badders'; Jessica Cano; 'Jon C. Moyle, Jr.'; ckettles@fsec.ucf.edu; 'rlmcgee@southernco.com'; mrogers@comcast.net; lex.lopez@opower.com; Diana.Csank@sierraclub.org; aschwimmer@seealliance.org; 'george@cavros-law.com'; pkbrown@tecoenergy.com; john.burnett@duke-energy.com; Triplett, Dianne; 'Ken Hoffman'  
**Subject:** FPSC Docket Nos. 130199, 130200, 130201, and 130202 - Petition to Intervene of PCS Phosphate  
**Attachments:** P-PCS InterventionDSM2013.pdf

a. Person responsible for filing

James W. Brew  
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b. DOCKET NO. 130199-EI – In re: Commission review of numeric conservation goals (Florida Power & Light Company)

DOCKET NO. 130200-EI – In re: Commission review of numeric conservation goals (Duke Energy Florida, Inc.)

DOCKET NO. 130201-EI – In re: Commission review of numeric conservation goals (Tampa Electric Company)

DOCKET NO. 130202-EI – In re: Commission review of numeric conservation goals (Gulf Power Company)

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

d. Total Pages = 5

e. PCS Phosphate's Petition to Intervene

F. Alvin Taylor  
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**BEFORE THE  
FLORIDA PUBLIC SERVICE COMMISSION**

In re: Commission review of numeric conservation goals (Florida Power & Light Company).

DOCKET NO. 130199-EI

In re: Commission review of numeric conservation goals (Duke Energy Florida, Inc.).

DOCKET NO. 130200-EI

In re: Commission review of numeric conservation goals (Tampa Electric Company).

DOCKET NO. 130201-EI

In re: Commission review of numeric conservation goals (Gulf Power Company).

DOCKET NO. 130202-EI

Filed: February 24, 2014

**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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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 PEF rate schedules.

5. Statement of Affected Interests. The Florida Energy Efficiency and Conservation Act ("FEECA"), in particular Section 366.82, Florida Statutes (F.S.), requires the Commission to adopt goals to increase the efficiency of energy consumption, increase the development of demand-side renewable energy systems, reduce and control the growth rates of electric consumption and weather-sensitive peak demand, and encourage development of demand-side renewable energy resources. Pursuant to Section 366.82(6), F.S., the Commission must review a utility's conservation goals not less than every five years. As required by FEECA, in these consolidated dockets, the Commission will review the demand side management (DSM) programs, and proposed programs of Florida's electric utilities including Duke's DSM programs. As a large customer of Duke that will be required to fund the costs of DSM programs as well as being a participant in DEF's most cost-effective DSM program, PCS Phosphate will be directly and substantially affected by the outcome of these proceedings.

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) DEF'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.

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 24th day of February 2014 to the following:

Mr. Paul Lewis, Jr.  
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