

**BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION**

Storm protection plan cost recovery clause) DOCKET NO.: 20200092-EI
_____) FILED: April 15, 2020

**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 Rule 28-106.205, Florida Administrative Code, White Springs Agricultural Chemicals, Inc. d/b/a PCS Phosphate – White Springs (“PCS Phosphate”), through its undersigned attorneys, 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:

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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 DEF rate schedules.

5. Statement of Affected Interests. The Commission is considering DEF's requests to recover through the new Storm Protection Plan Cost Recovery Clause costs associated with its storm protection plan, the approval of which is pending in Docket No. 20200069-EI, Review of 2020-2029 Storm Protection Plan pursuant to Rule 25-6.030, F.A.C., Duke Energy Florida, LLC. Any decisions made by the Commission regarding rate recovery of these costs will directly impact the cost of power supplied by DEF to PCS Phosphate's facilities located 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 is an active participant in DEF's other clause dockets. 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 continuing course of these proceedings. Disputed issues of material fact currently include, but are not limited to, the following:

- a. Are the costs for which DEF seeks recovery from customers reasonable?
- b. What are the final, actual storm protection plan costs for that DEF may recover from customers?
- c. Does DEF's proposed storm protection plan recovery clause filing ensure, as is required by Section 366.96, F.S., that costs included in the utility's base rates are not also recovered through the clause?

7. Disputed Legal Issues. PCS Phosphate anticipates that disputed legal issues may 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. Whether the storm protection plan costs claimed by DEF are reasonable?

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 366.076, Florida Statutes; and Rule 28-106.205, Florida Administrative Code.

10. Statement of Conferral. Pursuant to Rules 28-106.204(3) and 28-106.205(2)(e), Florida Administrative Code, PCS Phosphate contacted the parties of record regarding PCS Phosphate's intervention in this proceeding, Duke and the Office of Public Counsel do not oppose PCS's intervention. Tampa Electric Company and Florida Public Utilities Company take no position. Florida Power & Light Company ("FPL") and Gulf Power Company ("Gulf") objected to PCS's intervention and asserted that PCS does not have standing with regard to the Gulf and FPL Storm Protection Plan Cost Recovery Clauses because PCS is not a customer of those utilities, and clarified that they took no position regarding PCS's intervention as to the other utilities. The SPP recovery clause docket, Docket 20200092-EI, is a single matter that applies to all major electric utilities in the State. As a very large customer of DEF, PCS established that it has a substantial interest that will be affected by the Commission's actions in this docket under Rule 28-106.205, F.A.C.

11. Relief. PCS Phosphate – White Springs requests that it be permitted to intervene as a full party in this docket.

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
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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, 2020, to the following:

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