

**BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION**

Petition for limited proceeding to approve 2021)
settlement agreement, including general base rate) DOCKET NO.: 20210016-EI
increases, by Duke Energy Florida, LLC) FILED: February 1, 2021
_____)

**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 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
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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 whether to approve the 2021 Settlement Agreement, filed by DEF on January 14, 2021. If approved, the 2021 Settlement Agreement will resolve significant outstanding electric rate and related issues currently facing DEF and its customers. These include increases to DEF's base electric rates, revisions to the rate design of many of DEF's tariffs, closing of the pilot electric vehicle program and instituting a permanent EV program, creating a Vision Florida pilot program, and resolving the issues outstanding in two ongoing storm cost recovery dockets related to Hurricanes Michael and Dorian (Docket Numbers 20190110-EI and 20190222-EI, respectively). As a large electric consumer served by DEF, a signatory to previous DEF comprehensive electric rate settlements approved by the Commission in 2012, 2013, and 2017, an active participant in the settlement negotiations that resulted in the pending 2021 Settlement Agreement, and a signatory to that Agreement, PCS Phosphate will be substantially affected by the outcome of this proceeding. The proposed terms of the 2021 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 is 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, Sections 366.04 through 366.07, Florida Statutes; Section 403.519, Florida Statutes, and Rule 28-106.205, Florida Administrative Code.

10. Statement of Conferral. In accordance with Rule 28-106.204(3), Florida Administrative Code, PCS Phosphate has conferred with DEF, which is the currently the only party to this proceeding. DEF has stated that it does not object to PCS Phosphate's motion to intervene.

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 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 1st day of February, 2021, to the following:

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