

**BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION**

In re: Storm protection plan cost recovery
clause.

DOCKET NO.: 20210010-EI
FILED: May 17, 2021

**PETITION TO INTERVENE OF
NUCOR STEEL FLORIDA, INC.**

Pursuant to Sections 120.569 and 120.57, Florida Statutes and Rule 28-106.205, Florida Administrative Code, Nucor Steel Florida, Inc. ("Nucor"), through its undersigned attorneys, files its Petition to Intervene in the above captioned proceeding. In support thereof, Nucor states as follows:

1. The name and address of the affected agency is:

Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

2. The name and address of the petitioner is:

Nucor Steel Florida, Inc.
22 Nucor Drive
Frostproof, FL 33843

3. All pleadings, motions, orders, and other documents directed to the petitioner

should be served on:

Peter J. Mattheis
Michael K. Lavanga
Stone Mattheis Xenopoulos & Brew, PC
1025 Thomas Jefferson Street, NW
Suite 800 West
Washington, DC 20007-5201
Phone: (202) 342-0800
Fax: (202) 342-0807

pjm@smxblaw.com
mkl@smxblaw.com

4. Statement of Affected Interests. Nucor owns and operates a steel production facility located within Duke Energy Florida's ("DEF") electric service territory. Nucor purchases large amounts of electric energy from DEF to power its steel making operations.

5. On January 4, 2021, the Commission initiated this proceeding to address the storm protection plan ("SPP") cost recovery clause. Subsection 366.96(7), Florida Statutes, requires the Commission to conduct an annual proceeding to determine a utility's prudently incurred transmission and distribution SPP costs and allow the utility to recover such costs through a charge separate from its base rates, known as the SPP cost recovery clause. Given that changes to the SPP cost recovery clause will affect the rates paid by DEF customers, and because Nucor purchases substantial amounts of electric energy from DEF, the outcome of this proceeding may adversely affect Nucor's interests.

6. Disputed Issues of Material Fact. Nucor is not aware of any disputed issues of material fact at this early stage of the proceeding. However, Nucor anticipates that disputed issues of material fact may be identified over the course of the proceeding, and Nucor reserves the right to identify such issues.

7. Disputed Legal Issues. Nucor is not aware of any disputed legal issues at this early stage of the proceeding. However, Nucor anticipates that disputed legal issues may be identified over the course of the proceeding, and Nucor reserves the right to identify such issues.

8. Statement of Ultimate Facts Alleged. Alleged ultimate facts include, but are not limited to, whether the costs for which recovery is sought are reasonable. Nucor anticipates additional alleged ultimate facts may be identified over the course of the proceeding.

9. Laws Entitling Petitioner to Relief and Relation to Alleged Facts. The rules and statutes entitling Nucor 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, and Rule 28-106.205, Florida Administrative Code.

10. Statement of Conferral. In accordance with Rule 28-106.204(3), Florida Administrative Code, Nucor has conferred with all parties to this proceeding regarding Nucor's intervention. DEF, FIPUG and Wal-Mart have no objection to Nucor's intervention, and PCS Phosphate and Tampa Electric Company take no position on the intervention. Florida Power & Light Company ("FPL") and Gulf Power Company ("Gulf Power") object to the intervention as it relates to FPL and Gulf Power because Nucor is not a customer of either of these utilities, but take no position regarding Nucor's intervention as to the other utilities.

11. Relief. Nucor requests that it be permitted to intervene as a full party in this docket.

WHEREFORE, Nucor respectfully requests that the Commission enter an order allowing it to intervene as a full party in this docket.

Respectfully Submitted,

/s/ Michael K. Lavanga

Peter J. Mattheis

Michael K. Lavanga

Stone Mattheis Xenopoulos & Brew, PC

1025 Thomas Jefferson Street, NW

Suite 800 West

Washington, DC 20007-5201

Phone: (202) 342-0800

Fax: (202) 342-0807

pjm@smxblaw.com

mkl@smxblaw.com

Attorneys for Nucor Steel Florida, Inc.

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 17 day of May, 2021, to the following:

Ausley Law Firm
J. Beasley/J. Wahlen/M. Means
P.O. Box 391
Tallahassee, FL 32302
jbeasley@ausley.com
jwahlen@ausley.com
mmeans@ausley.com

Duke Energy (21 St. Pete)
Dianne M. Triplett
299 First Avenue North
St. Petersburg, FL 33701
Dianne.triplett@duke-energy.com

Duke Energy
Matthew R. Bernier
106 E. College Avenue, Suite 800
Tallahassee, FL 32301
FLRegulatoryLegal@duke-energy.com
matthew.bernier@duke-energy.com

Florida Industrial Power Users Group
Jon C. Moyle, Jr./Karen A. Putnal
c/o Moyle Law Firm
118 North Gadsden Street
Tallahassee, FL 32301
jmoyle@moylelaw.com
kputnal@moylelaw.com
mqualls@moylelaw.com

Florida Power & Light Company
Kenneth A. Hoffman
134 W. Jefferson Street
Tallahassee, FL 32301-1713
ken.hoffman@fpl.com

Florida Power & Light Company
Jason A. Higginbotham/Christopher T. Wright
700 Universe Boulevard (JB/LAW)
Juno Beach, FL 33408-0420
jason.higginbotham@fpl.com
christopher.wright@fpl.com

Florida Public Utilities Company
Mr. Mike Cassel
208 Wildlight Ave.
Yulee, FL 32097
mcassel@fpuc.com

Gulf Power Company
Mark Bubriski
134 West Jefferson Street
Tallahassee, FL 32301
mark.bubriski@nexteraenergy.com

Gulf Power Company
Russell A. Badders
One Energy Place
Pensacola, FL 32520-0100
Russell.Badders@nexteraenergy.com

Stone Law Firm
James W. Brew/Laura Wynn Baker
1025 Thomas Jefferson St., NW
Ste. 800 West
Washington, DC 20007-5201
jbrew@smxblaw.com
lwb@smxblaw.com

Tampa Electric Company
Ms. Paula K. Brown
Regulatory Affairs
P. O. Box 111
Tampa, FL 33601-0111
regdept@tecoenergy.com

AARP Florida
Zayne Smith
360 Central Ave., Suite 1750
Saint Petersburg, FL 33701
zsmith@aarp.org

Spilman Law Firm
Stephanie U. Eaton
110 Oakwood Drive, Suite 500
Winston-Salem, NC 27103
seaton@spilmanlaw.com

Spilman Law Firm
Barry A. Naum
1100 Bent Creek Boulevard, Suite 101
Berrysburg, PA 17005
bnaum@spilmanlaw.com

Office of the General Counsel
Suzanne Brownless
Florida Public Service Commission
sbrownles@psc.state.fl.us

/s/ Michael K. Lavanga
Michael K. Lavanga