

Ruth Nettles

From: Al Taylor [Al.Taylor@bbrslaw.com]
Sent: Wednesday, February 18, 2009 4:24 PM
To: Filings@psc.state.fl.us
Cc: Jay Brew; 'john.burnett@pgnmail.com'; 'KSTorain@potashcorp.com'; 'J. R. Kelly'; 'mwalls@carltonfields.com'; 'Triplett, Dianne'; cecilia.bradley@myfloridalegal.com; merchant.tricia@leg.state.fl.us; 'paul.lewisjr@pgnmail.com'; 'Robert Scheffel Wright, Esq.'; Charles Rehwinkel
Subject: FPSC Docket 090079-EI - PCS Phosphate Petition to Intervene
Attachments: PCS-2009 base rate intervention FINAL.doc

a. Person responsible for filing

James W. Brew
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b. Docket No. 090079-EI, In re: Petition for Rate Increase by Progress Energy Florida

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

d. Total Pages = 4

e. The document being filed is the Petition to Intervene of White Springs Agricultural Chemicals, Inc. d/b/a PCS Phosphate – White Springs

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*Done
02/18/09/kmp*

**BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION**

**In re: Petition for Rate Increase by
Progress Energy Florida**

**Docket No. 090079-EI
Filed: February 18, 2009**

**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
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DOCUMENT NUMBER-DATE

01366 FEB 18 2

FPSC-COMMISSION CLERK

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4. PCS Phosphate is a manufacturer of fertilizer products with plants and operations located within Progress Energy Florida's ("PEF" or "Progress") electric service territory.¹ PCS Phosphate receives service under various PEF rate schedules.

5. Statement of Affected Interests. In this docket, the Commission will decide, among other things, just and reasonable rates for electricity service in response to PEF's request to increase its base rates described in a Test Year Notification letter dated February 12, 2009, and PEF's request for an emergency waiver of the 60 Day Notice requirement of Rule 25-6.140 F.A.C. PEF's base rate request, if approved, will substantially affect PCS Phosphate by directly increasing the cost of power supplied by PEF to the PCS 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.

Because of the implications of PEF's proposed base rate increase, 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 course of these proceedings.

7. Disputed Legal Issues. PCS Phosphate anticipates that disputed legal issues will be identified in the course of these proceedings.

¹ The White Springs phosphate mining facilities are on approximately 100,000 acres (160 square miles) located in Hamilton County, Florida, and employs approximately 1,185 individuals.

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

- (a) PEF has the burden to prove that all costs for which it seeks recovery were and are, or will be, reasonably and prudently incurred and of the type appropriate to be recovered through these proceedings, and
- (b) PEF has the burden to prove that no such costs sought for recovery are duplicative.

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

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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 18th day of February 2009 to the following:

Carlton Fields Law Firm J. Michael Walls/Diane M. Tripplett Post Office Box 3239 Tampa, FL 33601-3239	Bill McCollum/Cecilia Bradley Office of Attorney General The Capitol - PL01 Tallahassee, FL 32399-1050
Office of Public Counsel J.R. Kelly/Charles Rehwinkle c/o The Florida Legislature 111 W. Madison St., Room 812 Tallahassee, FL 32399-1400	Progress Energy Service Company, LLC John T. Burnett P.O. Box 14042 St. Petersburg, FL 33733-4042
Mr. Paul Lewis, Jr. Progress Energy Florida, Inc. 106 East College Avenue, Suite 800 Tallahassee, FL 32301-7740	Robert Scheffel Wright Young van Assenderp, P.A. 225 South Adams Street, Suite 200 Tallahassee, FL 32301

s/ James W. Brew _____