

**BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION**

Petition to approve transaction for accelerated)	
decommissioning services at CR3 facility,)	
transfer of title to spent fuel and associated assets,)	
and assumption of operations of CR3 facility)	
pursuant to the NRC license, and request for)	DOCKET NO.: 20190140-EI
waiver from future application of Rule)	FILED: May 5, 2020
25-6.04365, F.A.C. for nuclear decommissioning)	
study, by Duke Energy Florida, LLC.)	
_____)	

**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:

James W. Brew
Laura Wynn Baker
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
jbrew@smxblaw.com
lwb@smxblaw.com

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 petition to approve a transaction to accelerate decommissioning of DEF's Crystal River 3 ("CR3"), wherein Accelerated Decommissioning Partners, LLC ("ADP"), along with its subsidiaries, would decommission CR3 on an accelerated basis and take on DEF's contracts with the U.S. Department of Energy for disposal of spent nuclear fuel. The proposed arrangement is a fixed price contract, and DEF alleges that the CR3 nuclear decommissioning trust is sufficiently funded to accomplish the defined tasks without increasing customer bills, provided that ADP fulfills its obligations under the agreements. Any decisions made by the Commission regarding the proposed transaction will impact DEF's utilization of its nuclear decommissioning trust, and will affect DEF's retail customers, including the PCS Phosphate facilities located in and around White Springs, Florida. These facilities are electric energy intensive, and DEF's actions concerning the decommissioning of CR3 may affect PCS Phosphate's 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 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. Whether the proposed transaction will provide cost savings over DEF's current decommissioning plan?
- b. Whether the proposed accelerated decommissioning plan creates unreasonable cost risks to DEF's ratepayers that should be mitigated?

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 proposed transaction is in the best interest of rate payers?

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. The Office of Public Counsel supports PCS's intervention; DEF and the Florida Industrial Power Users Group do not object to PCS's intervention.

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

James W. Brew

Laura Wynn Baker

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

jbrew@smxblaw.com

lwb@smxblaw.com

*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 5th day of May, 2020, to the following:

Dianne M. Triplett
Duke Energy
299 1st Avenue North
St. Petersburg FL 33701
Dianne.triplett@duke-energy.com

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

J.R. Kelly/Charles Rehwinkel
Office of Public Counsel
c/o The Florida Legislature
111 W. Madison Street, Rm 812
Tallahassee FL 32399
kelly.jr@leg.state.fl.us

Daniel Hernandez/Melanie Senosiain
Shutts Law Firm
4301 W. Boy Scout Blvd., Suite 300
Tampa FL 33607
DHernandez@shutts.com
DEF-CR3@shutts.com
msenosiain@shutts.com

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

Bianca Lherisson/Suzanne Brownless
Office of General Counsel
Florida Public Service Commission
BLheriss@psc.state.fl.us
sbrownles@psc.state.fl.us

/s/ Laura Wynn Baker