

Matilda Sanders

From: Jay Brew [Jay.Brew@bbrslaw.com]
Sent: Friday, March 09, 2007 3:57 PM
To: Filings@psc.state.fl.us
Cc: Bill Walker; Cheryl Martin/Florida Public Utilities Company; John McWhirter; John_Butler@fpl.com; Lee Willis; Lisa Bennett; Mike Twomey; Norman H. Horton; Schef Wright; Susan D. Ritenour; Wade Litchfield; Jeffrey A. Stone; jack_shreve@oag.state.fl.us; Jim Beasley; McGLOTHLIN.JOSEPH; John Burnette; Paul Lewis; gsasso@carltonfields.com; karen white; R. Alexander Glenn; Brenda Irizarry; regdept@ecoenergy.com
Subject: White Springs prehearing statement
Attachments: WS Prehearing Statement.doc

ORIGINAL

1. James W. Brew, Brickfield, Burchette, Ritts & Stone, P.C., 1025 Thomas Jefferson Street, NW, Washington, DC 20007, jbrew@bbrslaw.com is the person responsible for this electronic filing;
2. The filing is to be made in Docket 060658-EI, In re: Coal Price refund
3. The filing is made on behalf of White Springs Agricultural Chemicals, Inc.
4. The total number of pages is 5; and
5. The attached document is White Springs Agricultural Chemical's Prehearing Statement.

James W. Brew
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DOCUMENT NUMBER-DATE

02168 MAR-9 5

FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

ORIGINAL

In re: Petition on behalf of Citizens of the)
State of Florida to require Progress Energy) DOCKET NO. 060658-EI
Florida, Inc. to refund customers)
\$143 million) FILED: March 9, 2007

PREHEARING STATEMENT OF WHITE SPRINGS

Pursuant to the Orders Establishing Procedure in this docket, Order No. PSC-07-0048-PCO-EI, issued January 16, 2007, Order No. PSC-07-0132-PCO-EI, dated February, 15, 2007, and Order No. PSC-07-0191--PCO-EI, issued March 2, 2007, White Springs Agricultural Chemicals, Inc. d/b/a PCS Phosphate White Springs ("White Springs") hereby files its Prehearing Statement.

A. APPEARANCES

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B. ALL KNOWN WITNESSES

None

C. ALL KNOWN EXHIBITS

None

D. STATEMENT OF BASIC POSITION

White Springs generally adopts as its own the positions on all of the issues taken by the Office of Public Counsel, and further adopts as its own the positions taken by AARP as to penalty matters (Issues 5 and 6).

DOCUMENT NUMBER-DATE

02168 MAR-9 5

FPSC-COMMISSION CLERK

E. STATEMENT OF ISSUES AND POSITIONS

ISSUE 1: Did PEF act prudently in purchasing coal for Crystal River Units 4 and 5 beginning in 1996 and continuing to 2005?

White Springs: Agree with OPC.

ISSUE 2: If the Commission determines that PEF acted imprudently in its coal purchases, should PEF be required to refund customers for coal purchased to run Crystal River Units 4 and 5 during the time period of 1996-2005?

White Springs: Agree with OPC.

ISSUE 3: If the Commission determines that PEF should be required to refund customers for coal purchased to run Crystal River Units 4 and 5, what amount should be refunded?

White Springs: Agree with OPC.

ISSUE 4: If the Commission determines that PEF should be required to refund customers for coal purchased to run Crystal River Units 4 and 5, how and when should such refund be accomplished?

White Springs: No position at this time.

ISSUE 5: If the Commission determines that PEF acted imprudently, should the Commission impose a penalty on PEF?

White Springs: Agree with AARP.

ISSUE 6: If the Commission determines to impose a penalty on PEF, what should be the amount of the penalty and how should it be imposed?

White Springs: No position at this time.

F. STIPULATED ISSUES

None.

G. PENDING MOTIONS

None.

H. STATEMENT OF PENDING REQUESTS OR CLAIMS FOR CONFIDENTIALITY

White Springs has no pending requests or claims for confidentiality.

I. OBJECTIONS TO QUALIFICATIONS OF WITNESSES AS AN EXPERT

White Springs does not anticipate challenging the qualification of any witness in this proceeding.

J. STATEMENT OF COMPLIANCE WITH ORDERS ESTABLISHING PROCEDURE

There are no requirements of the Orders Establishing Procedures with which White Springs cannot comply.

Respectfully submitted the 9th day of March, 2007.

BRICKFIELD, BURCHETTE, RITTS & STONE, P.C.

/s/ James W. Brew _____

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Counsel 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 Prehearing Statement has been furnished by electronic mail and U.S. Mail this 9th day of March, 2007 to the following individuals:

/s/ James W. Brew

<p>AARP c/o Mike B. Twomey P. O. Box 5256 Tallahassee, FL 32314-5256 Phone: 850-421-9530 FAX: 421-8543 Email: miketwomey@talstar.com</p>	<p>McWhirter Law Firm Timothy J. Perry 117 South Gadsden Street Tallahassee, FL 32301 Phone: 850-222-2525 FAX: 222-5606 Email: tperry@mac-law.com</p>
<p>Ausley Law Firm Lee L. Willis/James D. Beasley P.O. Box 391 Tallahassee, FL 32302 Phone: 850-224-9115 FAX: 222-7952</p>	<p>Messer Law Firm Norman H. Horton, Jr. P.O. Box 1876 Tallahassee, FL 32302-1876 Phone: 850-222-0720 FAX: 224-4359 Email: nhorton@lawfla.com</p>
<p>Beggs & Lane Law Firm J. Stone/R. Badders/S. Griffin P.O. Box 12950 Pensacola, FL 32591-2950 Phone: 850-432-2451 FAX: 850-469-3331</p>	<p>Office of Public Counsel P. Christensen/C. Beck/J. McGlothlin c/o The Florida Legislature 111 West Madison Street, Room 812 Tallahassee, FL 32399-1400 Phone: 850-488-9330</p>
<p>Federal Executive Agencies Lt. Col. K. White/Capt. D. Williams c/o AFLSA/JACL-ULT 139 Barnes Drive, Suite 1 Tyndall AFB, FL 32403-5319 Phone: 850-283-6217 FAX: 850-283-6219</p>	<p>Progress Energy Florida, Inc. Mr. Paul Lewis, Jr. 106 East College Avenue, Suite 800 Tallahassee, FL 32301-7740 Phone: 222-8738 FAX: 222-9768 Email: paul.lewisjr@pgnmail.com</p>
<p>Florida Power & Light Company Mr. Bill Walker 215 South Monroe Street, Suite 810</p>	<p>Tampa Electric Company Ms. Brenda Irizarry Regulatory Affairs</p>

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<p>Florida Power & Light Company R. Litchfield/J. Butler/N. Smith 700 Universe Boulevard Juno Beach, FL 33408-0420 Phone: 561-691-7101 FAX: 561-691-7135 Email: Wade_Litchfield@fpl.com</p>	<p>Young Law Firm R. Scheffel Wright/John LaVia 225 South Adams Street, Suite 200 Tallahassee, FL 32301 Phone: 850-222-7206 FAX: 561-6834</p>
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<p>Florida Retail Federation 100 E. Jefferson St. Tallahassee, FL 32301 Phone: 850-222-4082 FAX: 226-4082</p>	<p>Lisa Bennett Office of General Counsel Florida Public Service Commission 2540 Shumard Oak Blvd. Tallahassee, FL 32399-0850</p>
<p>Florida Industrial Power Users Group John W. McWhirter, Jr. c/o McWhirter Reeves 400 North Tampa Street, Suite 2450 Tampa, FL 33602 Phone: 813-224-0866 FAX: 813-221-1854 Email: jmcwhirter@mac-law.com</p>	<p>Progress Energy Service Company, LLC John T. Burnett/R. Alexander Glenn P.O. Box 14042 Saint Petersburg, FL 33733-4042 Phone: 727-820-5184 FAX: 727-820-5519 Email: john.burnett@pgnmail.com</p>
<p>Jack Shreve Senior General Counsel Office of the Attorney General The Capitol – PL01 Tallahassee, Florida 32399-1050</p>	