

**BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION**

In re: storm protection plan cost recovery clause) DOCKET NO.: 20210010-EI
) FILED: April 7, 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 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:

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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 DEF's request to recover through the Storm Protection Plan Cost Recovery Clause costs associated with its storm protection plan, which was approved in Docket No. 20200069-EI, Review of 2020-2029 Storm Protection Plan pursuant to Rule 25-6.030, F.A.C., Duke Energy Florida, LLC. PCS Phosphate was an active participant in that docket as well as the first Storm Protection Plan Recovery Clause proceeding, Docket No. 20200092-EI. PCS was also a signatory to the 2020 SPP/SPPCRC Agreement and the SPPCRC Stipulation and Settlement Agreement, which were approved by the Commission in Order No. PSC-2020-0410-AS-EI on October 27, 2020. Any decisions made by the Commission regarding rate recovery of these costs will directly impact the cost of power supplied by DEF to PCS Phosphate's facilities located 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 is an active participant in DEF's other clause dockets. 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.

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 storm protection plan costs claimed by DEF are reasonable?

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. Duke, Walmart, the Florida Industrial Power Users Group, and the Office of Public Counsel do not object to PCS's intervention. Tampa Electric Company and Florida Public Utilities Company take no position. As in the previous SPPCRC docket, Florida Power & Light Company ("FPL") and Gulf Power Company ("Gulf") objected to PCS's intervention on the basis that PCS does not have standing with regard to the Gulf and FPL Storm Protection Plan Cost Recovery Clauses because PCS is not a customer of those utilities, but clarified that they took no position regarding PCS's intervention as to the other utilities. Concerning that objection, in 2020 Presiding Commissioner Fay granted PCS's intervention in Docket 20200092-EI finding that

PSC Phosphate can protect its substantial interests only by intervening in this clause docket, the scope and purpose of which include consideration of cost recovery for the plans of all public utilities. Because "standing depends on the nature of the injury asserted and the purpose and scope of the administrative proceeding," PSC Phosphate has standing to intervene in this docket."¹

Those precise circumstances prevail with respect to this docket.

¹ *Order Granting Intervention* at 2, Order No. PSC-2020-0215-PCO-EI (June 26, 2020).

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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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 7th day of April, 2021, to the following:

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