

Ruth Nettles

From: Al Taylor [Al.Taylor@bbrslaw.com]
Sent: Friday, March 21, 2008 9:37 AM
To: Filings@psc.state.fl.us
Cc: mwalls@cartonfields.com; charles.gauthier@dca.state.fl.us; paul.lewisjr@pgnmail.com; Mike.Halpin@dep.state.fl.us; john.burnett@pgnmail.com; Kelly.jr@leg.state.fl.us; Jay Brew
Subject: FPSC Docket No. 080148 - Petition to Intervene of PCS Phosphate
Attachments: P-Petition to Intervene.pdf

a. Person responsible for filing

James W. Brew
Brickfield, Burchette, Ritts & Stone, P.C.
1025 Thomas Jefferson Street, N.W.
Eighth Floor West Tower
Washington, D.C. 20007
Tel: (202) 342-0800
Fax: (202) 342-0807
jwb@bbrslaw.com

b. Docket No. 080148-EI, In Re: Petition for Determination of Need for Levy Units 1 and 2 Nuclear Power Plants

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

d. Total Pages = 5

e. Petition to Intervene of White Springs Agricultural Chemicals, Inc. d/b/a PCS Phosphate – White Springs (attached as P-Petition to Intervene.pdf)

F. Alvin Taylor
BRICKFIELD BURCHETTE RITTS & STONE, PC
1025 Thomas Jefferson St, N.W.
Eighth Floor, West Tower
Washington, DC 20007
202-342-0800
Fax: 202-342-0807
ataylor@bbrslaw.com

*Dme 3/21/08
R.V.N.*

**BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION**

**In Re: Petition for Determination of)
Need for Levy Units 1 and 2 Nuclear)
Power Plants)**
_____)

**Docket No. 080148-EI
Filed: March 21, 2008**

**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
Brickfield, Burchette, Ritts & Stone, P.C.
1025 Thomas Jefferson Street, NW, Eighth Floor, West Tower
Washington, DC 20007-5201
Phone: (202) 342-0800
Fax: (202) 342-0807
jbrew@bbrslaw.com

DOCUMENT NUMBER-DATE

02116 MAR 21 08

FPSC-COMMISSION CLERK

Karin S. Torain
Legal Counsel
PCS Administration (USA), Inc.
Suite 400
Skokie Boulevard
Northbrook, IL 60062
KSTorain@potashcorp.com
(847) 849-4291

4. PCS Phosphate is a manufacturer of fertilizer products with plants and operations located within Progress Energy Florida's ("PEF") electric service territory.¹ PCS Phosphate receives service under various PEF rate schedules. In the last 12 months, PCS Phosphate paid tens of millions of dollars for electric power purchased from PEF.

5. Statement of Affected Interests. In this docket, the Commission will decide, among other things, whether to issue PEF's determination of need for the Levy Units 1 and 2 nuclear plants. PEF's petition, if approved, will substantially affect PCS Phosphate by directly increasing its cost of purchasing power, thereby affecting its production and operating costs, overall industry competitiveness, and level of sustainable employment in the region. Also, material changes in the cost and schedule of the proposed nuclear units, which has been a common concern relating to nuclear power plant costs in the past, could dramatically affect the cost effectiveness of the units and consumer rate impacts.

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.

6. Disputed Issues of Material Fact. In addition to the disputed issues of fact identified by the Commission in its Order Establishing Procedure, Order No. PSC-08-0151-PCO-EI, disputed issues of material fact include, but are not limited to, the following:

- (a) Has PEF provided sufficient information for the Commission to determine whether the proposed plant is the most cost-effective alternative available?
- (b) Has PEF included all appropriate costs in its non-binding estimate?
- (c) Do the costs PEF included in its non-binding estimate accurately reflect the actual costs to be incurred?
- (d) Has PEF instituted sufficient safeguards to ensure that the estimated construction costs and schedule are achievable?
- (e) Should the Commission condition any determination of need on a *maximum cost of the project, above which the project will no longer be deemed the most cost effective alternative available?*

PCS Phosphate anticipates that additional 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.

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 it has satisfied each of the elements set forth at Section 403-519(3), Florida Statutes.

PCS Phosphate anticipates that additional alleged ultimate facts will be identified in the course of these proceedings.

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
F. Alvin Taylor
Brickfield, Burchette, Ritts & Stone, P.C.
1025 Thomas Jefferson Street, NW,
Eighth Floor, West Tower
Washington, DC 20007-5201
Phone: (202) 342-0800
Fax: (202) 342-0807
jbrew@bbrslaw.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 U.S. Mail this 21st day of March 2008 to the following:

J. Michael Walls/Dianne M. Tripplett Carlton Fields Law Firm Post Office Box 3239 Tampa, GA 33601	Charles Gauthier Department of Community Affairs Division of Community Planning 2555 Shumard Oak Boulevard Tallahassee, FL 32399-2100
Mr. Paul Lewis, Jr. Progress Energy Florida 106 East College Avenue, Suite 800 Tallahassee, FL 32301-7740	Michael P. Halpin Department of Environmental Protection Siting Coordination Office 2500 Blairstone Road, MS 48 Tallahassee, FL 32301
John T. Burnett/R. Alexander Glenn Progress Energy Service Company, LLC Post Office Box 14042 St. Petersburg, FL 33733-4042	J.R. Kelly/Stephen Burgess Office of Public Counsel c/o The Florida Legislature 111 W. Madison Street, Room 812 Tallahassee, FL 32399-1400

s/ James W. Brew _____