

Eric Fryson

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Sent: Friday, February 10, 2012 2:07 PM
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Subject: FPSC Docket 120022-EI - PCS Phosphate's Petition to Intervene
Attachments: P-PCS Intervention Settlement Agreement Proceeding.pdf

a. Person responsible for filing

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b. Docket No. 120022-EI, In re: Petition for limited proceeding to approve stipulation and settlement agreement by Progress Energy Florida, Inc.

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

d. Total Pages = 4

e. PCS Phosphate's Petition to Intervene

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DOCUMENT NUMBER-DATE

00802 FEB 10 2012

FPSC-COMMISSION CLERK

2/10/2012

**BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION**

**In re: Petition for limited proceeding
to approve stipulation and settlement agreement
by Progress Energy Florida, Inc.**

**Docket No. 120022-EI
Filed: February 10, 2012**

**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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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. PCS Phosphate receives service under various PEF rate schedules.

5. Statement of Affected Interests. In this docket, the Commission will determine whether to approve the Stipulation and Settlement Agreement filed by PEF on January 20, 2012. If approved, the Stipulation and Settlement Agreement will resolve several significant outstanding issues currently facing Progress and its customers, including certain prudence questions associated with the extended forced outage of the Crystal River Unit 3 ("CR3") nuclear unit, refunds of the cost to procure replacement power due to that extended outage, rate related matters associated with the repair or potential retirement of CR3, the recovery of costs associated with PEF's proposed Levy Nuclear Plant, and various changes to PEF's base rates. As a signatory to the Settlement Agreement and a large customer of Progress, PCS Phosphate will be substantially affected by the outcome of this proceeding. The proposed terms of the Stipulation and Settlement Agreement will directly impact the cost of power supplied by PEF to the PCS Phosphate's 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. PCS Phosphate anticipates taking an active role in this proceeding.

6. Disputed Issues of Material Fact. PCS Phosphate is not aware of any disputed issues of material fact.

7. Disputed Legal Issues. PCS Phosphate is not aware of any disputed legal issues.

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

- (a) Whether Commission approval of the Stipulation and Settlement Agreement will result in rates that are fair, just and reasonable, and
- (b) Whether Commission approval of the Agreement in its entirety is in the public interest.

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 10th day of February 2012 to the following:

Mr. Paul Lewis, Jr.
Progress Energy Florida, Inc.
106 East College Avenue, Suite 800
Tallahassee, FL 32301-7740

John T. Burnett / Diane Triplett
Progress Energy Service Company, LLC
P.O. Box 14042
Saint Petersburg, FL 33733-4042

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s/ F. Alvin Taylor