

**BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION**

Duke Energy Florida's Petition for Determination that)
the Osprey Plant Acquisition or, Alternatively, the)
Suwannee Simple Cycle Project is the Most Cost) DOCKET NO. 150043-EI
Effective Generation Alternative to Meet Duke Energy)
Florida's Remaining Need Prior to 2018)

**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 Duke Energy Florida's ("DEF" or "Duke") electric service territory. PCS Phosphate receives service under various PEF rate schedules.

5. Statement of Affected Interests. PCS Phosphate was a signatory party to the 2013 Revised and Restated Stipulation and Settlement Agreement ("2013 Settlement Agreement"), approved by the Florida Public Service Commission ("PSC" or the "Commission"), on November 12, 2013 in Order No. PSC-13-0598-FOF-EI in Docket No. 130208-EI from which the instant petition arises. Based on that 2013 Settlement Agreement, on January 30, 2015, Duke filed its Petition for a Commission determination that the proposed acquisition of the Calpine Construction Finance Company, L.P. ("Calpine") Osprey Plant is Duke's most cost-effective generation alternative to meet a projected capacity need prior to 2018. Alternatively, if DEF cannot purchase the Osprey Plant, the utility seeks a Commission determination that construction of the Suwannee Simple Cycle Project is the most cost effective generation to meet DEF's remaining need for additional generation capacity prior to 2018. The Osprey acquisition is contingent upon FERC and other regulatory approvals, and delivery of the full output of the Osprey facility to Duke's system will require transmission system upgrades in Florida. In this proceeding, the Commission will review the need for electric system reliability and integrity, the need for adequate reasonable cost electricity, the need for fuel diversity and supply reliability, whether the proposed Osprey acquisition is the most cost-effective alternative available, and whether the regulatory and infrastructure requirements can be reasonably and cost-effectively satisfied. As a large customer of Duke that may be required to fund the costs of the proposed purchase of the Osprey Plant or the construction of the Suwannee Simple Cycle Project, PCS Phosphate will be directly and substantially affected

by the outcome of these proceedings. As a signatory party to the 2013 Settlement Agreement, PCS Phosphate has a continuing interest in Duke's proposed actions implementing the terms of that Agreement.

6. Disputed Issues of Material Fact. Disputed issues of material fact include, but are not limited to, the following:

- (a) Whether Duke will have a need for additional generation capacity prior to 2018.
- (b) Whether, if such a need exists, Duke's proposed purchase of the Osprey Plant is the most cost effective method of satisfying its need considering the need for electric system reliability and integrity, the need for adequate electricity at a reasonable cost, the need for fuel diversity and supply reliability, whether the proposed plant is the most cost-effective alternative available, and whether renewable energy sources and technologies, as well as conservation measures, are utilized to the extent reasonably available.
- (c) Whether, if such a need exists, and if Duke cannot purchase the Osprey Plant, Duke's proposed Suwannee Simple Cycle Project is the most cost effective method of satisfying its need considering the need for electric system reliability and integrity, the need for adequate electricity at a reasonable cost, the need for fuel diversity and supply reliability, whether the proposed plant is the most cost-effective alternative available, and whether renewable energy sources and technologies, as well as conservation measures, are utilized to the extent reasonably available.

7. Disputed Legal Issues. PCS Phosphate anticipates that disputed legal issues may be identified in the course of this proceeding.

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

- (a) Duke may not have a need for additional generation capacity prior to 2018.
- (b) Duke's proposed purchase of the Osprey Plant may not be the most cost effective method of satisfying its need.
- (b) Duke's alternative proposal to construct the Suwannee Simple Cycle Project may not be the most cost effective method of satisfying its need.

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 Rules 25-22.039, 25-22.080 – 25-22.082, 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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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 24th day of February 2015 to the following:

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