

**BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION**

In re: Review of 2022 - 2031 Storm Protection)
Plan Pursuant to Rule 25-6.030, F.A.C.,) DOCKET NO.: 20220050-EI
Duke Energy Florida, LLC) FILED: March 29, 2022
_____)

**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 proposed Storm Protection Plan for 2022-2031 pursuant to 25-6.030, F.A.C. Cost Recovery Clause costs associated with its storm protection plan, which was approved in. PCS Phosphate was an active participant in the last proceeding considering the Storm Protection Plan, 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 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 costs related to the Storm Protection Plan through the Storm Protection Plan Cost Recovery Clause 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 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. Disputed issues or material fact currently include, but are not limited to, the following:

- a. Are the programs and projects included in DEF's Storm Protection Plan those which are envisioned in Rule 25-6.030, F.A.C.?
- b. Will the programs and projects included in DEF's Storm Protection Plan reduce restoration costs and outage times associated with extreme weather conditions?

- c. Are the programs and projects in DEF's Storm Protection Plan feasible, reasonable, and practical?
- d. Has DEF correctly characterized the programs and projects in its Storm Protection Plan as serving either a transmission or distribution function?
- e. Are the estimated annual jurisdictional revenue requirements for each year of the Storm Protection Plan reasonable?
- f. Are the estimated rate impacts for the first three years of the Storm Protection Plan reasonable?
- g. Has DEF adequately addressed implementation alternatives that could mitigate rate impacts of its Storm Protection Plan?

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 DEF's 2022-2031 Storm Protection Plan is 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 and the Office of Public Council take no position on PCS Phosphate's petition.

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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*Attorneys for White Springs Agricultural Chemicals
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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 29th day of March, 2022, to the following:

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