

**BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION**

Petition for limited proceeding for recovery of) DOCKET NO.: 20190222
incremental storm restoration costs related to) FILED: December 31, 2019
Hurricane Dorian and Tropical Storm Nestor,)
by Duke Energy Florida, LLC.)
_____)

**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:

James W. Brew
Laura Wynn Baker
Stone Mattheis Xenopoulos & Brew, PC
1025 Thomas Jefferson Street, NW
Suite 800 West
Washington, DC 20007-5201
Phone: (202) 342-0800
Fax: (202) 342-0807

jbrew@smxblaw.com
lwb@smxblaw.com

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 requests to recover storm restoration costs associated with Hurricane Dorian and Tropical Storm Nestor and to replenish DEF's Storm Reserve. 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 in and around White Springs, Florida, thereby affecting its production and operating costs, overall industry competitiveness, and level of sustainable employment in the region. Additionally, PCS Phosphate was a party to the *2017 Second Revised and Restated Settlement Agreement* (approved by the Florida Public Service Commission in Order No. PSC-2017-0451-AS-EU in Docket No. 20170173-EI on November 20, 2017), the terms of which will inform the current proceeding. 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 of material fact currently include, but are not limited to, the following:

- a. Are the costs for which DEF seeks recovery from customers reasonable?
- b. What are the final, actual storm restoration costs for Hurricane Dorian and Tropical Storm Nestor that DEF may recover from customers?
- c. Based on the final, actual storm restoration costs for Hurricane Dorian and Tropical Storm Nestor that DEF may recover from customers, has DEF over- or under-recovered these costs from customers while the interim storm cost recovery factors were in effect?

- d. If DEF over- or under-recovered storm costs from customers while the interim storm cost recovery factors were in effect, how should DEF recover from or credit to customers these amounts?

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 recovery costs claimed by DEF related to Hurricane Dorian and Tropical Storm Nestor 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, on December 31, 2019, PCS Phosphate attempted to contact Duke and the Office of Public Counsel regarding PCS Phosphate's intervention in this proceeding, but was unable to discuss this petition with either party given holiday schedules.

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

James W. Brew

Laura Wynn Baker

Stone Mattheis Xenopoulos & Brew, PC

1025 Thomas Jefferson Street, NW,

Suite 800 West

Washington, DC 20007-5201

Phone: (202) 342-0800

Fax: (202) 342-0807

jbrew@smxblaw.com

lwb@smxblaw.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/or U.S. Mail this 31st day of December, 2019, to the following:

Dianne M. Triplett
Duke Energy
299 1st Avenue North
St. Petersburg FL 33701
dianne.triplett@duke-energy.com

Matthew R. Bernier
Duke Energy
106 E. College Avenue, Ste. 800
Tallahassee FL 32301
matthew.bernier@duke-energy.com

Daniel Hernandez/Nicole Zaworska
Shutts Law Firm – representing Duke Energy
Florida, LLC
4301 W. Boy Scout Blvd., Suite 300
Tampa, FL 33607
dhernandez@shutts.com
NZaworska@shutts.com

Jennifer Crawford
Office the General Counsel
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, Florida 32399-0850
jcrawfor@psc.state.fl.us

Charles Rehwinkel
Office of Public Counsel
111 W. Madison St., Rm 812
Tallahassee, FL 32399
Rehwinkel.charles@leg.state.fl.us

/s/ Laura Wynn Baker