

Suite 800 West
Washington, DC 20007-5201
Phone: (202) 342-0800
Fax: (202) 342-0807
jbrew@smxblaw.com
lwb@smxblaw.com
sbn@smxblaw.com

4. PCS Phosphate is a manufacturer of fertilizer products with plants and operations located within Duke Energy Florida's ("DEF") electric service territory. PCS Phosphate receives service under various DEF rate schedules.

5. Statement of Affected Interests. By Order No. PSC-2023-0375-PCO-EI ("Order"), issued December 19, 2023 in this docket, the Commission authorized DEF to implement an amended interim storm restoration recovery charge of approximately \$166.1 million, subject to refund, and to implement a modified recovery period of January 2024 through December 2024, subject to true-up, that combines Hurricane Idalia estimated charges with the remaining uncollected charges from Hurricanes Elsa, Eta, Ian, Isaias, Nicole, and Tropical Storm Fred.¹ The Order approved DEF's proposal to revise the interim storm restoration surcharges, as found in Appendix A of the Docket No. 20230116-EI petition.² The approved recovery mechanism for the Storm Cost Recovery Surcharge is an energy charge (\$/kWh), with any excess or shortfall refunded or collected through the capacity cost recovery clause.³ The Order requires this docket to remain open pending final reconciliation of actual recoverable storm costs with the amount collected pursuant to the interim storm restoration recovery charge and the calculation of a refund or additional charge if warranted.⁴ As a large

¹ Order No. PSC-2023-0375-PCO-EI, issued December 19, 2023, at 3.

² *Id.*

³ Docket No. 20230116-EI, In re: Petition by Duke Energy Florida, LLC, for limited proceeding for recovery of incremental storm restoration costs related to Hurricane Idalia, *Petition by Duke Energy Florida, LLC, for limited proceeding for recovery of incremental storm restoration costs related to Hurricane Idalia* at 4, Appendix A (Oct. 13, 2023).

⁴ Order No. PSC-2023-0375-PCO-EI, issued December 19, 2023, at 4.

customer of DEF, PCS Phosphate will be directly and substantially affected by the final amount of storm-related costs recovered in rates and the manner in which those costs are collected.

6. Disputed Issues of Material Fact. PCS Phosphate anticipates that disputed issues of material fact will be identified in the course of these proceedings. Disputed issues of material fact currently include, but are not limited to, the following:

(a) What are the final, actual storm restoration costs for Hurricanes Elsa, Eta, Isaias, Ian, Nicole, and Tropical Storm Fred that DEF may recover from customers?

(b) Based on the final, actual storm restoration costs for Hurricanes Elsa, Eta, Isaias, Ian, Nicole, and Tropical Storm Fred 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?

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) Based on the final, actual storm restoration costs for Hurricanes Elsa, Eta, Isaias, Ian, Nicole, and Tropical Storm Fred 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?

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.

10. Relief. PCS Phosphate requests that it be permitted to intervene as a full party in this docket.

11. Statement Required by Rule 28-106.204(3), Florida Administrative Code. Counsel for PCS Phosphate has conferred with counsel for DEF, the Office of Public Counsel (“OPC”), and Walmart. OPC supports PCS Phosphate’s intervention. DEF and Walmart take no position regarding PCS Phosphate’s intervention.

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
Sarah B. Newman
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
sbn@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 27th day of March 2024 to the following:

Walmart Inc.
Derrick Price Williamson/Steven W. Lee
c/o Spilman Law Firm
Mechanicsburg PA 17050
(717) 795-2741
(717) 795-2743
dwilliamson@spilmanlaw.com
slee@spilmanlaw.com

Walmart Inc.
Stephanie U. Eaton
c/o Spilman Law Firm
Winston-Salem NC 27103
(336) 631-1062
(339) 725-4476
seaton@spilmanlaw.com

Office of Public Counsel
Charles Rehwinkel
c/o The Florida Legislature
Tallahassee FL 32399
(850) 488-9330
rehwinkel.charles@leg.state.fl.us

Duke Energy
Matthew R. Bernier/Stephanie A. Cuello
106 E. College Avenue, Suite 800
Tallahassee FL 32301
(850) 521-1428
(850) 521-1437
flregulatorylegal@duke-energy.com
matthew.bernier@duke-energy.com
stephanie.cuello@duke-energy.com

Duke Energy
Dianne M. Triplett
299 First Avenue North
St. Petersburg FL 33701
(727) 820-4692
(727) 820-5519
dianne.triplett@duke-energy.com

Florida Public Service Commission
Office of the General Counsel
2540 Shumard Oak Boulevard
Tallahassee FL 32399-0850
Suzanne Brownless
(850) 413-6218
sbrownle@psc.state.fl.us

*s/ Sarah B. Newman*_____