

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for a limited proceeding to  
approve large load tariff, by Duke Energy  
Florida, LLC.

DOCKET NO. 20250113-EI  
ORDER NO. PSC-2026-0043-PCO-EI  
ISSUED: February 12, 2026

ORDER GRANTING INTERVENTION FOR  
WHITE SPRINGS AGRICULTURAL CHEMICALS, INC.  
d/b/a PCS PHOSPHATE – WHITE SPRINGS

On September 5, 2025, Duke Energy Florida, LLC (DEF or Utility) filed a petition to approve a new Large Load Customer (LLC-1) rate schedule and corresponding agreements and policies. Discovery guidelines, hearing procedures, and controlling dates were established by the Order Establishing Procedure, Order No. PSC-2025-0430-PCO-EI,<sup>1</sup> issued on November 21, 2025. This docket is currently scheduled for hearing on April 8, 2026.

Petition for Intervention

On January 26, 2026, White Springs Agricultural Chemicals, Inc. d/b/a PCS Phosphate – White Springs (PCS Phosphate) filed its Petition to Intervene in this docket. PCS Phosphate alleges that it is a manufacturer of fertilizer products with plants and operations located in DEF's electric service area and receives service under various DEF rate schedules. PCS Phosphate asserts that it is a large customer of DEF that may be directly and substantially affected by the outcome of this proceeding.

Standards for Intervention

Pursuant to Rule 28-106.205, F.A.C., persons, other than the original parties to a pending proceeding, who have a substantial interest in the proceeding, and who desire to become parties may move for leave to intervene. Motions for leave to intervene must be filed at least twenty (20) days before the final hearing, must comply with Rule 28-106.204(3), F.A.C., and must include allegations sufficient to demonstrate that the intervenor is entitled to participate in the proceeding as a matter of constitutional or statutory right or pursuant to Commission rule, or that the substantial interests of the intervenor are subject to determination or will be affected through the proceeding. Intervenors take the case as they find it.

To have standing, the intervenor must meet the two-prong standing test set forth in Agrico Chemical Company v. Department of Environmental Regulation, 406 So. 2d 478, 482 (Fla. 2d DCA 1981). The intervenor must show that (1) he will suffer injury in fact that is of sufficient immediacy to entitle him to a Section 120.57, F.S., hearing, and (2) the substantial injury is of a type or nature that the proceeding is designed to protect. The first aspect of the test deals with the degree of injury. The second deals with the nature of the injury. The "injury in fact" must be both real and immediate and not speculative or conjectural. International Jai-Alai Players Assn. v. Florida Pari-Mutuel Commission, 561 So. 2d 1224, 1225-26 (Fla. 3d DCA

<sup>1</sup> As modified by Order No. PSC-2025-0430A-PCO-EI.

1990). See also Village Park Mobile Home Assn., Inc. v. State Dept. of Business Regulation, 506 So. 2d 426, 434 (Fla. 1st DCA 1987), rev. den., 513 So. 2d 1063 (Fla. 1987) (speculation on the possible occurrence of injurious events is too remote).

### Analysis and Ruling

The above representations by PCS Phosphate satisfy both prongs of the Agrico test. PCS Phosphate meets the first prong of Agrico in that the amount it pays in electric rates may be ultimately affected by this proceeding. PCS Phosphate meets the second prong of Agrico because the purpose of this proceeding is to determine whether to establish a new rate class for certain large load customers which may include PCS Phosphate. Based on the foregoing, PCS Phosphate has made allegations sufficient to satisfy Agrico and its petition to intervene shall be granted subject to proof of standing or stipulations that there are sufficient facts to support all elements for standing. See Delgado v. Agency for Health Care Admin., 237 So. 3d 432, 437 (Fla. 1st DCA 2018) (proper pretrial stipulations to the facts supporting all elements of standing are binding upon the parties and the court). As an intervenor, PCS Phosphate takes the case as it finds it.

Based on the above representations, it is

ORDERED by Commissioner Gary Clark, as Prehearing Officer, that the Petition to Intervene filed by White Springs Agricultural Chemicals, Inc. d/b/a PCS Phosphate – White Springs is hereby granted as set forth in the body of this Order. It is further

ORDERED that White Springs Agricultural Chemicals, Inc. d/b/a PCS Phosphate – White Springs takes the case as it finds it. It is further

ORDERED that all parties to this proceeding shall furnish copies of all testimony, exhibits, pleadings, and other documents which may hereinafter be filed in this proceeding to:

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By ORDER of Commissioner Gary F. Clark, as Prehearing Officer, this 12th day of February, 2026.



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GARY F. CLARK  
Commissioner and Prehearing Officer  
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Copies furnished: A copy of this document is provided to the parties of record at the time of issuance and, if applicable, interested persons.

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NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing or judicial review will be granted or result in the relief sought.

Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

Any party adversely affected by this order, which is preliminary, procedural or intermediate in nature, may request: (1) reconsideration within 10 days pursuant to Rule 25-22.0376, Florida Administrative Code; or (2) judicial review by the Florida Supreme Court, in the case of an electric, gas or telephone utility, or the First District Court of Appeal, in the case of a water or wastewater utility. A motion for reconsideration shall be filed with the Office of Commission Clerk, in the form prescribed by Rule 25-22.0376, Florida Administrative Code. Judicial review of a preliminary, procedural or intermediate ruling or order is available if review of the final action will not provide an adequate remedy. Such review may be requested from the appropriate court, as described above, pursuant to Rule 9.100, Florida Rules of Appellate Procedure.