

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for rate increase by Florida
Power & Light Company.

DOCKET NO. 20250011-EI
ORDER NO. PSC-2025-0079-PCO-EI
ISSUED: March 17, 2025

ORDER GRANTING PETITION TO INTERVENTION
BY SOUTHERN ALLIANCE FOR CLEAN ENERGY

By letter dated January 2, 2025, Florida Power & Light Company (FPL) notified the Commission that it would be filing a petition for base rate increase effective January 2026.¹ On February 28, 2025, FPL filed its petition for base rate increase, minimum filing requirements, and supporting direct testimony. Pursuant to Order No. PSC-2025-0075-PCO-EI, the undersigned Prehearing Officer scheduled the evidentiary hearing on FPL's petition for August 11 through August 22, 2025.

Petition for Intervention

On February 25, 2025, the Southern Alliance for Clean Energy (SACE) filed a petition to intervene in this proceeding. SACE is a non-profit corporation organized under the laws of Tennessee and authorized to conduct operations in Florida. SACE alleges that it has staff and over 8,000 members in Florida. SACE represents that a substantial number of its Florida members are FPL ratepayers who will be substantially affected by the Commission's decision, and that the interests affected are of the type this proceeding is designed to protect. SACE avers that because its organizational purposes include advocating for energy plans that best serve the economic, environmental, and public health goals of communities in the Southeast United States, it is appropriate for the organization to seek and receive relief in this docket (*e.g.*, lower rate increases, changes in energy generation types) on behalf of its members.

SACE represents that it conferred with the following and is authorized to represent that they take no position on the petition to intervene: Florida Rising, Inc., League of United Latin American Citizens Florida, Inc., Environmental Confederation of Southwest Florida, Inc., Florida Industrial Power Users Group, and FPL. SACE further represents that it conferred with the Office of Public Counsel and is authorized to represent that it does not object to the petition to intervene. No opposition to the petition to intervene has been filed, and the time for doing so has expired.

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. A person claiming a substantial interest in the proceeding must plead sufficient facts to demonstrate an injury in fact which is of sufficient immediacy to entitle

¹ See Rule 25-6.140, Florida Administrative Code (F.A.C.).

them to an evidentiary hearing, and that this injury is of a type or nature which the proceeding is designed to protect. *Agrico Chem. Co. v. Dep't of Env't Regul.*, 406 So. 2d 478, 482 (Fla. 1st DCA 1981). An association such as SACE that is seeking to intervene in an administrative proceeding on behalf of its members must specifically plead the following:

- (1) the substantial interests of a substantial number of its members may be substantially affected by the proceeding;
- (2) the subject matter of the proceeding is within the association's general scope of interest and activity; and
- (3) the relief requested is of a type appropriate for the association to receive on behalf of its members.

Fla. Home Builders Ass'n v. Dep't of Lab. & Emp. Sec., 412 So. 2d 351, 354 (Fla. 1982).

Analysis and Ruling

"In determining whether a party has standing to seek a formal administrative hearing, the allegations contained in the party's petition must be taken as true." *Mid-Chattahoochee River Users v. Fla. Dep't of Env't Prot.*, 948 So. 2d 794, 796 (Fla. 1st DCA 2006). Taken as true, SACE's allegations are sufficient to support all elements of associational standing under *Florida Home Builders*. Therefore, SACE's 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, SACE takes the case as it finds it.

Based on the above representations, it is

ORDERED by Commissioner Mike La Rosa, as Prehearing Officer, that the Motion to Intervene filed by Southern Alliance for Clean Energy is hereby granted as set forth in the body of this Order. It is further

ORDERED that Southern Alliance for Clean Energy 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:

William C. Garner
Law Office of William C. Garner, PLLC
3425 Bannerman Road
Unit 105, No. 414
Tallahassee, Florida 32312
(850) 320-1701
bgarner@wcglawoffice.com

By ORDER of Chairman Mike La Rosa, as Prehearing Officer, this 17th day of March, 2025.



Mike La Rosa
Chairman and Prehearing Officer
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399
(850) 413-6770
www.floridapsc.com

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

SPS

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.