

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition by Florida Power & Light Company for Base Rate Increase | DOCKET NO. 20250011-EI
DATED: JUNE 9, 2025

**MOTION TO INTERVENE OF
FLORIDIANS AGAINST INCREASED RATES, INC.**

Floridians Against Increased Rates, Inc. (“FAIR”), pursuant to Chapters 120 and 366, Florida Statutes,¹ and Rules 28-106.204 and 28-106.205, Florida Administrative Code (“F.A.C.”), hereby moves for leave to intervene in the above-styled docket. FAIR is a Florida not for profit corporation organized to advocate on behalf of Florida electric customers for lower electric rates in Florida. FAIR’s membership has grown since FAIR was granted standing and participated as a full party in FPL’s most recent general rate case.² At present, FAIR has 1,136 members; the substantial majority – 986 – of FAIR’s members are retail customers of Florida Power & Light Company (“FPL”), the petitioner (“Petitioner”) in this docket (the “FPL 2025 Rate Case Docket”).

FAIR respectfully moves to intervene in this FPL 2025 Rate Case Docket to protect its members’ interests in having the Commission determine the fair, just, and reasonable rates to be charged by FPL, and in having the Commission take such other action to protect the interests of FAIR’s members, and of all customers served by FPL, as the Commission may deem appropriate. The interests of FAIR’s members who are FPL customers will be directly affected by the Commission’s decisions in this case, and

¹ All references herein to the Florida Statutes are to the 2024 edition thereof.

² In re: Petition of Florida Power & Light Company for Base Rate Increase and Rate Unification, Docket No. 20210015-EI, Order No. 2021-0446-S-EI (Fla. Pub. Serv. Comm’n, December 2, 2021) at 8 (“FPL 2021 Rate Case”).

accordingly, FAIR is entitled to intervene to protect its members' substantial interests. In further support of its Motion to Intervene, FAIR states as follows.

1. The name and address of FAIR is as follows:

Floridians Against Increased Rates, Inc.
301 Pine Street, Suite 1400
Orlando, Florida 32801.

Floridians Against Increased Rates, Inc. is a Florida not for profit corporation whose members are retail customers of Florida investor-owned utilities, including FPL. A substantial number – in fact, the substantial majority – of FAIR's members are retail electric customers of FPL.

2. All pleadings, orders and correspondence should be directed to FAIR's representatives as follows:

Robert Scheffel Wright
John T. LaVia, III
Gardner, Bist, Bowden, Dee, LaVia, Wright, Perry & Harper, P.A.
1300 Thomaswood Drive
Tallahassee, Florida 32308
Telephone (850) 385-0070
Facsimile (850) 385-5416.

3. The agency affected by this Motion to Intervene is the Florida Public Service Commission ("Commission"). The Commission's address is:

Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850.

4. The Petitioner and affected utility in this docket is Florida Power & Light Company.

5. Statement of Affected Interests. In this FPL 2025 Rate Case Docket, the Commission will consider FPL's request to increase the rates to be paid by FPL's customers, including FAIR's members who are FPL customers. Specifically, in the "Petition by Florida Power & Light Company for Base Rate Increase" (the "Petition"), FPL is seeking approval of a "four-year rate plan" covering 2026 through 2029 that includes the following: (i) an increase in base rates and charges sufficient to generate additional total annual revenues of \$1.545 billion to be effective January 1, 2026; (ii) a subsequent year increase of \$927 million per year to be effective January 1, 2027; (iii) a Solar and Battery Base Rate Adjustment ("SoBRA") mechanism that would authorize FPL to recover costs associated with the installation and operation of up to an aggregate of 3,278 megawatts, measured in alternating current ("MWac"), of allegedly cost-effective solar generation in 2028 and 2029 and an aggregate of 1,192 MW of battery storage capacity in 2028 and 2029; (iv) a non-cash mechanism called the "Tax Adjustment Mechanism" by which FPL would be able to use up to \$2 billion of Deferred Tax Liabilities, which are presently included in FPL's capital structure as zero-cost capital, to support its earnings within the range approved by the Commission; (v) a storm cost recovery mechanism modeled after those approved in previous FPL settlement agreements; and (vi) a mechanism to address potential changes to tax laws and regulations. (The foregoing requests for rate increases, accounting mechanisms and treatment are collectively referred to herein as "FPL's Requested Relief.") As the representative of its members who are retail customers of FPL, the substantial interests

of FAIR and its members will be affected by any action that the Commission takes in this FPL 2025 Rate Case Docket.

6. FAIR's substantial interests are of sufficient immediacy to entitle FAIR to participate in the proceeding and are the type of interests that the proceeding is designed to protect. To participate as a party in this proceeding, an intervenor must demonstrate that its substantial interests will be affected by the proceeding. Specifically, the intervenor must demonstrate that it will suffer a sufficiently immediate injury in fact that is of the type the proceeding is designed to protect. Ameristeel Corp. v. Clark, 691 So. 2d 473 (Fla. 1997); Agrico Chemical Co. v. Dep't of Environmental Regulation, 406 So. 2d 478 (Fla. 2d DCA 1981), rev. denied, 415 So. 2d 1359 (Fla. 1982). Here, FAIR is the representative of its members who are retail electric customers of FPL, and these members' substantial interests will be directly affected by the Commission's decisions regarding FPL's Requested Relief. Stated succinctly, Commission approval of any rate increase will adversely affect FAIR's members who are FPL customers. Thus, the interests that FAIR seeks to protect are of sufficient immediacy to warrant intervention, and the nature of its members' interests in having the Commission set rates for FPL that are fair, just, and reasonable is exactly the type of interest that this proceeding is designed to protect. FAIR properly seeks to protect its members' substantial interests as they will be affected by the Commission's decisions in this FPL 2025 Rate Case Docket.

7. Associational Standing. Under Florida law, to establish standing as an association representing its members' substantial interests, an association such as FAIR must demonstrate three things:

- a. that a substantial number of its members, although not necessarily a majority, are substantially affected by the agency's decisions;
- b. that the intervention by the association is within the association's general scope of interest and activity; and
- c. that the relief requested is of a type appropriate for an association to obtain on behalf of its members.

Florida Home Builders Ass'n v. Dep't of Labor and Employment Security, 412 So. 2d 351, 353-54 (Fla. 1982). FAIR satisfies all of these "associational standing" requirements. A substantial number of FAIR's members receive their electric service from FPL, for which they are charged FPL's applicable retail rates. FAIR's corporate purpose, as stated in its Articles of Incorporation is:

to advance the welfare of the State of Florida, residential, business, institutional, and governmental customers served by investor-owned electric utilities whose rates are set by the Florida Public Service Commission, and of all Florida citizens, businesses, institutional and governmental entities generally, by advocating for and providing analyses to the general public concerning State of Florida governmental policies and regulatory or administrative actions that will lead to retail electric rates that are as low as possible while ensuring safe and reliable electric service. Similarly, such purposes include advancing the welfare of the State of Florida, residential, business, institutional and governmental customers served by investor-owned electric utilities, and of all Florida citizens, businesses, institutional and governmental entities generally by opposing and advocating against, and providing analyses to the general public concerning State of Florida governmental policies and regulatory administrative actions that the corporation determines will adversely impact the economy of the State of Florida, the customers of investor-owned electric utilities and Florida's citizens, businesses, institutional and governmental entities generally, because such policies and actions are likely to result in electric rates being greater than necessary to ensure the provision of safe and reliable electric service.

Finally, the relief requested -- intervention and approval of the lowest rates consistent with the Commission's governing law -- is across-the-board relief that will apply to all of FAIR's members in the same way, according to FPL's applicable tariffs; therefore, the requested relief is of the type that is appropriate for an association to obtain on behalf of its members.

8. FAIR was granted standing to represent its members' interests and participated as a full intervenor party in the last FPL general base rate case. By order of the Prehearing Officer, FAIR was initially granted provisional standing to intervene in the 2021 FPL rate case. FPL 2021 Rate Case, Order No. 2021-0180-PCO-EI, "Order Provisionally Granting Floridians Against Increased Rates, Inc.'s Motion to Intervene," (Fla. Pub. Serv. Comm'n, May 19, 2021) at 3. After FPL conducted discovery regarding FAIR's standing, FPL filed a Motion for Summary Final Order by which it asked the Commission to rule that FAIR had failed to demonstrate associational standing. Notwithstanding FPL's arguments, the Commission, at pages 5-8 of Order No. 2021-0446-S-EI, held that FAIR satisfied all three prongs of the associational standing test set forth in Florida Home Builders Ass'n v. Dep't of Labor and Employment Security, 412 So. 2d 351, 353-54 (Fla. 1982). FPL did not appeal the Commission's finding that FAIR demonstrated associational standing. See Floridians Against Increased Rates, Inc. v. Clark, 371 So. 3d 905 (Fla. 2023).

9. Disputed Issues of Material Fact. Disputed issues of material fact include, but are not limited to, the following:

- a. Whether the increased base rates for which FPL seeks the Commission's approval are fair, just, reasonable, and non-discriminatory;
- b. Whether FPL's proposed rate base amounts upon which its rate increase requests are based are reasonable and prudent;
- c. Whether FPL's proposed operating and maintenance expenses are reasonable and prudent;
- d. Whether the proposed return on equity and capital structure (equity ratio) of FPL are fair, just, and reasonable; and
- e. Whether FPL's Requested Relief will result in rates that are fair, just, reasonable, and non-discriminatory.

FAIR reserves all rights to raise additional issues in this FPL 2025 Rate Case Docket in accordance with the Commission's applicable rules and the Order Establishing Procedure for this proceeding, Order No. PSC-2025-0075-PCO-EI, issued on March 14, 2025.

10. Statement of Ultimate Facts Alleged – FAIR's Standing. A substantial number of FAIR's members are FPL customers, and their substantial interests are subject to determination in and will be directly affected by the Commission's decisions in this FPL 2025 Rate Case Docket. FAIR satisfies all requirements for associational standing established by Agrico and Florida Home Builders. Accordingly, as the representative association of its members who are FPL customers, FAIR is entitled to intervene in this proceeding.

11. Statement of Ultimate Facts Alleged – Substantive. It is FPL's burden to prove that FPL's Requested Relief (including the base rate increases, ROE, and equity ratio) must be fair, just, reasonable, and non-discriminatory. FAIR asserts that FPL has not met and cannot meet the requisite burden to justify FPL's Requested Relief.

12. Statutes and Rules That Entitle FAIR to Relief. The applicable statutes and rules that entitle FAIR to relief include, but are not limited to, Sections 120.57(1), 366.04(1), 366.05(1), 366.06(1), 366.07, and 366.93, Florida Statutes, and Rules 28-106.204 and 28-106.205, Florida Administrative Code. Sections 120.57, Florida Statutes, and Rules 28-106.204 and 28-106.205, F.A.C., provide that persons whose substantial interests are subject to determination in, or may be affected through, an agency proceeding are entitled to intervene in such proceeding. A substantial number of FAIR's members are retail customers of FPL, and their substantial interests are subject to determination in and will be affected by the Commission's decisions in this FPL 2025 Rate Case Docket. Accordingly, as the representative association of its members who are customers of FPL, FAIR is entitled to intervene herein. The above-cited sections of Chapter 366 relate to the Commission's jurisdiction over utility rates and the Commission's statutory mandate to ensure that the rates of public utilities, such as FPL, are fair, just, and reasonable. The facts alleged here by FAIR demonstrate (a) that the Commission's decisions herein will have a significant impact on the rates and charges paid by FAIR's members who are FPL customers, (b) that a substantial number of FAIR's members will be directly impacted by the Commission's decisions in this FPL

2025 Rate Case Docket, and (c) accordingly, that these statutes provide the basis for the relief requested by FAIR in this Motion to Intervene.

13. Statement of Conferral. Pursuant to Rules 28-106.204(3) and 28-106.205(2)(e), F.A.C., counsel for FAIR conferred with the other parties in this case regarding this Motion to Intervene. FAIR can represent that the Florida Retail Federation, Walmart, Inc., the Florida Industrial Power Users Group, the Southern Alliance for Clean Energy, the Federal Executive Agencies, the League of United Latin American Citizens of Florida, the Environmental Confederation of Southwest Florida, Inc., Florida Rising, Inc., EVgo Services, LLC, the Office of Public Counsel, Electrify America, and the Florida Energy for Innovation Association, take no position on FAIR's motion. FPL takes no position pending review of FAIR's motion.

CONCLUSION

14. Floridians Against Increased Rates, Inc., seeks to intervene in this FPL 2025 Rate Case Docket to protect its members' substantial interests in having the Commission set rates for FPL that are fair, just, reasonable, and not unduly discriminatory. The interests of FAIR's members that FAIR seeks to protect via its intervention and participation in this case are immediate and of the type to be protected by the Commission through this proceeding.

RELIEF REQUESTED

WHEREFORE, Floridians Against Increased Rates, Inc. respectfully requests the Florida Public Service Commission to enter its order GRANTING this Motion to Intervene and requiring that all parties to this proceeding serve copies of all pleadings, notices, and other documents on FAIR's representatives indicated in paragraph 2 above.

Respectfully submitted this 9th day of June, 2025.

/s/Robert Scheffel Wright

Robert Scheffel Wright

schef@gbwlegal.com

John T. LaVia, III

jlavia@gbwlegal.com

Gardner, Bist, Bowden, Dee, LaVia,

Wright, Perry & Harper, P.A.

1300 Thomaswood Drive

Tallahassee, Florida 32308

Telephone (850) 385-0070

Facsimile (850) 385-5416

Attorneys for Floridians Against Increased Rates, Inc.

CERTIFICATE OF SERVICE

I **HEREBY CERTIFY** that a true and correct copy of the foregoing has been furnished

by electronic mail on this 9th day of June, 2025, to the following:

Florida Power & Light Company

Kenneth A. Hoffman
134 W. Jefferson Street
Tallahassee, FL 32301
ken.hoffman@fpl.com

Environmental Confederation of Southwest Florida

421 Verna Road
Miami, FL 33193
Represented By: Earthjustice

Office of Public Counsel

Walt Trierweiler/Mary A. Wessling
c/o The Florida Legislature
111 W. Madison St., Rm 812
Tallahassee, FL 32399
Wessling.mary@leg.state.fl.us
Trierweiler.Walt@leg.state.fl.us

Earthjustice

Bradley Marshall/Jordan Luebke
111 S. Martin Luther King Jr. Blvd.
Tallahassee, FL 32301
bmarshall@earthjustice.org
jluebke@earthjustice.org
Represents: Florida Rising, Inc./League of Latin American Citizens of Florida; Environmental Confederation of Southwest Florida, Inc.

Earthjustice

Danielle McManamon
4500 Biscayne Blvd., Suite 201
Miami, FL 33137
dmcmanamon@earthjustice.org
flcaseupdates@earthjustice.org
Represents: League of United Latin American Citizens/Environmental Confederation of Southwest Florida/Florida Rising

Florida Power & Light Company

John Burnett/Maria Moncada/Christopher Wright/Will Cox/Joel Baker
700 Universe Boulevard
Juno Beach, FL 33408-0420
john.t.burnett@fpl.com
maria.moncada@fpl.com
Christopher.wright@fpl.com
Will.p.cox@fpl.com
Joel.baker@fpl.com

Florida Energy for Innovation Association

1700 Flamingo Drive
Orlando, FL 32803-1911
Contact@EnergyForInnovation.org
Represented by Holland Law Firm

Florida Industrial Power Users Group

Jon C. Moyle, Jr./Karen A. Putnal
c/o Moyle Law Firm
118 North Gadsden Street
Tallahassee, FL 32301
jmoyle@moylelaw.com
kputnal@moylelaw.com
mqualls@moylelaw.com

Florida Retail Federation

Lorena Holley
227 South Adams St.
Tallahassee, FL 32301
(850) 222-4082
(850) 226-4082
lorena@frf.org
Represented by: Stone Law Firm

Florida Rising, Inc.
10800 Biscayne Blvd., Suite 1050
Miami, FL 33161
Represented By: Earthjustice

Stone Law Firm
James Brew/Laura Baker/
Joseph Briscar/S. Newman
1025 Thomas Jefferson St., NW, Ste. 800 West
Washington DC 20007
jbrew@smxblaw.com
lwb@smxblaw.com
jrb@smxblaw.com
sbn@smxblaw.com
Represents: Florida Retail Federation

Southern Alliance for Clean Energy
P.O. Box 1842
Knoxville, TN 37901
Represented by: Garner Law Firm

Garner Law Firm
William C. Garner
3425 Bannerman Rd.
Tallahassee, FL 32312
bgarner@wcglawoffice.com
Represents: Southern Alliance for Clean Energy

**League of United Latin American
Citizens of Florida**
100 S. Belcher Rd., #4752
Clearwater, FL 33765
Represented by: Earthjustice

Walmart Inc.
2608 SE J Street
Bentonville, AR 72716
Represented by: Spillman Law Firm

Spilman Law Firm
Steven W. Lee
1100 Bent Creek Boulevard, Suite 101
Mechanicsburg, PA 17050
slee@spilmanlaw.com
Represents: Walmart Inc

Spilman Law Firm
Stephanie U. Eaton
110 Oakwood Drive, Suite 500
Winston-Salem, NC 27103
seaton@spilmanlaw.com
Represents Walmart Inc.

Holland Law Firm
D. Bruce May/Kevin W. Cox/Kathryn Isted
315 S. Calhoun Street, Suite 606
Tallahassee, FL 32301
Bruce.may@hklaw.com
Kevin.cox@hklaw.com
Kathryn.isted@hklaw.com
Represents: Florida Energy for Innovation
Association

Keyes Law Firm (25 Vijaykar)

Nikhil Vijaykar
580 California St., 12th Floor
San Francisco, CA 94104
nvijaykar@keyesfox.com
Represents: EVgo Services, LLC

EVgo Services, LLC

Katelyn Lee/Lindsey Stegall
1661 E. Franklin Ave.
El Segundo, CA 90265
Katelyn.Lee@evgo.com
Lindsey.Stegall@evgo.com
Represented by: Keyes Law Firm

Electrify America, LLC

Stephen Bright/Jigar J. Shah
1950 Opportunity Way, Suite 1500
Reston, VA 20190
Steve.Bright@electrifyamerica.com
Jigar.Shah@electrifyamerica.com
Represented by: Duane Morris Law Firm

Duane Morris Law Firm

Robert E. Montejo
201 S. Biscayne Blvd., Suite 3400
Miami, FL 33131-4325
remontejo@duanemorris.com
Represents: Electrify America, LLC

Federal Executive Agencies

Leslie Newton/Ashley George/Thomas
Jernigan/Jame Ely/Michael Rivera/
Ebony Payton
139 Barnes Drive, Suite 1
Tyndall AFB, FL 32403
Ashley.George.4@us.af.mil
Ebony.Payton.ctr@us.af.mil
Leslie.Newton.1@us.af.mil
Michael.Rivera.51@us.af.mil
Thomas.jernigan.3@us.af.mil
James.Ely@us.af.mil

/s/Robert Scheffel Wright
ATTORNEY