

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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

DOCKET NO.: 20250011-EI
FILED: August 29, 2025

**THE FLORIDA INDUSTRIAL POWER USERS GROUP'S MOTION TO QUASH
FLORIDA RISING'S, LEAGUE OF UNITED LATIN AMERICAN CITIZENS', &
ENVIRONMENTAL CONFEDERATION OF SOUTHWEST FLORIDA'S FIRST SET
OF INTERROGATORIES (NOS. 1-7) & FIRST REQUEST FOR PRODUCTION
OF DOCUMENTS TO FLORIDA INDUSTRIAL POWER USERS GROUP**

1. The Florida Industrial Power Users Group ("FIPUG"), by and through undersigned counsel, pursuant to the Order Establishing Procedure, Order No. PSC-2025-0075-PCO-EI, issued March 14, 2025, hereby moves for the entry of an order quashing Florida Rising's, League of United Latin American Citizens', & Environmental Confederation of Southwest Florida's ("FEL") "Renewed First Set of Interrogatories (Nos. 1-7)" & "Renewed First Request for Production of Documents (Nos. 1-3)" ("Contested Discovery") to FIPUG. Pursuant to Florida Rule of Civil Procedure 1.280, the grounds for the motion and requested relief are as follows:

2. FEL initially served the Contested Discovery, which seeks information relating only to the nature of FIPUG and its membership, on FIPUG on June 25, 2025. Following discussion, FIPUG asked FEL to withdraw the discovery. FEL indicated that it needed to consider the request and confer with its clients. FEL agreed to grant FIPUG an extension of time through July 23, 2025, the discovery cut-off deadline. No further discussion or activity relating to FEL's discovery occurred until the afternoon of August 6, 2025, only two business days before the beginning of the Florida Power & Light ("FPL") rate case and two weeks after the July 23, 2025 discovery cutoff date. Given this passage of time, the Contested Discovery should not be allowed as FEL waived its rights to pursue the Contested Discovery.

3. Additionally, to the extent that the Contested Discovery will somehow be part of a standing argument, FEL has already had a full and fair opportunity to depose FIPUG's long-time expert Jeff Pollock, who addressed FIPUG member's standing to participate in this proceeding as an intervenor. Mr. Pollock's

pre-filed testimony was submitted on June 9, 2025. Specifically, witness Pollock testified that:

“A substantial number of FIPUG members purchase electricity from Florida Power & Light Company (FPL). They are among the largest FPL customers and consume significant quantities of electricity, often around-the-clock, and require a reliable, affordably-priced supply of electricity to power their operations. Therefore, FIPUG members have a direct and substantial interest in the issues raised in, and the outcome of, this proceeding. FIPUG has been actively participating and representing its members interests for decades in legal proceedings, including FPL rate case proceedings, before the Commission and the Florida Supreme Court.” (See Jeff Pollock prefiled testimony at pages 1-2, lines 11-16.)

4. FEL’s position as set forth in the Prehearing Order in its Prehearing Statement is that FIPUG must prove its standing at hearing. FIPUG is prepared to do so based on the testimony that has been filed to date, FIPUG being granted intervention at the Division of Administrative Proceedings over objection (See DOAH Case No. 19-6137RP, pages 19-22), and the Public Service Commission’s long history of granting FIPUG’s standing to intervene in Public Service Commission proceedings over decades of such proceedings.

5. Importantly, the first sentence of the Prehearing Officer’s August 22, 2025 First Order Revising Order Establishing Procedure, Discovery, states: “Discovery shall be limited to the issues in the Settlement Agreement.” This order, which created a limited window for narrow discovery after the initial discovery cut-off date, authorized discovery only on new issues of fact or law that fairly may have emerged as a direct result of the settlement, and should not be used to somehow allow the backfilling or revival of issues and discovery that could have been previously pursued but were not. FEL’s Contested Discovery runs afoul of this statement.

6. FIPUG has consulted with FEL and is authorized to represent that FEL opposes this motion.

WHEREFORE, for the foregoing reasons, the Contested Discovery should be quashed.

Respectfully submitted,

/s/ Jon C. Moyle

Jon C. Moyle, Jr.

Karen A. Putnal

Moyle Law Firm, P.A.

118 North Gadsden Street

Tallahassee, Florida 32301

Telephone: (850)681-3828

jmoyle@moylelaw.com

kputnal@moylelaw.com

CERTIFICATE OF SERVICE

I **HEREBY CERTIFY** that a true and correct copy of the foregoing has been furnished by electronic mail this 29th day of August 2025 to the following:

Shaw Stiller
Timothy Sparks
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399
ssstiller@psc.state.fl.us
TSparks@psc.state.fl.us

Walt Trierweiler
Mary Wessling
Office of Public Counsel
111 West Madison Street – Room 812
Tallahassee, FL 32399-1400
Trierweiler.walt@leg.state.fl.us
wessling.mary@leg.state.fl.us

Ken Hoffman
Florida Power & Light Company
134 West Jefferson Street
Tallahassee, FL 32301
Ken.hoffman@fpl.com

Armstrong World Industries, Inc.
Brian A. Ardire
2500 Columbia Avenue
Lancaster, PA 17603
baardire@armstrongceilings.com

John T. Burnett
Maria Moncada
Christopher T. Wright
Joel Baker
Florida Power & Light Company
700 Universe Boulevard
Juno Beach, FL 33408-0420
john.t.burnett@fpl.com
maria.moncada@fpl.com
christopher.wright@fpl.com
joel.baker@fpl.com

Bradley Marshall
Jordan Luebkekmann
Earthjustice
111 S. Martin Luther King Jr. Blvd.
Tallahassee, FL 32301
bmarshall@earthjustice.org
jluebkekmann@earthjustice.org
flcaseupdates@earthjustice.org

William C. Garner
Law Office of William C. Garner
3425 Bannerman Road
Unit 105, No. 414
Tallahassee, FL 32312
bgarner@wcglawoffice.com

Leslie R. Newton
Ashley N. George
Thomas A. Jernigan
Michael A. Rivera
James B. Ely
Ebony M. Payton
Federal Executive Agencies
139 Barnes Drive, Suite 1
Tyndall Air Force Base, FL 32403
leslie.newton.1@us.af.mil
ashley.george.4@us.af.mil
thomas.jernigan.3@us.af.mil
michael.rivera.51@us.af.mil
james.ely@us.af.mil
ebony.payton.ctr@us.af.mil

Nikhil Vijaykar
Keyes & Fox LLP
580 California St., 12th Floor
San Francisco, CA 94104
nvijaykar@keyesfox.com

Katelyn Lee
EVgo Services, LLC
1661 E. Franklin Ave.
El Segundo, CA 90245
katelyn.lee@evgo.com

Lindsey Stegall
EVgo Services, LLC
1661 E. Franklin Ave.
El Segundo, CA 90245
lindsey.stegall@evgo.com

D. Bruce May
Kevin W. Cox
Kathryn Isted
Holland & Knight LLP
315 S. Calhoun Street, Suite 600
Tallahassee, FL 32301
Bruce.may@hklaw.com
Kevin.cox@hklaw.com
Kathryn.isted@hklaw.com

James W. Brew
Laura Wynn Baker
Joseph R. Briscar
Sarah B. Newman
Stone Mattheis Xenopoulos & Brew, PC
1025 Thomas Jefferson St NW
Suite E-3400
Washington, DC 20007
(202) 342-0800
(202) 342-0804 (fax)
jbrew@smxblaw.com
lwb@smxblaw.com
jrb@smxblaw.com
sbn@smxblaw.com

Stephanie U. Eaton
Spilman Thomas & Battle, PLLC
110 Oakwood Drive, Suite 500
Winston-Salem NC 27103
seaton@spilmanlaw.com

Robert E. Montejo
Duane Morris LLP
201 S. Biscayne Boulevard, Suite 3400
Miami, FL 33131-4325
REMontejo@duanemorris.com

Duane Morris LLP
Alexander W. Judd
100 Pearl Street, 13th Floor
Hartford, CT 06103
AJudd@duanemorris.com

Danielle McManamon
4500 Briscayne Boulevard, Suite 201
Miami, FL 33137
dmcmanamon@earthjustice.org

Electrify America, LLC
Stephen Bright
Jigar J. Shah
Electrify America, LLC
1950 Opportunity Way, Suite 1500
Reston VA 20190
Steve.Bright@electrifyamerica.com
Jigar.Shah@electrifyamerica.com

Floyd R. Self
Ruth Vafek
Berger Singerman, LLP
313 North Monroe Street, Suite 301
Tallahassee, FL 32301
fself@bergersingerman.com
rvafek@bergersingerman.com

Steven W. Lee
Spilman Thomas & Battle, PLLC
1100 Bent Creek Boulevard, Suite 101
Mechanicsburg PA 17050
slee@spilmanlaw.com

/s/ Jon C. Moyle, Jr.
Jon C. Moyle, Jr.