

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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

DOCKET NO. 20250011-EI  
ORDER NO. PSC-2025-0329-PCO-EI  
ISSUED: September 4, 2025

ORDER GRANTING IN PART AND DENYING IN PART THE OFFICE OF PUBLIC  
COUNSEL'S FIRST MOTION AND NOTICE OF INTENT TO SEEK OFFICIAL  
RECOGNITION AND DENYING REQUEST FOR ORAL ARGUMENT

Background

On July 24, 2025, the Office of Public Counsel (OPC) filed a Motion and Notice of Intent to Seek Official Recognition (Motion)<sup>1</sup> of the following items:

- Exhibit A - "One Big, Beautiful Bill Act" (Public Law 119-21)
- Exhibit B - Laws of Florida 2024-186
- Exhibit C - Texas Statute SB 6 enacted June 20, 2025
- Exhibit D - Executive Order No. 14154 "Unleashing American Energy"
- Exhibit E - Executive Order No. 14156 "Declaring a National Energy Emergency"
- Exhibit F - Executive Order No. 14315 "Ending Market Distorting Subsidies for Unreliable, Foreign-Controlled Energy Sources"
- Exhibit G - United States Treasury Guidance Relating to the "One Big, Beautiful Bill Act" (Expected to be issued on or about August 18, 2025)
- Exhibit H - Governor DeSantis' veto of Senate Bill 1574
- Exhibit I - FPL's Joint Application for Authorization Under Section 203 of Federal Power Act of Vandolah Power Company LLC et al., under EC25-101
- Exhibit J - All written customer comments filed in Florida Public Service Commission Docket 2025001 1-EI through July 16, 2025.
- Exhibit K - Public Utilities Commission of Ohio Opinion and Order in Case No. 24-508-EL-ATA
- Exhibit L - FPL's 2016-2024 PSC Annual Reports
- Exhibit M - Congressional letter to Secretary Robert F. Kennedy, Jr, Secretary of Health and Human Services, dated April 4, 2025
- Exhibit N - "Florida's Top 10 Private Landowners," Florida Trend Magazine, published January 16, 2025

Concurrent with its Motion, OPC filed a request for oral argument, stating that the Commission would "generally aid the Commission in understanding and evaluating issues raised in the motion."

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<sup>1</sup> The July 24<sup>th</sup> Motion (Document No. 06843-2025) is the first of two Motions filed by OPC requesting official recognition; the second was filed on July 31, 2025 (Document No. 07045-2025), and will be addressed by a separate order.

On July 31, 2025, Florida Power & Light Company (FPL) filed a Response in Partial Opposition to the Motion. FPL objects to only Exhibits G and M listed above. As to OPC's request for oral argument, FPL responds that FPL's Response to the arguments raised in OPC's Motion are sufficient on their face to evaluate and decide OPC's Motion without the need for further argument or explanation.

### Analysis and Decision

#### Oral Argument

Having reviewed the parties' filings, I find that they are sufficient on their face to make a decision as to their merits. Accordingly, OPC's request for oral argument is denied.

#### Official Recognition

Official recognition in administrative proceedings is governed by the same substantive provisions as judicial notice in civil actions. Section 120.569(2)(i), Florida Statutes (F.S.), and Rule 28-106.213(6), Florida Administrative Code (F.A.C.). After notice and upon sufficient motion, official recognition is mandatory as to certain matters and permissive as to others.

Pursuant to Section 90.202(1), F.S., judicial notice of laws and resolutions of the Florida Legislature and Congress of the United States is mandatory. Exhibits A and B in OPC's Motion fit squarely within this category, and are both appropriate for official recognition.

Pursuant to Section 90.202(2), F.S., judicial notice of public statutory law of every other state, territory, and jurisdiction of the United States is permissive. The Texas statute listed by OPC as Exhibit C is such a law. It appears to be relevant to this proceeding, FPL does not object to its admission, and it appears to be appropriate for official recognition.

Pursuant to Section 90.202(3), F.S., judicial notice of contents of the Federal Register is permissive. Exhibits D, E, and F, all contents of the Federal Register, appear to be relevant to this proceeding, are not subject of any objection from FPL, and are appropriate for official recognition.

Pursuant to Section 90.202(5), F.S., judicial notice of "[o]fficial actions of the legislative, executive, and judicial departments of the United States and of any state, territory, or jurisdiction of the United States" is permissive. OPC argues that Exhibit G fits this category. OPC labels Exhibit G as "United States Treasury Guidance Relating to the 'One Big, Beautiful Bill Act,'" and describes it as follows:

Although the guidance has not yet been issued, it is due to be issued on or before August 18, 2025, which is during the hearing dates for this docket. OPC requests that as soon as that guidance is issued, the Commission take official recognition of that guidance, and any other United States Treasury action resulting from

Executive Order 14315 so that the Commission will have the ability to consider all available materials that are relevant to the issues in this docket.

FPL argues that because this guidance has not been issued, there is no “official action” of the executive of which notice can be taken. I agree. Exhibit G is not appropriate for official recognition.

Sections 90.202(11) and (12), F.S., provide two very broad categories of permissive judicial notice. First, subsection (11) provides that such notice may be taken of “[f]acts that are not subject to dispute because they are generally known within the territorial jurisdiction of the court.” Second, subsection (12) provides same for “[f]acts that are not subject to dispute because they are capable of accurate and ready determination by resort to sources whose accuracy cannot be questioned.”

OPC argues that Exhibit M, which is a Congressional letter to Secretary Robert F. Kennedy, Jr, Secretary of Health and Human Services, dated April 4, 2025, fits this category. OPC continues that the letter is relevant for the following reasons:

Exhibit M is relevant to the issues in this docket because both FPL and OPC witnesses discuss the Low-Income Home Energy Assistance Program (“LIHEAP”), and this document provides important, timely context surrounding the status and future of that program. Additionally, it is not subject to dispute and capable of accurate and ready determination because it is on Congressional letterhead and bears the signatures of 90 members of Congress.

The facts that (i) a letter was sent (ii) from 90 members of Congress (iii) to Secretary Kennedy (iv) on April 4, 2025, are not subject to dispute and are capable of ready and accurate determination. The representations in the letter regarding actions at the federal level that could have affected certain government employees on June 2, 2025, may be accepted as the understanding of the signatories of that letter. Most of the remainder of the letter contains specific factual representations regarding LIHEAP. This information is not specific to Florida or FPL, is supported by references to internet links to other, non-record sources, and appears to be irrelevant hearsay.

The fact that the letter may be officially recognized does not automatically transform all of its contents into admissible, non-hearsay evidence. *See Allstate Ins. Co. v. Greyhound Rent-A-Car, Inc.*, 586 So. 2d 482, 483 (Fla. 4th DCA 1991). Tribunals are to exercise caution when taking a statement that appears in a document that has been judicially noticed as a substitute for proof of the fact. *See Rubrecht v. Cone Distrib., Inc.*, 95 So. 3d 950, 959 (Fla. 5th DCA 2012). Accordingly, I will grant official recognition of this letter, but only subject to the substantial qualifications set forth above.

Finally, Exhibit N is an article titled “Florida’s Top 10 Private Landowners,” published in *Florida Trend Magazine* on January 16, 2025. OPC contends that the information in this article

is relevant to the Plant Held for Future Use issues in this docket. FPL does not object. Exhibit N is appropriate for official recognition.

Therefore, it is

ORDERED by Chairman Mike La Rosa, as Prehearing Officer, that the July 24, 2025, Motion for Official Recognition filed by the Office of Public Counsel is granted as to Exhibits A through F, Exhibits H through L, and Exhibit N. It is further

ORDERED that the Motion for Official Recognition filed by the Office of Public Counsel is denied as to Exhibits G and M. It is further

ORDERED that the Office of Public Counsel's request for oral argument is denied.

By ORDER of Chairman Mike La Rosa, as Prehearing Officer, this 4th day of September, 2025.



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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.

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.