

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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

DOCKET NO. 20250011-EI
ORDER NO. PSC-2025-0166-PCO-EI
ISSUED: May 22, 2025

ORDER GRANTING MOTION TO INTERVENE BY
FLORIDA ENERGY FOR INNOVATION ASSOCIATION

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 and Response

On May 15, 2025, the Florida Energy for Innovation Association (FEIA) filed a Motion to Intervene (Motion) in this proceeding. In the Motion, FEIA represents that it is a Florida not-for-profit association consisting of members generally described as "companies that are developing data centers in Florida" (Companies) and (2) "affiliates [of the Companies] that are existing electric customers of FPL" (Affiliates).

FEIA states that the Companies are actively seeking to develop data centers in FPL territory and obtain electric service from FPL for these centers. FEIA further represents that the Companies have entered into confidential agreements with FPL regarding the configuration and cost of providing electrical service. FEIA alleges that the Companies could take service under FPL's existing General Service Large Demand- 3 (GSLD-3) tariff, but that they would be required to take service under the new Large Load Contract Service (LLCS) tariff proposed in this rate case if approved by the Commission. FEIA continues that the charges for electric service under the LLCS tariff are 65% more than under the GSLD-3 tariff, and that the LLCS tariff imposes conditions on an electric customer that are not required under the GSLD-3 tariff. Based on these allegations, FEIA alleges that the Companies' substantial interests are or may be affected by the Commission's decision on whether to approve the LLCS tariff.

As to the Affiliates, FEIA states that they are existing electric customers of FPL. FEIA alleges that FPL's proposals to increase base rates will affect the substantial interests of existing FPL ratepayers, including the Affiliates.

FEIA states that a substantial number of its members are existing retail electric customers of FPL. FEIA continues that intervention is within the association's general scope of interest and activity, as its Articles of Incorporation provide for representation of the members' interests

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

before the Public Service Commission regarding the importance of fair, just, and reasonable rates. FEIA argues that both the Companies and Affiliates would benefit from the assurance of fair, just, and reasonable rates, and, therefore, the relief sought would be appropriate for the association to receive on behalf of its members.

The Federal Executive Agencies and EVGo Services, LLC, have no objection to the Motion. The remaining interveners take no position with respect to the Motion.

On May 19, 2025, FPL filed a Response to the Motion. FPL states that the identity of FEIA members is unknown and the alleged impact to their substantial interests is speculative. FPL notes its preliminary objection to FEIA's standing, and requests that the Prehearing Officer grant FEIA's standing subject to proof of standing or appropriate stipulations.

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 them to an evidentiary hearing, and that this injury is of a type or nature that 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 FEIA 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, FEIA's allegations are sufficient to support all elements of associational standing under *Florida Home Builders*. Therefore, FEIA'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 intervener, FEIA 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 Florida Energy Innovation Association is hereby granted, subject to proof of standing or stipulations that there are sufficient facts to support the elements for standing. It is further

ORDERED that Florida Energy Innovation Association 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 Chairman Mike La Rosa, as Prehearing Officer, this 22nd day of May, 2025.



Mike La Rosa
Chairman 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.

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.