

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for a limited proceeding to
approve large load tariff, by Duke Energy
Florida, LLC.

DOCKET NO. 20260064-EI
ORDER NO. PSC-2026-0286-PCO-EI
ISSUED: August 21, 2026

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

On April 22, 2026, Duke Energy Florida, LLC (DEF or Utility) filed a petition for approval of a new Large Load Customer Policy (LLCP), a Large Load Customer Agreement (LLCA), and revised Contribution in Aid of Construction (CIAC) tariffs. DEF states that this filing complies with newly passed state legislation, Senate Bill 484 (SB 484). The Governor signed SB 484 into law on May 7, 2026, which took effect on July 1, 2026 (Chapter No. 2026-65, Laws of Florida). In compliance with Section 366.06(3), Florida Statutes (F.S.), an administrative hearing on DEF's Petition is scheduled for August 25-26, 2026.

On August 13, 2026, the Office of Public Counsel (OPC) filed a Motion and Notice of Intent to Seek Official Recognition (Motion) for 25 exhibits labelled Exhibit A through Exhibit Y. Contemporaneously, to support its request, OPC filed a Request for Oral Argument seeking ten minutes of oral argument. DEF opposed the motion while PCS Phosphate – White Springs supported the entry of two exhibits (Exhibits B and U) and took no position on the remaining exhibits. The remaining intervenors took no position.

On August 19, 2026, DEF filed a Response in Partial Opposition to the Motion and in Opposition to the Request for Oral Argument. In its response, DEF noted no objection to Exhibit A (FERC Order 2003) but objected to the entry of Exhibits B through Y. DEF alleges that these exhibits are irrelevant, immaterial, unduly repetitious, and/or hearsay. DEF also argues there is no need for oral argument.

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(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. Exhibits A through H in OPC’s Motion fit squarely within this category and are appropriate for official recognition.

Pursuant to Section 90.202(10), F.S., judicial notice of duly enacted ordinances and resolutions of municipalities and counties located in Florida is permissive. DEF objects on the basis that Exhibits J through R are irrelevant to any issue under consideration. The adequacy of the protections provided by DEF’s proposal is an active issue in this docket and the ordinances proffered may inform the Commission as to the concerns municipalities have when working with large load customers. Therefore, they are relevant and are appropriate for official recognition.

Pursuant to Section 90.202(11) or (12), F.S., judicial notice of facts that are not subject to dispute because they are generally known within the jurisdiction of the court or because they are capable of accurate and ready determination is permissive. Press releases and meeting minutes from various county commissions do not fall within the scope of these subsections. They are not official acts of the various jurisdictions, merely records of those jurisdictions which do not fall under any recognized category under Section 90.202, F.S. Consequently, Exhibits S through Y are not appropriate for official recognition.

Finally, OPC requests this Commission officially recognize the comments from utility customers in this docket. As previously held, it is “generally an appropriate exercise of the tribunal’s discretion to take notice of its own files, so long as the parties are given notice and an opportunity to address the matter being noticed.”¹ There is no apparent prejudice to any party from adding these customer comments to the record in this proceeding. DEF’s hearsay objection is noted. Official recognition does not transform the comments into non-hearsay evidence and tribunals are to exercise caution when taking official recognition to not substitute the document as proof of the fact. *See Allstate Ins. Co. v. Greyhound Rent-A-Car, Inc.*, 586 So. 2d 482, 483 (Fla. 4th DCA 1991) and *Rubrecht v. Cone Distrib., Inc.*, 95 So. 3d 950, 959 (Fla. 5th DCA 2012). The Commission has historically given consideration to customer comments in proceedings such as rate cases, where input from customers is part of the statutory ratemaking process. While this is not a rate case, the comments in this docket address a first-of-its-kind petition under the newly enacted statute. On balance, I find it appropriate that Exhibit I be officially recognized; the comments will be given the weight that they are due.

Therefore, it is

ORDERED by Commissioner Gary F. Clark, as Prehearing Officer, that the Motion and Notice of Intent to Seek Official Recognition is granted in part and denied in part as laid out in the body of this order. It is further

ORDERED that the Office of Public Counsel’s Request for Oral Argument is denied.

¹ Order No. PSC-2025-0370-PCO-EI issued October 6, 2026, in Docket No. 20250011-EI, *In re: Petition for rate increase by Florida Power & Light Company* (citing *Davenport v. State*, 971 So. 2d 29 (Fla. 4th DCA 2008)).

By ORDER of Commissioner Gary F. Clark, as Prehearing Officer, this 21st day of August, 2026.



GARY F. CLARK
Commissioner 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.

MRT

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.