

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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

DOCKET NO. 20250011-EI  
ORDER NO. PSC-2025-0264-PCO-EI  
ISSUED: July 9, 2025

ORDER GRANTING IN PART AND DENYING IN PART  
SECOND MOTION TO ENLARGE DISCOVERY  
BY OFFICE OF PUBLIC COUNSEL

Background

On June 26, 2025, the Office of Public Counsel (OPC) filed a Second Motion to Enlarge Discovery (Motion). OPC requests in the Motion that the current limit of 850 interrogatories be increased to 950. In support of the timing of this request, OPC notes that it has served 770 of its 850 allowable interrogatories, leaving only 80 for rebuttal. Since rebuttal testimony is due to be filed July 9, 2025, and the discovery cut-off is July 23, 2025, OPC argues that it will not have sufficient time to seek an increase in the discovery limit after the testimony is filed, and is seeking proactively to ensure that it has the discovery inventory it needs to complete preparation. OPC notes that it “may not need any or all of the additional interrogatories, but OPC feels compelled to seek permission to increase the limit now rather than taking a ‘wait and see’ approach.” Motion at 2-3.

In support of the request for an increased amount of interrogatories, OPC argues that this is an extremely complex “and ever-evolving” proceeding involving almost \$10 billion in revenues over four years. OPC notes that the Florida Power & Light Company (FPL) filed a Notice of Identified Adjustments on May 23, 2025, but has not yet filed the adjustments, thereby creating an unknown potential for additional discovery. OPC further states that after it submitted prefiled testimony in opposition to FPL’s rate request, FPL filed notice of an application to, *inter alia*, acquire a 660 MW natural gas/oil fired generating facility. OPC asserts that this application and the potential acquisition of additional, firm capacity “represents a significant change in circumstances that could require extensive further investigation . . . .” Motion at 3.

The League of United Latin American Citizens, Florida Rising, the Environmental Confederation of Southwest Florida, the Florida Retail Federation, the Federal Executive Agencies, and Floridians Against Increased Rates support the Motion. The Florida Industrial Power Users Group, the Southern Alliance for Clean Energy, Walmart, Americans for Affordable Clean Energy, RaceTrac, Wawa, Circle K, Electrify America, the Florida Energy for Innovation Association, and EVgo Services take no position on the Motion.

FPL opposes the Motion and, on July 7, 2025, filed a Response in Opposition. FPL first argues that the Motion should be denied as premature because OPC has not yet reached the current limit on interrogatories. FPL continues that the existing limit is sufficient and consistent with prior practice, including the discovery allowed in its 2021 rate case. As to the notice of

acquisition regarding the generating facility, FPL argues that it “is not unexpected and should not be a mystery to OPC,” because “[b]efore this Vandolah Power transaction was made public, OPC and other parties to this proceeding were made aware of the transaction on a confidential basis.” Response at 7. FPL concludes by stating that all litigation evolves, and that OPC “has simply disregarded the interrogatory discovery limit established by the OEP and assumed that the discovery limit would be expanded simply by serving an avalanche of questions early in the proceeding . . . .” Motion at 8.

Decision

The Motion does not demonstrate good cause to increase the cap on interrogatories from 850 to 950; however, I will grant another modest increase. Accordingly, the existing cap on interrogatories, including all subparts, shall be increased for the Office of Public Counsel from 850 to 900. In all other respects, the Second Motion to Enlarge Discovery is denied.

ORDERED by Chairman Mike La Rosa, as Prehearing Officer, that the Office of Public Counsel’s Second Motion to Enlarge Discovery is granted in part and denied in part as set forth herein.

By ORDER of Chairman Mike La Rosa, as Prehearing Officer, this 9th day of July, 2025.



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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.