

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.: 20250113-EI
FILED: November 25, 2025

**FLORIDA INDUSTRIAL POWER USERS GROUP'S
PETITION TO INTERVENE**

Petitioner, Florida Industrial Power Users Group ("FIPUG"), pursuant to sections 120.569 and 120.57(1), Florida Statutes, and Rule 28-106.205, Florida Administrative Code, hereby files its Petition to Intervene, and in support thereof states as follows:

The Parties

1. Petitioner / Intervenor is:

Florida Industrial Power Users Group
c/o Moyle Law Firm, P.A.
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Facsimile: (850) 681-8788

For purposes of service of all pleadings, notices, and orders in this docket, Intervenor's mailing and e-service addresses are as follows:

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2. The affected agency is the Florida Public Service Commission ("PSC" or "Commission"), with a principal place of business at 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850.

3. The affected utility in this docket is Duke Energy Florida, LLC, ("DEF").

FIPUG's Substantial Interests

4. FIPUG is an association of industrial and commercial users of electricity and natural gas in Florida. The cost of electricity to those FIPUG members is material and contributes to FIPUG members' overall costs of production and/or business operations. FIPUG members require adequate, reasonably priced electricity to compete effectively in their respective markets. FIPUG members include some of DEF's largest customers.

5. In this case, the Commission will consider:

- (a) DEF's request to implement a new Large Load Rate Schedule ("LCRS");
- (b) Large Load Customer Policy ("LLCP");
- (c) Large Load Customer Agreement (LLCA");
- (d) whether or not to make changes to the Contribution in Aid of Construction ("CIAC") tariff; and
- (e) how to protect existing customers from undue impacts that may be associated with serving data centers;.

6. These DEF proposed changes, and others, will have a direct and substantial impact on DEF's customers, including FIPUG members.

7. As discussed below, FIPUG has standing to intervene in this matter on behalf of its members. In *Florida Home Builders Association v. Department of Labor and Employment Security*, 412 So. 2d 351 (Fla. 1982), the Florida Supreme Court set forth the requirements for an

organization to demonstrate associational standing on behalf of its members in administrative proceedings.¹ An organization must demonstrate that 1) a substantial number of its members, although not necessarily a majority, are "substantially affected" by the agency action; 2) the subject matter of the case is within the association's general scope of interest and activity; and 3) the relief requested is of the type appropriate for the association to receive on behalf of its members. *Id.* at 353-54.

8. A substantial number of FIPUG members will be substantially affected by the Commission's action taken on DEF's Petition in this case. As such, each FIPUG member that receives electricity from DEF will be affected by the outcome of this case. *See Agrico Chem. Co. v. Dep't of Env't Regulation*, 406 So. 2d 478, 482 (Fla. 2d DCA 1981).

9. Moreover, the subject matter of this docket is within FIPUG's general scope of interest and activity. FIPUG routinely appears at the Commission on behalf of its members in cases concerning utility regulation, as the cost and reliability of electricity represents a significant portion of its members' production costs. As such, the subject matter of the instant docket, i.e. whether to approve DEF's proposed changes as identified above, is well within FIPUG's scope of interest and activity on behalf of its members.

10. Additionally, pursuant to rule 28-106.205(1), Florida Administrative Code, the relief sought by FIPUG by way of the instant petition is of the type appropriate for it to receive on behalf of its members.

11. FIPUG seeks, by way of the instant petition, leave to intervene as a party with full rights to participate in this docket. Because its members are commercial and industrial electric

¹ Although *Florida Home Builders Association* concerned standing in actions brought pursuant to section 120.56(1), Florida Statutes, its rationale has been extended to actions brought pursuant to 120.57, Florida Statutes, by the First District Court of Appeal's decision in *Farmworker Rights Organization, Inc. v. Department of Health and Rehabilitative Services*, 417 So. 2d 753, 754 (Fla. 1st DCA 1982).

customers who will be affected by the outcome of this case, FIPUG's participation in this docket is appropriate to ensure that the rates charged to, and terms and conditions of electric service sought from its members who receive electric service from DEF are fair, just, and reasonable. Additionally, FIPUG seeks to conduct discovery in this docket as warranted in its judgment, and raise issues of material fact that may arise herein.

12. Further, FIPUG's interests are of the type that this proceeding is designed to protect. *See, Agrico Chem. Co.*, 406 So.2d at 482. The purpose of the proceeding is for the Commission to consider, among other things, new rates, terms and conditions upon certain large load customers and how those proposed rates, terms, and conditions will affect DEF's existing customers, including FIPUG members. The outcome of the proceeding will thus have significant implications for FIPUG members that are customers of DEF. Accordingly, FIPUG's interest in ensuring that its members are charged fair, just, and reasonable rates for the electricity and electric services provided by DEF are the type of matters that this proceeding is designed to protect.

Notice of Proceeding

13. FIPUG received notice of this docket by an informal communication from DEF and subsequent review of the DEF's September 5, 2025 filed Petition.

Statement of Position

14. DEF must meet its burden of proof in this matter. FIPUG seeks to conduct discovery and reserves the right to modify its position based on information obtained during discovery or otherwise.

Disputed Issues of Material Fact

15. Disputed issues of material fact include, but are not limited to, the following:

- (a) whether DEF's request to implement a new Large Load Rate Schedule (LCRS") proposes rates that are fair, just, and reasonable
- (b) whether DEF's proposed Large Load Customer Policy ("LLCP") is fair, just, and reasonable;
- (c) whether DEF's proposed Large Load Customer Agreement is fair, just, and reasonable
- (d) whether DEF's proposed changes to the Contribution in Aid of Construction ("CIAC") proposal is fair, just, and reasonable; and
- (e) whether DEF's Petition protects existing customers from undue impacts that may be associated with serving data centers

16. FIPUG reserves all rights to raise additional issues in accordance with the Commission's rules and the Order Establishing Procedure to be issued in this docket.

Statement of Ultimate Facts Alleged and at Issue

17. Ultimate facts alleged and at issue include, but are not limited to, the following:
- a. Whether DEF's Petition to establish a new rate schedule, new policy, and revised CIAC policy is fair, just, and reasonable.

Rules and Statutes Justifying Relief

18. The rules and statutes that entitle FIPUG to intervene and participate in this case include, but are not limited to:

- a. Section 120.569, Florida Statutes;
- b. Section 120.57, Florida Statutes;
- c. Section 366.04, Florida Statutes;
- d. Section 366.041, Florida Statutes;
- e. Section 366.05, Florida Statutes;

- f. Section 366.06, Florida Statutes;
- g. Rule 28-106.201, Florida Administrative Code; and
- h. Rule 28-106.205, Florida Administrative Code.

Relief Requested

19. FIPUG requests that it be permitted to intervene as a full party in this docket.

Statement Required by Rule 28-106.204(3), Florida Administrative Code

20. Counsel for FIPUG has conferred with counsel for DEF and is authorized to represent that DEF takes no position on FIPUG's petition to intervene.

WHEREFORE, FIPUG requests that the Commission enter an order allowing it to intervene and participate as a full party in docket number 20250113-EI.

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CERTIFICATE OF SERVICE

I **HEREBY CERTIFY** that a true and correct copy of the foregoing Florida Industrial Power Users Group's Petition to Intervene has been furnished by electronic mail this 25th day of November 2025 to the following:

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