

**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

**PETITION TO INTERVENE BY FLORIDA RISING**

Pursuant to sections 120.569, 120.57, Florida Statutes, and Rule 28-106.205, Florida Administrative Code, Florida Rising, Inc. (“Florida Rising”), through its undersigned counsel, petitions for leave to intervene in the above captioned proceeding, and in support thereof states:

**I. AGENCY AFFECTED**

1. The name and address of the agency affected by this petition is

Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399-0850

**II. IDENTIFICATION OF THE INTERVENORS AND THEIR COUNSEL**

2. The names and address of Petitioner is:

Florida Rising, Inc.  
10800 Biscayne Blvd.,  
Suite 900  
Miami, FL 33161

3. The names and addresses of counsel for Petitioner, authorized to receive all

notices, pleadings, and other communications in this docket are:

Bradley Marshall  
Jordan Luebke  
Earthjustice  
111 S. Martin Luther King Jr. Blvd.  
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### **III. RECEIPT OF NOTICE OF AGENCY'S PROPOSED ACTION**

4. Petitioner received notice of the Florida Public Service Commission's ("Commission") action through a search of the open dockets on the Commission's website.

### **IV. THE INTERVENOR'S SUBSTANTIAL INTERESTS**

5. Florida Rising is a membership-based organization dedicated, under their articles of incorporation, to building "broader multiracial movements with individuals from historically marginalized communities to seize power and govern to advance social, economic, and racial justice." Florida Rising has a substantial number of members in Duke Energy Florida's ("Duke's") service territory which will be substantially affected by the outcome of this proceeding as Duke customers that will face higher electricity rates and thus higher bills to pay for the investments needed to serve large load customers, like data centers, unless Florida Rising's members' interests are properly protected. As it stands right now, Duke has no separate proposed rates for large load customers, putting them on the GSD rate, which does not even cover embedded costs for the current customers on that rate, let alone incremental costs for new, large load customers. Duke also does not articulate its generation plan to serve new, large load customers. Without such articulation, Duke may decide to install additional, fossil-fuel infrastructure, which is not cost-effective, and the costs of the which will fall on Florida Rising's members without an incremental generation charge for large load customers. Regardless of whether SB 484 is signed into law, at a minimum, at issue in this proceeding is determining "fair, just, and reasonable rates." *See, e.g.*, § 366.06(1), Fla. Stat. "Just" is defined by Black's Law Dictionary as "legally right; lawful; equitable." Black's Law Dictionary (11th ed. 2019). The directive to make fair, just, and reasonable rates therefore includes the concept of ensuring

equitable rates. In turn, “equitable” is defined as “Just, consistent with principles of justice and right.” *Id.* Black’s Law Dictionary defines “justice” as “1. The fair treatment of people” or “2. The quality of being *fair* or *reasonable*,” *id.* (emphasis added), and Merriam-Webster similarly defines it as “the quality of being just, impartial, or fair.”<sup>1</sup> In the context used in Florida Rising’s mission and the statute, “just” and “justice” have virtually the same meaning, with “justice” being a noun and “just” being an adjective. “Economic” is defined as “of, relating to, or based on the production, distribution, and consumption of goods and services.”<sup>2</sup> Therefore, said differently, Florida Rising’s mission includes fighting for and ensuring that its members receive fair, just, and reasonable (from the definition of “justice”) costs of services (from the definition of “economic”). Electric rates, at issue in this proceeding, are the cost of electricity service. Ensuring “fair, just, and reasonable rates,” as an issue in this proceeding, is therefore not only within Florida Rising’s general scope of interest and activity, it virtually meets the dictionary definition of Florida Rising’s mission of fighting for economic justice for its members. Other than an explicit organizational mission to fight for “fair, just, and reasonable rates”—verbatim—it is hard to imagine a more germane organizational mission for the interests implicated in this proceeding than one aiming to ensure “economic justice” for its members.

6. Beyond advocating for economic equity, which will be a key issue in determining whether to approve Duke’s proposed large load tariffs, Florida Rising is also committed to climate justice and pushing for a regenerative future and a just transition that puts frontline communities as the center of energy policy, disaster response, food policy, and all climate change initiatives.

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<sup>1</sup> <https://www.merriam-webster.com/dictionary/justice> (second definition).

<sup>2</sup> <https://www.merriam-webster.com/dictionary/economic>.

7. A substantial number of Florida Rising's members live in Duke's service area and are customers receiving electricity service from Duke and will be substantially affected by the outcome of this proceeding as Duke ratepayers.

8. In furtherance of the mission of Florida Rising, Florida Rising has previously intervened in the most recent Duke Energy Florida rate case and latest energy efficiency goal-setting proceeding. *See* Order Granting Petition to Intervene of Florida Rising, Inc. and League of United Latin American Citizens of Florida, *In re: Petition for rate increase by Duke Energy Florida LLC*, Docket No. 20240025-EI, Order No. PSC-2024-0106-PCO-EI (Fla. P.S.C. April 19, 2024); Order Granting Intervention for Florida Rising, Inc., Docket No. 20240013-EG, Order No. PSC-2024-0135-PCO-EG (Fla. P.S.C. April 25, 2024), as well as numerous other proceedings involving Tampa Electric Company and Florida Power & Light Company.

## **V. STATEMENT OF AFFECTED INTERESTS**

9. In the above-captioned proceeding, the Commission will determine whether to grant Duke's petition to implement its proposed large load tariffs and policies. As is currently proposed, those policies will put large load customers onto GSD-1 or GSDT-1 rates, which Florida Rising contends is currently below parity on an embedded cost basis. With large load customers, this disparity is likely only going to increase, as large load customers will need significant incremental generation and transmission investments to serve them. Thus, as it stands in Duke's proposal, the rates of Florida Rising's members (residential customers who are above parity) will necessarily need to increase to pay for this cross-subsidy, a cross-subsidy that is meant to be explicitly eliminated by SB 484. Additionally, without any plan for incremental generation additions, all rates may go up to pay for incremental generation costs. At issue, then, is potentially whether to allow Duke in its next rate case to raise its rates and whether to allow

Duke to recover funds – and profits – for its investments in non-cost effective fossil-fuel infrastructure that is only being constructed due to the addition of large load customers due to the Commission’s approval of Duke’s proposal in this docket. This eventual rate increase will result in substantial bill increases to Florida Rising’s members. The eventual rate hike resulting from the Commission’s decision in this docket will further increase the energy burden already suffered by low-income customers in Duke’s territory, and will negatively impact Florida Rising’s members in Duke’s service territory.

10. The substantial interest of members of Florida Rising are affected in this case because the Commission’s order will ultimately impact the rates their members pay in Duke’s service territory. If the Commission does not require that large load customers pay their full cost of service (and Duke’s proposal, putting such customers on GSD-1 and GSDDT-1 rates, certainly does not), then residential rates will necessarily increase to pay for the difference between a full cost of service rate for large load customers and the GSD/GSDDT rates. Thus, the Commission’s order will directly affect the mission of Florida Rising, along with their members and their pecuniary interests.

11. As ratepayers, Florida Rising’s members are affected by the construction and expansion of non-cost effective infrastructure that Duke may be considering to serve large load customers as a result of the Commission’s actions in this proceeding. Florida Rising believes that before the Commission approves Duke’s proposals in this proceeding, it must review how Duke plans to serve large load customers and ensure that Duke is evaluating the most cost-effective energy sources, including renewable energy, to serve those customers, and also ensure that it is *those* customers paying for such incremental generation. Failure to require a rigorous

assessment of such generation to serve large load customers will result in unnecessary premiums for fossil fuel generation for Florida's ratepayers, including Florida Rising's members.

12. Moreover, Florida Rising and its members rely on these proceedings to provide the Commission with expert testimony and opinion about the rate impacts on residential customers of Duke's proposal and regarding the generation resources best utilized to serve large load customers.

13. These are the type of interests this proceeding is designed to protect because the purpose of this case coincides with the substantial interests of Florida Rising and its members. *Ameristeel Corp. v. Clark*, 691 So.2d 473 (Fla. 1997); *Agrico Chemical Co. v. Department of Environmental Regulation*, 406 So.2d 478 (Fla. 2d DCA 1981), *reh. denied*, 415 So.2d 1359 (Fla. 1982); *Florida Home Builders Ass 'n v. Department of Labor and Employment Security*, 412 So.2d 351, 353-54 (Fla. 1982).

14. Florida Rising is authorized to represent its interests and the interests of its members in legal actions, including formal administrative actions such as this. The subject matter of this docket is well within the scope of interest and activities of Florida Rising, and the relief requested is the type of relief appropriate for this organization to receive on behalf of its members. The rights and interests of Florida Rising and its members cannot be adequately represented by any other party in this docket, and intervention will not unduly delay or prejudice the rights of other parties.

15. Florida Rising's mission to pursue economic justice on behalf of its members—ensuring that the electricity rates they will ultimately pay are fair, reasonable, and just—is an interest for which the Commission has consistently granted associational standing to organizations representing their members in Commission proceedings.

16. Florida Rising, Inc. meets the three-prong standing test from *Florida Home Builders*, in that 1) a substantial number of Florida Rising's members will be substantially affected by the Commission's decision in this docket; 2) the subject matter of this proceeding is within Florida Rising's general scope of interest and activity (i.e., fair and just reasonable rates and Florida Rising's interest in advocating for economic justice for its members); and 3) the relief requested is of a type appropriate for Florida Rising to receive on behalf of its members (i.e., ensuring fairer and more just rates).

17. Florida Rising's intervention is timely. R. 28-106.205, F.A.C.

## **VI. STATEMENT OF DISPUTED ISSUES OF FACT**

18. Florida Rising cannot at this time provide a complete statement of disputed issues of fact as discovery has not started. It is expected that disputed issues of fact include, but are not limited to, the following:

- a. Whether Duke's proposal will ultimately increase the rates of residential customers in order to provide lower rates to large load customers.
- b. Whether Duke's proposal ensures there will be adequate generation to serve large load customers.
- c. Whether Duke's proposal ensures that large load customers pay for any incremental generation needed to serve them.
- d. Whether Duke's proposal ensures that large load customers will pay their full cost of service.
- e. Whether Duke's proposal ensures that large load customers that incur costs and then leave the system are ultimately responsible for those costs.

- f. Whether Duke's proposal will ultimately result in rates that are fair, just, and reasonable.

## **VII. STATEMENT OF ULTIMATE FACT**

19. Florida Rising cannot at this time provide a complete statement of ultimate facts to be proven because discovery has not started. Florida Rising's allegations of ultimate facts include, but are not limited to, that Duke's proposal does not adequately protect residential customers from having to provide a substantial cross-subsidy to large load customers, and thus the Commission's approval of Duke's proposal will ultimately result in rates that are unjust, unreasonable, and unjustly discriminatory, and also ultimately allow recovery for investments in fossil-fuel infrastructure and other infrastructure that was not prudent without a generation plan to serve large load customers. If SB 484 is signed into law, there will be substantial questions of fact and law as to whether Duke's proposals in this docket comply with the requirements of SB 484.

## **VIII. STATUTES AND RULES THAT REQUIRE THE RELIEF REQUESTED**

20. The rules and statutes that entitle Florida Rising to intervene and participate in this case include, but are not limited to, the following:

- a. § 120.569, Fla. Stat.;
- b. § 120.57, Fla. Stat.;
- c. §§ 366.03-06, Fla. Stat.;
- d. R. 28-106.201, F.A.C.; and
- e. R. 28-106.205, F.A.C.

## **IX. CONSULTATION WITH OTHER PARTIES**

31. Pursuant to Rule 28-106.204(3), F.A.C., Florida Rising has conferred with counsel for Duke, the Office of Public Counsel (“OPC”), and PCS Phosphate regarding this petition. OPC advised it takes no position pending demonstration of associational standing. Duke advised that it takes no position but reserves the right to respond to the petition. PCS Phosphate takes no position.

## **X. RELIEF SOUGHT**

32. WHEREFORE, Florida Rising respectfully requests that the Commission enter an order granting it leave to intervene in the above-styled docket as a full party, and further requests parties to provide the undersigned with all pleadings, testimony, evidence, and discovery filed in said docket.

RESPECTFULLY SUBMITTED this 5th day of May, 2026.

/s/ Bradley Marshall  
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*Counsel for Florida Rising.*

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true copy and correct copy of the foregoing was served on this 5th day of May, 2026, via electronic mail on:

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|---|--|
| <p><b>Florida Public Service Commission</b><br/><b>Office of the General Counsel</b><br/>Major Thompson<br/>Saad Farooqi<br/>2540 Shumard Oak Boulevard<br/>Tallahassee, Florida 32399<br/>major.thompson@psc.state.fl.us<br/>sfarooqi@psc.state.fl.us<br/>discovery-gcl@psc.state.fl.us</p>  | <p><b>Office of Public Counsel</b><br/>Walt Trierweiler<br/>Charles J. Rehwinkel<br/>Patricia A. Christensen<br/>Octavio Simoes-Ponce<br/>Austin A. Watrous<br/>c/o The Florida Legislature<br/>111 West Madison Street, Room 812<br/>Tallahassee, FL 32399-1400<br/>trierweiler.walt@leg.state.fl.us<br/>rehwinkel.charles@leg.state.fl.us<br/>christensen.patty@leg.state.fl.us<br/>ponce.octavio@leg.state.fl.us<br/>watrous.austin@leg.state.fl.us</p> |
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DATED this 5th day of May, 2026.

/s/ Bradley Marshall  
Attorney