

State of Florida



# Public Service Commission

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**-M-E-M-O-R-A-N-D-U-M-**

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**DATE:** May 5, 2026

**TO:** Gary F. Clark, Commissioner  
Bobby Payne, Commissioner  
Ana Ortega, Commissioner

**FROM:** Greg Davis, Engineering Specialist III, Division of Engineering *LK*  
Phillip O. Ellis, Public Utilities Supervisor, Division of Engineering  
Carlos Marquez II, Senior Attorney, Office of the General Counsel *SPS*  
Shaw Stiller, Attorney Supervisor, Office of the General Counsel

**RE:** Docket No. 20260020-EI - Petition for determination of need for Andytown-Oasis transmission lines project in Broward and Miami-Dade Counties, by Florida Power & Light Company.

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## Introduction

The Florida Public Service Commission (Commission or FPSC) is scheduled to consider Florida Power & Light Company's (FPL or Utility) petition for determination of need for the Andytown-Oasis transmission lines project in Broward and Miami-Dade Counties at its May 11, 2026, Special Agenda Conference. The purpose of this document is to provide background and a summary of the issues, including record evidence and positions of the parties, for use by the Commission in its deliberations.

## Background

Sections 403.52 through 403.5365, Florida Statutes (F.S.), are known as the Florida Electric Transmission Line Siting Act (TLSA) which serves as the centralized process for the certification of certain transmission lines. Transmission lines of 230 kilovolts (kV) or greater, that exceed 15 miles and cross county lines, are required to be certified under the TLSA. The Florida Department of Environmental Protection is the lead agency and is responsible for land use issues, including the final route of any line. Pursuant to Section 403.537, F.S., the FPSC is the sole forum to address the determination of need for any proposed project. The ultimate certification is decided by the Siting Board, which is comprised of the Governor and the Cabinet.

The Andytown-Oasis Transmission Lines Project (AOP) proposes the construction of four new high-voltage transmission lines: (1) a 500-kV circuit originating at the existing Andytown substation (Broward County) terminating at the planned Oasis substation (Miami-Dade County); (2) a 500-kV circuit interconnecting the existing Quarry substation (Miami-Dade County) with the planned Oasis substation; (3) a 230-kV circuit from the existing Quarry substation to the planned Oasis substation; and (4) a 230-kV circuit from the existing Levee substation (Miami-Dade

County) to the planned Oasis substation. Three of the four lines in the AOP are within Miami-Dade County and do not require certification under the TLSA, however, as allowed by Section 403.524(2)(d), F.S., FPL chose to include them in its petition for a more comprehensive review.

Under Section 403.537, F.S., the FPSC is required to hold a public hearing within 45 days of the utility's filing of a petition and render a decision within 60 days of that filing. Based on FPL's March 13, 2026, filing date, the Commission held a Hearing on April 23, 2026, and must render a decision no later than May 11, 2026. In determining the need for transmission lines, the Commission shall take into account:

- the need for electric system reliability and integrity,
- the need for abundant, low-cost electrical energy to assure the economic well-being of the residents of this state,
- the appropriate starting and ending point of the line, and
- other matters within its jurisdiction deemed relevant to the determination of need.

There are two intervenors in this docket: (1) The Office of Public Counsel (OPC) filed a notice to intervene on March 20, 2026, which was acknowledged by Order No. PSC-2026-0078-PCO-EI, issued March 24, 2026; and, (2) Environmental Defense Fund, Inc. (EDF) filed a motion to intervene on March 24, 2026, which was approved by Order No. PSC-2026-0083-PCO-EI, issued April 3, 2026.

Issues 1 through 4 are similar to those brought forth in prior TLSA proceedings.<sup>1</sup> Subsequent to FPL filing its petition and testimony, additional issues were brought forth by EDF and two were ultimately included in the Prehearing Order, and address issues regarding the Federal Energy Regulatory Commission's (FERC) Order No. 1000 and Nos. 1920, 1920-A, and 1920-B (collectively, FERC Order No. 1920), and are identified as Issues A and B, respectively.<sup>2</sup>

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<sup>1</sup> See Order No. PSC-2025-0291-FOF-EI, issued July 29, 2025 in Docket No. 20250078-EI, *In re: Petition for determination of need for DeLand West-Dona Vista Transmission Line in Volusia and Lake Counties*, by Duke Energy Florida, LLC.; Order No. PSC-2022-0196-FOF-EI, issued June 3, 2022, in Docket No. 20220045-EI, *In re: Petition for determination of need for Sweatt-Whidden 230 kV transmission line in Okeechobee, DeSoto, Highlands, and Glades Counties*, by Florida Power & Light Company.; and Order No. PSC-2020-0223-FOF-EM, issued June 30, 2020, in Docket No. 20200107-EM, *In re: Petition for determination of need for the Orlando/St. Cloud Regional Resiliency Connection 230 kV transmission line project in Orange and Osceola Counties*, by Orlando Utilities Commission.

<sup>2</sup> See Order No. PSC-2026-0091-PHO-EI, issued April 15, 2026.

### Summary of Issues

#### **Issue A: Is FERC Order No. 1000 relevant to this proceeding and within the Commission's jurisdiction to consider?**

As noted above, EDF proposed issues regarding FPL's noncompliance with FERC Orders. In this issue, EDF asserted that FPL has failed to comply with FERC Order No. 1000, which was adopted to prevent utilities from planning major grid expansions in isolation by establishing an affirmative obligation to engage in a regional transmission planning process. (EDF BR 31) FERC Order No. 1000, issued July 2011, is a federal rule that reforms regional transmission planning and cost allocation by requiring public utilities to participate in a regional process that accounts for reliability, economics, and public policy requirements. (EXH 10) Under this framework, a project is considered regional if it provides benefits to two or more transmission providers. (TR 154; EXH 10) In Florida, the regional transmission planning process is implemented primarily through the Florida Reliability Coordinating Council (FRCC).<sup>3</sup>

EDF witness Thomas testified that FPL failed to engage in transparent regional transmission planning as mandated by FERC, which requires utilities to participate in regional planning and has established applicable principles and considerations for utility transmission planning. (TR 94; TR 123) As one example, EDF witness Thomas asserted that the AOP was improperly excluded from the FRCC regional planning process and that the existing FRCC regional planning framework is "structurally and systemically defective and inadequate." (TR 109) In support of that assertion, he stated that "since the inception of Order 1000 over a decade ago, exactly zero regional transmission projects have been selected, approved, or built through the FRCC process." (TR 110) Witness Thomas stated the FPSC has the jurisdiction and statutory duty to scrutinize FPL's failure to consider a more cost-effective regional alternative. (TR 108-109) EDF witnesses Cranston and Thomas request that the FPSC direct FPL to conduct true regional transmission planning analyses, with full and timely opportunities for stakeholder involvement, consistent with the requirements of the FERC Orders. (TR 52-53; TR 93; TR 114; TR 119-120) Witness Thomas argued that Florida is not the wrong forum because, when FERC regional planning processes fail, the state commission is the only forum left to protect the consumer. (TR 109)

In its brief, EDF further elaborated that FERC Order No. 1000 established the regional transmission planning framework which included evaluating whether a regional solution could more efficiently or cost-effectively meet needs of the electric grid and identify transmission solutions that could have save money for everyone in Florida, not just FPL ratepayers. (EDF BR 18; EDR BR 25) EDF also noted that FERC Order No. 1000 requires regional planning must evaluate whether regional solutions meet the system's needs "more efficiently or cost-effectively than solutions identified by individual public utility transmission providers in their local transmission planning process." (EDF BR 31) EDF argued that FERC Order No. 1000 was meant to prevent isolated planning and developing local plans without regional considerations, but that FPL's classification of the project as a local solution circumvented FERC Order No. 1000's

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<sup>3</sup> The FRCC is a Member Services Organization which coordinates planning and operation within the FRCC Region, which consists of peninsular Florida, and includes FPL. (EXH 3 MPN C1-17aq-C1-17ar)

transparency requirements. (EDF BR 30-31; EDR BR 34) Further, EDF stated that FERC Order No. 1000 does not permit utilities to avoid regional planning simply by self-designating a need as local. (EDF BR 34)

OPC did not file testimony in this proceeding. In its brief, OPC argued there is significant overlap between federal and state regulations regarding transmission, and that regional planning is required by both federal and state levels. (OPC BR 4-5) As the Commission's Rule 25-22.076(3), Florida Administrative Code (F.A.C.), requires information on regional impacts, OPC averred that it is therefore appropriate to consider regional planning associated with FERC Order No. 1000. (OPC BR 4-5) Therefore, OPC asserted that FERC Order No. 100 is relevant to the proceeding and within the Commission's jurisdiction. (OPC BR 6)

FPL witness Yanes, stated that the "AOP is a localized solution needed to address a specific, documented, and uncontested reliability need in Miami-Dade County." (TR 150) Witness Yanes also asserted that the AOP "...cannot be cost-efficiently addressed by a regional project." (TR 151) Further, he argued FERC Order No. 1000 is not an appropriate consideration in this docket because the AOP is not a regional project and its primary purpose is to satisfy specific reliability obligations within FPL's service territory. (TR 154-155) Last, FPL witness McLain stated that the FPSC's jurisdiction in this need determination is strictly limited to Section 403.537, F.S., and that any matters pertaining to FERC Order No. 1000 or regional planning fall under the exclusive authority of the FERC. (TR 139)

In its brief, FPL argued that the attempt to invoke FERC Order No. 1000 is inappropriate and irrelevant. (FPL BR 3) FPL asserted that EDF witness' testimony acknowledges that FERC has jurisdiction regarding transmission planning under the Federal Power Act, and EDF is de-facto asking the Commission to find the FRCC's regional planning process under FERC Order No. 1000 insufficient. (FPL BR 8-9) FPL averred that nothing in Section 403.537, F.S., grants the Commission authority over FERC Order No. 1000's planning processes, and that any complaints about that process should be properly addressed to federal authorities. (FPL BR 10-11) FPL argued that the Commission's broad authority under Section 366.045(5), F.S., is not relevant to FERC regional planning processes, and that as FERC is governed by federal statutes, the Commission cannot override it. (FPL BR 11-12) FPL further argued that, therefore, EDF's dissatisfaction with FERC Order No. 1000 processes is in the wrong forum, and the relevance of FERC Order No. 1000 should be denied. (FPL BR 13-14)

In addition, FPL contended that even if the Commission were to consider FERC Order No. 1000 is within its jurisdiction, the regional planning processes it addresses are not applicable or relevant to the AOP, as the AOP is a local project as defined by FERC Order No. 1000, not developed through the FRCC, and addresses local North American Electric Reliability Corporation (NERC) Reliability Standard violations. (FPL BR 14-15) FPL asserted that EDF's witnesses acknowledged that the project is not a regional project. (FPL BR 15-16) FPL argued that EDF's insistence on using regional planning processes is inconsistent with FERC Order No. 1000, which allows for local projects. (FPL BR 16-17) FPL also asserted that the Commission should not consider FERC Order No. 1000 relevant or if so, give it no weight, and any complaints regarding FERC Order No.

1000 should be addressed more appropriately to FERC, and that regardless, the AOP is not a regional project, and therefore, FERC Order No. 1000 is irrelevant. (FPL BR 20)

**Issue B: Are FERC Order Nos. 1920, 1920-A, and 1920-B relevant to this proceeding and within the Commission’s jurisdiction to consider?**

As noted above, EDF proposed issues regarding FPL’s noncompliance with FERC Orders. In this issue, EDF asserted that FPL has failed to comply with FERC Order No. 1920, which addressed long-term regional planning. (EDF BR 34-35) Specifically, FERC Order No. 1920, issued May 2024, expands the regional planning framework established by Order No. 1000 by requiring transmission providers to adopt a long-term, 20-year planning horizon, which is a major shift from the previous 3-to-10-year timelines. (EXH 11) Pursuant to FERC Order No. 1920, the FRCC must now develop at least three distinct long-term scenarios to evaluate future grid needs, incorporating drivers such as extreme weather, shifting load patterns, and state energy policies. FERC Order No. 1920-A, issued November 2024, modified the original Order 1000 by expanding state oversight and granting utilities more time to begin their first long-term planning cycle. (EXH 12) FERC Order No. 1920-B, issued April 2025, affirmed the role of state regulators as key decision makers in the regional transmission planning and cost allocation process. (EXH 13) In this role, state regulators decide on cost allocation formulas, establish their own internal voting and decision-making processes, define planning scenario assumptions, have the authority to request additional planning scenarios, and can allow additional time to negotiate cost-sharing agreements.

EDF witness Cranston testified that FERC Order No. 1920 contains three critical mandates designed to ensure ratepayers do not fund sub-optimal, fragmented grid expansions: (1) utilize a 20-year regional planning horizon; (2) evaluate whether local transmission projects can be “right sized;”<sup>4</sup> and, (3) assess whether using Advanced Transmission Technologies (ATTs) and Grid Enhancing Technologies (GETs) could avoid the construction of a new line. (TR 61-62; TR 75) Both EDF witness Thomas and Cranston allege that FPL is not in compliance with these regional planning requirements.

Witness Cranston also testified that many of EDF’s concerns on how these federal mandates are implemented by FRCC have not been incorporated into FRCC analyses and thus EDF is not satisfied with the FRCC. (TR 62; EXH 14; EXH 15) Witnesses Thomas and Cranston asserted that both FPL’s and the FRCC’s planning activities fail to result in planning and investment decisions that serve the public interest. (TR 52; TR 93)

Furthermore, witness Cranston argued that by failing to rigorously evaluate right-sizing opportunities or ATTs, FPL cannot demonstrate that the AOP is needed to deliver low-cost electrical energy to assure the economic well-being of the citizens of Florida. (TR 63-66) In support, witness Cranston asserted that the AOP is a narrow, localized fix while deliberately ignoring the broader system constraints identified in regional planning studies. (TR 69; EXH 2) Witness Thomas added that without genuinely evaluating how right-sizing the AOP could resolve

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<sup>4</sup> FERC Order No. 1920 defines “right-sizing” as the process of modifying a transmission provider’s in-kind replacement of an existing transmission facility to increase that facility’s transfer capability. (EXH 11 MPN C3-5246)

broader system constraints, FPL is perpetuating a fragmented, piecemeal transmission development process. (TR 98; EXH 29) Witness Cranston also took issue with FPL's lack of presented alternatives, testifying that merely evaluating different geography routes for the same infrastructure does not answer the fundamental economic question. (TR 71-76)

Witness Thomas testified that the FPSC has the jurisdiction and statutory duty to scrutinize FPL's failure to consider a more cost-effective regional alternative. (TR 108-109) Witnesses Cranston and Thomas requested that the FPSC direct FPL to conduct true regional transmission planning analyses, with full and timely opportunities for stakeholder involvement, consistent with the requirements of the FERC Orders. (TR 52-53; TR 93; TR 114; TR 119-120) Witness Thomas argued that Florida is not the wrong forum because, when regional planning processes fail, the state commission is the only forum left to protect the consumer. (TR 109)

In its brief, EDF highlighted FERC's finding that failing to use long-term regional planning, as mandated by FERC Order No. 1920, results in unjust and unreasonable rates for customers. (EDF BR 5) EDF stated that FERC Order No. 1920 requires an iterative, three-meeting process with stakeholders for reviewing assumptions and needs before a plan is finalized and requires utilities to evaluate four specific ATTs (dynamic line ratings, advanced power flow control, advanced conductors, and transmission switching) for every identified need. (EDF BR 18-19) EDF claimed that FPL is rushing the AOP to bypass FRCC's FERC Order No. 1920 compliance filing, which is due June 12, 2026. (EDF BR 19; EDF BR 34-35) EDF asserted that since FPL's lead planner, witness Yanes, chairs the FRCC's FERC Order No. 1920 Task Force, the company is fully aware of the requirements in the order and is acting imprudently by ignoring them. (EDF BR 31)

OPC did not file testimony in this proceeding. In its brief, OPC referred to the TLSA Statute, Section 403.537(c), F.S., which allows for 'other matters within its jurisdiction deemed relevant to the determination of need' to be taken into account by the Commission. (OPC BR 6) OPC also highlighted to language in FERC Order No. 1920, which contains comments addressing deficiencies in the transmission planning processes that have occurred under FERC Order No. 1000, and argued that the complaints addressed within that are relevant to the transmission process conducted for the AOP. (OPC BR 6-8) While OPC acknowledged that FERC Order No. 1920 is not yet in effect, it argued that since the in-service date of the AOP is after the implementation date, it should therefore be considered relevant to this proceeding and within the Commission's jurisdiction. (OPC BR 8)

FPL witness McLain argued, first and foremost, that the Commission's jurisdiction is governed by state authority under Section 403.537, F.S., for need determinations rather than federal regional planning standards. (TR 132). Second, witness McLain testified that any arguments concerning FERC Order No. 1920 are clearly premature because FPL's formal compliance plan is not due until June 12, 2026, and remains subject to future federal review and approval. (TR 132-133; TR 135) Witness McLain further argued that only after the FERC Order No. 1920 compliance filings are accepted by FERC will the new planning regime begin to govern utility conduct. (TR 135) Witness McLain continued that even after FERC approves the compliance plans, the initial regional transmission planning session will not begin until January 1, 2028, based upon the mutual agreement of multiple utilities. (TR 133-134; EXH 42) FPL witness Yanes testified that waiting

until the first planning process was complete was not feasible, as it would not be complete until 2031. (TR 152-153)

In its brief, FPL argued that EDF is asking the Commission to direct FPL's implementation of FERC Order No. 1920 in its review of the AOP. (FPL BR 8-9) As discussed in Issue 1, FPL averred that nothing in Section 403.537, F.S., grants the Commission authority over FERC Order No. 1000's planning processes, and that any complaints about that process should be properly addressed to federal authorities. (FPL BR 10-11) FPL argued that the Commission's broad authority under Section 366.045(5), F.S., is not relevant to FERC regional planning processes, and that as FERC is governed by federal statutes, the Commission cannot override it. (FPL BR 11-12) FPL noted that FERC Order No. 1920 limits state participation in the regional planning process, which provides a consultative role to provide inputs, not to make decisions on projects, which remains at FERC. (FPL BR 12-13) FPL further argued that, therefore, EDF's dissatisfaction with FERC Order No. 1920 process is in the wrong forum, and the relevance of FERC Order No. 1920 should be denied. (FPL BR 13-14)

FPL contended that even if the Commission were to consider that FERC Order No. 1920 is within its jurisdiction, the regional planning processes it addresses are not applicable or relevant to the AOP, as the AOP is a local project as defined by FERC Order No. 1920, not developed through the FRCC, and addresses local NERC Reliability Standard violations. (FPL BR 14-15) FPL asserted that EDF's witnesses acknowledge that the project is not a regional project. (FPL BR 15-16) FPL argued then that EDF's insistence on using regional planning processes is inconsistent with FERC Order No. 1920, which allows for local projects. (FPL BR 16-17) FPL contested that the relevance of FERC Order No. 1920 is not timely as no FERC approved planning process is in effect to evaluate it in comparison to. (FPL BR 16-17) FPL argued, even so, Order 1920 expressly preserves local transmission planning processes like those used to develop the AOP. (FPL BR 17-18)

FPL asserted that the Commission should not consider FERC Order No. 1920 relevant or if so, give it no weight, and any complaints regarding FERC Order No. 1920 should be addressed more appropriately to FERC, and that regardless, the AOP is not a regional project and therefore FERC Order No. 1920 is irrelevant. (FPL BR 20)

**Issue 1: When taking into account the need for electric system reliability and integrity, as prescribed in Section 403.537, Florida Statutes, is there a need for Florida Power & Light Company's proposed:**

- (A) 500-kV transmission line starting at FPL's existing Andytown substation and ending at FPL's planned Oasis substation?**
- (B) 500-kV transmission line starting at FPL's existing Quarry substation and ending at FPL's planned Oasis substation?**
- (C) 230-kV transmission line starting at FPL's planned Oasis substation and ending at FPL's existing Quarry substation?**
- (D) 230-kV transmission line starting at FPL's planned Oasis substation and ending at FPL's existing Levee substation?**

Transmission planning focuses on the network that delivers high-voltage electricity from power plants to local distribution networks. Transmission networks are designed to maintain system reliability and integrity during normal conditions and to prevent blackouts from occurring during contingency events, such as the loss of one or more generating units and/or transmission lines. (EXH 3 MPN C1-17ag-C1-17al)

FPL witness Yanes identified the AOP as a necessity to maintain grid reliability within Miami-Dade County. (TR 35) While previous assessments in 2023 and 2024 indicated no immediate concerns, the 2025 review, performed in May-September 2025, forecasted a summer peak load of 7,200 MW by 2033 in Miami-Dade County. (EXH 3 MPN C1-17k; EXH 37 MPN E2-E3) According to witness Yanes, the forecasted load growth is projected to cause significant low-voltage conditions and thermal overloads on existing infrastructure under certain contingencies. (TR 36; EXH 3 MPN C1-17o – C1-17q) Witness Yanes maintained that without the AOP, the Miami-Dade County area will violate NERC Reliability Standards, potentially necessitating load shedding to prevent widespread instability. (TR 34-35; EXH 7 MPN C1-22<sup>5</sup>) Although the reliability need is triggered by the summer 2033 peak, the AOP transmission line is scheduled for completion in two phases. (EXH 37 MPN E7)

Witness Yanes explained that the two-phase approach is necessary to address a transmission line in Miami-Dade County with a projected ampacity rating of 99 percent under NERC Reliability Standard TPL-001-5.1 contingency conditions by 2031. (TR 153) The first phase is the transmission line from Andytown substation to the new Oasis substation that will be completed by December 2031; and the second phase will complete the remaining transmission lines in the AOP at various times from January 2033 to December 2033. (EXH 3 MPN C1-17ad<sup>6</sup>; EXH 40 MPN E55) However, the last transmission line will be completed in December 2033, approximately 6-months after the summer 2033 peak. (EXH 37 MPN E7) To address this six-month deficit, FPL witness Yanes stated in his deposition that Demand Side Management (DSM) will be utilized to manage the load. (EXH 192 MPN H21) However, a potential discrepancy exists regarding the availability of these resources, as Yanes also stated that the 7,200 MW peak forecast already incorporates the full volume of Commission-approved DSM goals. (EXH 192 MPN H18-H19)

FPL stated that incremental generation was not a feasible alternative due to constraints on natural gas deliveries in the region, while energy storage was not modeled as it would increase load during charging periods. (EXH 36) Similarly, FPL responded no additional conservation was considered as the 2025 load forecast already included the impacts of its approved DSM programs. (EXH 37 MPN E12) Witness Yanes developed two transmission alternatives, each also involving a pair of 500 kV and a pair of 230 kV transmission lines, which utilized different substations than those selected for the AOP. (TR 36-38) These are identified as the Conservation-Oasis Project (Alternative I) and the Andytown-Oasis Two Circuits Project (Alternative II). While Yanes testified that these would also address the reliability need, he rejected them due to routing, permitting, and cost concerns. (TR 37-38)

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<sup>5</sup> Confidential Document No. 01501-2026, BSP 000107

<sup>6</sup> The confidential version of the map is contained in Document No. 01501-2026, BSP 000020

FPL witness Yanes further testified that FPL considered multiple transmission technologies, including but not limited to ATTs and GETs. (TR 156-158) Witness Yanes argued that ATTs and GETs are already incorporated in FPL's planning and transmission operations, including the usage of advanced transmission conductors in the AOP. FPL stated that it considered a broad range of alternatives, including non-transmission options, but that these options could not fully resolve the reliability concerns. (EXH 46 MPN E156)

In its brief, FPL reiterated witness Yanes' findings regarding the need to resolve NERC Reliability Standard violations identified in its 2025 transmission study and the need to address them to preserve transmission system reliability. (FPL BR 20-22) FPL contended that EDF's witnesses do not dispute the need to resolve these violations, leaving evidence of need for the AOP undisputed. (FPL BR 22) FPL asserted that EDF's argument that the AOP is not needed because FPL did not consider regional transmission measures is not valid because: (1) it does not alter the need to address mandatory reliability standards; (2) the AOP is a local project and therefore not subject to regional planning; (3) EDF's witnesses complaints about the regional planning process conducted are not credible as they lack experience in transmission planning; and, (4) the requested review under FERC Order No. 1920 is untimely as it has not yet been developed, approved by FERC, or implemented. (FPL BR 23-24) FPL argued that EDF's suggestion that the AOP is not needed because FPL did not consider certain measures is inappropriate, as they are solutions in search of problems, rather than addressing an identified need. (FPL BR 24-25) Also, FPL contended that EDF's criticism of its load forecast is unsupported. (FPL BR 25) FPL argued that, as presented by witness Yanes, its load forecasting process used for its 2025 transmission study is the same as FPL has used in prior Ten-Year Site Plans and there is no record evidence that it is overstated. (FPL BR 25-26)

EDF witness Thomas conceded that the AOP meets the reliability criteria, but argued that it fails to satisfy concerns about economics. (TR 113) Witness Thomas testified that FPL should treat the NERC violations addressed by the AOP as a 'floor,' then consider the opportunity to right-size facilities and improve economic dispatch by allowing for greater transmission flows. (TR 103) Further, witness Thomas suggested that localized transmission projects such as the AOP risk underbuilding, ignoring system constraints that limit generation dispatch and increasing reliability risk, requiring additional transmission facilities later. (TR 104) Similarly, EDF witness Cranston argued that FPL limited its scope to only the NERC Reliability Standards, and therefore did not consider economic benefits of a larger project. (TR 64-65) Witness Cranston asserted a single larger corridor would be better for the system than multiple smaller projects as reliability problems arise. (TR 65)

In its brief, EDF asserted that FPL has failed to demonstrate the underlying need for the four transmission lines that comprise the AOP because FPL did not consider other available measures that would satisfy FPL's reliability need consistent with prudent utility practice and with applicable FERC and Orders. (EDF BR 9-10) Despite its claim to the contrary, EDF asserted that FPL has not come close to demonstrating that the AOP is needed or that it is the most cost-effective alternative to meet whatever needs it has. (EDF BR 26) In addition, FPL's claimed need appeared to be based on overstated load growth in Miami-Dade County. (EDF BR 71)

EDF argued that the foundational "need" for the AOP is based on an objectively flawed and inflated load analysis that relies on speculative demand while ignoring proven load reductions and that FPL's load growth numbers are very likely inaccurate and inflated beyond what is typical in prudent utility practice. (EDF BR 38) EDF further argued that FPL engineered a worst-case scenario through a series of compounded modeling errors. These errors were: (1) FPL inappropriately applied an extreme weather sensitivity to set its load forecast for its NERC reliability assessment; (2) FPL artificially inflated its load forecast for Miami-Dade County by improperly allocating "phantom" large load growth (e.g., from data centers) to the County; (3) FPL's load growth projection for Miami-Dade County is primarily based on customer growth, which contradicts recent trends in population growth in Miami-Dade County; and, (4) FPL failed to consider the impact of proven demand reduction measures in its models by excluding incremental and county-specific energy efficiency, heat pump adoption, and distributed energy resources. As stated in its brief, EDF argued that FPL created a reliability crisis that does not exist in 2033, if ever. (EDF BR 39; BR 40-48)

OPC did not file testimony in this proceeding. In its brief, OPC argued that while it does not oppose all new transmission projects, it requires that all proposed projects prove their need after a thorough review of all relevant information. (OPC BR 9) OPC asserted that the load forecast relied upon by FPL to support its need is the P80 sensitivity, not the P50 baseline utilized by FPL in its Ten-Year Site Plan, and that there was no requirement for this higher sensitivity to be utilized.<sup>7</sup> (OPC BR 10) OPC argued that FPL should be required to demonstrate the need for its transmission project using studies based upon a P50 load forecast along with the P80 provided by the Utility, and that the Commission cannot make a fully informed decision without this information. (OPC BR 10-11)

**Issue 2: When taking into account the need for abundant, low cost electrical energy to assure the economic well-being of the citizens of the State, as prescribed in Section 403.537, Florida Statutes, is there a need for Florida Power & Light Company's proposed:**

- (A) 500-kV transmission line starting at FPL's existing Andytown substation and ending at FPL's planned Oasis substation?**
- (B) 500-kV transmission line starting at FPL's existing Quarry substation and ending at FPL's planned Oasis substation?**
- (C) 230-kV transmission line starting at FPL's planned Oasis substation and ending at FPL's existing Quarry substation?**
- (D) 230-kV transmission line starting at FPL's planned Oasis substation and ending at FPL's existing Levee substation?**

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<sup>7</sup> P80 and P50 designate load forecast sensitivities, with the value meaning the percentage of scenarios under which peak load will fall under the value. Therefore, a P50 forecast assumes load will be at or below the value approximately 50 percent of the time, meaning there is a 50 percent chance load will be above. Likewise, a P80 forecast assumes load will be at or below the value approximately 80 percent of the time, with a 20 percent chance that load will be above that level.

FPL witness Yanes argued that the AOP is the most economical of three proposed transmission solutions for Miami-Dade County. (TR 36) While all three options involve building four transmission lines, the AOP's \$715.1 million cumulative present value revenue requirement (CPVRR) is lower than either Alternative I or II's CPVRRs of \$923.2 million or \$874.6 million, respectively. (TR 37-38, EXH 37 MPN E15) On an estimated 1,000 kilowatt-hour/month basis, the AOP would result in an increase to bills between \$0.15 cents and \$0.75, while Alternative I ranges from \$0.16 to \$0.96 and Alternative II from \$0.15 to \$0.93. (EXH 40 MPN E45) Of the three projects, the AOP has the highest transfer capacity into the Miami-Dade County region. (EXH 40 MPN E46)

FPL stated it did not evaluate transmission projects outside of a ten year period (2026 through 2035), and therefore did not consider the possibility of incremental future transmission project(s) that could be avoided either by the AOP or Alternative I or II. (EXH 37 MPN E18; EXH 40 MPN E51) Further, FPL explained the AOP as a mandatory reliability project, not an economic project, and therefore, did not conduct studies to compare its impact on generation or purchased power costs. (EXH 46 MPN E152-E153) FPL witness Yanes argued that as the AOP is meant to address system reliability, and that investments that prevent reliability failures at the lowest cost are consistent with providing abundant, low-cost electrical energy. (TR 159)

In its brief, FPL asserted that, based upon the reliability need identified in Issue 1, that the AOP is the most cost-effective alternative to address that need. (FPL BR 27) In addition, FPL argued that Section 403.537, F.S., does not require an alternatives assessment, but that the Commission's Rule 25-22.076, F.A.C., requires the discussion or description of alternatives, if appropriate, and that FPL has met that requirement through its petition, testimony, and exhibits which included two transmission alternatives that also addressed the identified need, and ultimately selected the least cost option of the AOP. (FPL BR 27-30)

FPL argued that EDF's discussion of transmission alternatives is a solution seeking a problem. (FPL BR 27-28; FPL BR 32) FPL asserted that EDF's requested alternatives analysis is flawed for multiple different reasons, in that EDF: (1) did not evaluate if the proposed alternatives would address the NERC reliability violations; (2) relied upon a flawed study by a third party; and, (3) incorrectly claimed that FPL did not consider alternatives including ATTs, GETs, incremental generation, and energy storage. (FPL BR 30-32)

EDF witness Thomas testified that FPL's planning process improperly used the NERC violations and minimum compliance standards as the appropriate thresholds for transmission planning, ignoring an opportunity to 'right size' and construct a transmission project that would improve system economic dispatch and lower costs. (TR 103-104) Similarly, EDF witness Cranston argued that FPL did not follow prudent utility planning processes by not evaluating the system as a whole to capture economies of scale. (TR 65) Both EDF witnesses argued that the AOP, by focusing on NERC violation standards and not evaluating the system as a whole, will result in additional transmission costs in the future to address system constraints, and therefore does not meet the need for abundant, low-cost electrical energy. (TR 65-66; TR 103-104)

While both EDF witnesses testified that FERC Order No. 1920 requires consideration of GETs and ATTs, witness Thomas argued that FPL's attempt to circumvent FERC Order No. 1920 with the instant determination of need for the AOP would result in higher costs, whereas witness Cranston argued that FPL's failure to evaluate these alternatives deprives customers of more cost efficient transmission solutions. (TR 111-112; TR 75-76) Witness Thomas argued that the effects on generation dispatch are necessary to properly evaluate the economic benefits of transmission projects, as it could allow increased dispatch of lower cost energy such as utility scale solar facilities. (TR 101-102) Both EDF witnesses encouraged the Commission to order FPL to conduct a new planning process oriented around regional transmission planning, including consideration of alternatives such as GETs and ATTs, along with stakeholder input. (TR 52-53; TR 119-120)

In its brief, EDF asserted that FPL has failed to meet its burden because it has failed to consider numerous available alternatives that could better meet FPL's reliability need at lower cost. (EDF BR 2) Specifically, EDF argued that FPL failed to demonstrate that the AOP is the most cost-effective use of ratepayer dollars because it never evaluated whether alternatives could produce greater benefits relative to their cost or meet the needs of FPL's customers at lower cost than the AOP. Further, by not even running its production-cost models and not conducting economic benefit-cost or cost-effectiveness analyses of widely-known and available alternatives, FPL violated its own federally approved tariff. (EDF BR 32)

EDF further argued that FPL stated that it did evaluate transmission switching of its system, which is a form of reconfiguration, which it deemed inadequate. However, EDF contended there is no evidence in the record that FPL modeled the system using a reconfiguration of the system paired with redispatch of generation. Moreover, while system reconfiguration includes transmission switching it can also include splitting busbars at substations, adjusting phase angle regulators, or changing tap settings on transformers. (EDF BR 51)

In addition, EDF contended that FPL restricted its economic cost-effectiveness analyses to exactly three options: the AOP itself and two very similar high-voltage transmission line projects, each of which included two 500 kV and two 230 kV lines, and each of which would cost close to \$1 billion. By doing this, EDF argued, FPL failed to satisfy the objective criterion that evaluates whether a proposed project is the most cost-effective alternative because FPL did not evaluate other alternatives which are known and available and that can reduce, defer, or eliminate the need for additional transmission capacity. (EDF BR 55-61)

EDF acknowledged that it did not present any engineering or cost-effective analyses of alternatives to the AOP. EDF stated this was because the Commission's procedures established in its OEP and its additional procedural rulings denying EDF's motions to alter the case schedule to provide for such additional analyses to be done and submitted into evidence were so short as to preclude EDF from performing such analyses. Moreover, EDF argued that it did not have access to FPL's proprietary data about its system characteristics that would be required to conduct a sufficiently accurate reliability assessment and analysis of alternative measures to address the need. (EDF BR 67)

In sum, EDF's position was that FPL has not provided sufficient record evidence that the four transmission lines are needed to provide abundant, low-cost electrical energy to Florida residents, because FPL has not evaluated the cost-effectiveness of alternative measures that could meet the needs of its customers nor has it provided sufficient evidence that the AOP is not duplicative of FPL's existing transmission facilities. Accordingly, EDF argued, the PSC should deny FPL's Petition. (EDF BR 71)

OPC did not file testimony in this proceeding. In its brief, OPC asserted that FPL did not initially provide the information required by Rule 25-22.076, F.A.C., specifically the complete load flow analyses done for the project, and that as a result, intervenors and the Commission have not had time to properly evaluate if the AOP is the lowest cost solution to address reliability issues. (OPC BR 11-12) OPC argued that FPL did not adequately evaluate alternatives other than the two transmission lines presented in their initial petition, and that by not evaluating the economics of either ATTs or GETs including battery storage, or potential regional solutions, FPL has not provided sufficient information for the Commission to approve the AOP. (OPC BR 12-13) OPC asserted that a delay of six to eight months for FPL to provide information on these alternatives would not interfere with the construction of the AOP if it was ultimately approved. (OPC BR 13)

**Issue 3: Are Florida Power & Light Company's proposed starting and ending points appropriate for the:**

- (A) 500-kV transmission line starting at FPL's existing Andytown substation and ending at FPL's planned Oasis substation?**
- (B) 500-kV transmission line starting at FPL's existing Quarry substation and ending at FPL's planned Oasis substation?**
- (C) 230-kV transmission line starting at FPL's planned Oasis substation and ending at FPL's existing Quarry substation?**
- (D) 230-kV transmission line starting at FPL's planned Oasis substation and ending at FPL's existing Levee substation?**

In conjunction with the supporting testimony provided for Issues 1 and 2, FPL witness Yanes testified that the project's starting and ending points were selected to address system reliability in the Miami-Dade County region and increase power transmission capacity in a cost-effective manner. (TR 31)

In its brief, FPL reiterated witness Yanes' assertions that the AOP and its associated starting and ending points are needed to resolve the NERC Reliability Standard violations for the impacted region. (FPL BR 7)

Neither EDF witness Cranston or Thomas specifically addressed the appropriateness of the AOP starting and ending points. Instead, witness Cranston argued that FPL's system planning creates a false choice between the AOP and nothing because FPL did not meaningfully evaluate alternatives including ATTs and GETs that could have addressed system economics and potentially reduce or avoid some new transmission structures. (TR 70-72) Further, witness Thomas argued that due to

the failure to consider regional projects, the Commission cannot rely upon the planning process conducted by FPL or the FRCC to determine that the AOP is appropriate. (TR 109-110)

In its brief, EDF asserted that FPL has not demonstrated that the starting and ending points of the AOP is the best alternative to meet the statutory requirements outlined in Issues 1 and 2. (EDF 70-72)

OPC did not file testimony in this proceeding. In its brief, OPC argued, per its position in Issues 1 and 2, that FPL has not adequately provided information sufficient for the Commission to approve the project, so the appropriate starting and ending points cannot be established at this time. (OPC BR 14-15) However, OPC asserted if the Commission determined adequate information was available, it supports the most cost-effective route and that it has no position on the appropriateness of the starting and ending points of the individual proposed lines. (OPC BR 14)

**Issue 4: Should the Commission grant Florida Power & Light Company's petition for determination of need for the proposed:**

**(A) 500-kV Andytown-Oasis transmission line project?**

**(B) 500-kV Quarry-Oasis transmission line project?**

**(C) 230-kV Oasis-Quarry transmission line project?**

**(D) 230-kV Oasis-Levee transmission line project?**

As supported by their testimony regarding Issues 1 and 2, FPL witness Yanes contended that the AOP is the most cost-efficient strategy for ensuring full compliance with mandatory NERC Reliability Standards and safeguarding the long-term stability of the electric grid. (TR 39)

In its brief, FPL argued the Commission should approve the AOP and issue a determination of need as FPL has demonstrated that the AOP is the most cost-effective transmission solution that can resolve the NERC Reliability Standard violations to prevent involuntary load shedding. (FPL BR 33-34) FPL contended that EDF did not offer any credible challenges to the AOP, its criticisms based on FERC Order Nos. 1000 and 1920 are inappropriate in this proceeding, and its arguments should be rejected. (FPL BR 34-35)

EDF witnesses Thomas and Cranston recommend the AOP should be denied, as FPL has not demonstrated it would be the most economic option to address system reliability needs or deliver low-cost electrical energy to customers. (TR 84; TR 124) Both EDF witnesses also recommend the Commission direct FPL to conduct an additional transmission planning process to consider alternatives with stakeholder input to produce a new transmission project aimed at reducing 'right-sizing' FPL's transmission system. (TR 52-53; TR 124)

In its brief, EDF argued that FPL has failed to demonstrate that the AOP is needed, that its decision to build the AOP is representative of prudent utility planning, or that the AOP is the most cost-effective alternative. (EDF BR 26; EDF BR 69) As discussed in Issues 1 and 2, EDF asserted that

FPL had failed to establish a record that the AOP is needed and the most cost-effective option available. (EDF BR 28-29; EDF BR 60-61)

EDF contended that FPL's arguments about EDF's failure to provide analysis is a result of the procedural scheduling of the dockets. (EDF BR 67-68) EDF asserted that the Commission should deny FPL's petition without prejudice for FPL to refile a complete case with a schedule that would allow EDF and other intervenors a full opportunity to be heard and present evidence on the project. (EDF BR 61; EDF BR 69)

OPC did not file testimony in this proceeding. In its brief, OPC argued that, per its position in Issues 1 and 2, FPL has not adequately provided information sufficient for the Commission to approve the project, and therefore the Commission cannot evaluate the need for the AOP at this time. (OPC BR 15) OPC contended that the need for the AOP should not be determined at this time without information on P50 transmission studies and evaluations of transmission alternatives, and a delay of six to eight months for FPL to provide this information would not interfere with the construction of the AOP if it was ultimately approved. (OPC BR 15-16)

The Commission has previously found that it is prudent for utilities to continue to evaluate whether it is in the best interests of ratepayers after receiving an affirmative determination of need.<sup>8</sup> The Commission found that if conditions change from those presented at a need determination proceeding, then a prudent utility is expected to respond appropriately. Further, the Commission has found that even if a project continued, costs in addition to those identified in a determination of need should not be recoverable unless the utility demonstrated such costs were prudently incurred and due to an extraordinary circumstance. Within the context of this hearing, this would imply that that FPL is responsible for continuing to evaluate whether the AOP is in the best interest of ratepayers in comparison to alternative solutions, including other transmission lines or non-wired solutions to the extent they are available.

#### **Issue 5: Should the docket be closed?**

In their briefs, FPL stated that the docket should be closed after an order is issued approving the AOP, EDF stated that after any final order entered by the FPSC is final and no longer subject to appeal the docket should be closed. OPC took no position. (FPL BR 9; EDF BR 72; OPC BR 16)

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<sup>8</sup> See Order No. PSC-2018-0150-FOF-EI, issued March 19, 2018, *In re: Petition for determination of need for Dania Beach Clean Energy Center Unit 7, by Florida Power & Light Company.*; and Order No. PSC-16-0032-FOF-EI, issued January 19, 2016, *In re: Petition for determination of need for Okeechobee Clean Energy Center Unit 1, by Florida Power & Light Company.*