

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

FILED: June 5, 2026

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

The Citizens of the State of Florida ("Citizens"), by and through Walt Trierweiler, Public Counsel, Office of Public Counsel ("OPC"), respond to the Florida Industrial Power User Group's ("FIPUG") Petition to Intervene ("Petition") filed by FIPUG on May 29, 2026, and state as follows:

1. In its Petition, FIPUG describes itself as an "association of industrial and commercial users of electricity and natural gas in Florida." Petition at 1.

2. FIPUG's Petition requests that FIPUG be permitted to intervene as a full party in this docket. Petition at 6.

3. In support of its request, FIPUG asserts in relevant part that "a substantial number of FIPUG members will be substantially affected by the Commission's action taken on [Duke Energy Florida, LLC's] ("DEF") Petition in this case." Petition at 3.

4. The only descriptions of FIPUG's members in its Petition are that they are "commercial and industrial electric customers," an unspecified portion of which "include some of [DEF's] largest customers." Petition at 3-4.

5. FIPUG's petition does not list any FIPUG members who are also DEF customers.

6. Nothing alleged in the Petition exceeds speculation as to the potential impacts of DEF's proposed tariff changes on whomever FIPUG's members are.

7. The test for associational standing has three essential requirements, all of which must be both pled and proven: (i) that a substantial number of the association's members would

have standing to intervene in their own right; (ii) that the subject matter is within the association's general scope of interest and activity; and (iii) that the relief requested is appropriate for the association to request on behalf of its members. *See Florida Home Builders Ass'n v. Department of Labor and Employment Security*, 412 So. 2d 351, 353 (Fla. 1982); *Friends of the Everglades v. Board of Trustees*, 595 So. 2d 186, 188 (Fla. 1st DCA 1992).

8. In determining whether a party has standing to seek a formal administrative hearing, "the allegations contained in the party's petition must be taken as true." *Mid-Chattahoochee River Users v. Fla. Dep't of Env'tl. Prot.*, 948 So. 2d 794, 796 (Fla. 1st DCA 2006).

9. The law is also clear that FIPUG has the burden of proving, not merely alleging, standing. *Agrico Chem. Co. v. Dep't of Env'tl. Reg.*, 406 So. 2d 478, 482 (Fla. 2d DCA 1981).

10. Even taking FIPUG's allegations as true, FIPUG's Petition fails to demonstrate who its members are or how the instant proceeding will substantially affect their interests. Instead, FIPUG only alleges conclusions of ultimate legal requirements. Therefore, FIPUG's Petition fails to meet the requirements of *Florida Home Builders* and should be dismissed.

11. However, OPC recognizes that the issues surrounding FIPUG's petition are factual in nature and might not be resolvable based solely on the pleadings. This factual controversy may necessitate a preliminary evidentiary hearing before the Commission or prehearing officer on the issues surrounding FIPUG's standing after OPC has had an opportunity to conduct appropriate discovery on the matter. Ultimately, FIPUG has the burden of proving standing, and OPC intends to hold FIPUG to that burden.

WHEREFORE, FIPUG's petition fails to properly allege standing and should be dismissed. However, in the event that the Commission determines to tentatively allow intervention, FIPUG should be held to strict proof of its standing claims. If FIPUG fails to prove any element

of associational standing at trial or at an evidentiary hearing on its standing, it should be excluded from further participation in these proceedings.

Respectfully submitted,

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CERTIFICATE OF SERVICE
DOCKET NO. 20260064-EI

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by electronic mail on this 5th day of June, 2026, to the following:

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