Bendria Fugnole

From: Office of Commissioner Ortega
Sent: Monday, June 29, 2026 12:22 PM
To: Commissioner Correspondence
Subject: Docket No. 20260000
Attachments: Kenneth H Thomas PhD Petition Requesting Denial of Proposed NextEra Dominion Merger.pdf

Place in Docket No. 20260000

From: Ken Thomas <kenmia22@gmail.com>
Sent: Sunday, June 28, 2026 7:14 PM
To: Office of Chairman Smith <Chairman.Smith@psc.state.fl.us>; Office of Commissioner La Rosa <Commissioner.LaRosa@psc.state.fl.us>; Office of Commissioner Clark <Commissioner.Clark@psc.state.fl.us>; Office of Commissioner Ortega <Commissioner.Ortega@psc.state.fl.us>; Office of Commissioner Payne <Commissioner.Payne@psc.state.fl.us>; Office of Chairman Smith <Chairman.Smith@psc.state.fl.us>
Cc: consumer.assistance@psc.state.fl.us; consumer.complaint@psc.state.fl.us; Ken Thomas <kenmia22@gmail.com>; Press@myfloridalegal.com
Subject: FLORIDA PETITION REQUESTING DENIAL OF THE PROPOSED MERGER OF NEXTERA ENERGY, INC. AND DOMINION ENERGY, INC. from Kenneth H. Thomas, Ph.D.

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Please accept the attached "PETITION REQUESTING DENIAL OF THE PROPOSED MERGER OF NEXTERA ENERGY, INC. AND DOMINION ENERGY, INC." Based Upon Documented Reliability Concerns and the Applicants' Failure to Demonstrate that the Proposed Merger Serves the Public Interest.

Please reply to confirm receipt.

Thank you.

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PETITION REQUESTING DENIAL OF THE PROPOSED MERGER
OF NEXTERA ENERGY, INC. AND DOMINION ENERGY, INC.

Based Upon Documented Reliability Concerns and the Applicants' Failure to Demonstrate that the Proposed Merger Serves the Public Interest

Submitted by:
Kenneth H. Thomas, Ph.D.
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Executive Summary

This petition respectfully requests that your agency deny approval of the proposed merger between NextEra Energy, Inc. ("NextEra") and Dominion Energy, Inc. because NextEra has not demonstrated that the proposed merger is consistent with the public interest for reasons documented in this petition.

The central and dispositive issue is reliability. Before permitting one of the nation's largest proposed electric utility mergers to proceed, the reviewing agency must first determine whether the acquiring utility has affirmatively demonstrated that it is providing safe, adequate, and reliable electric service to the customers it currently serves. For the reasons set forth herein, this Petitioner respectfully submits that NextEra has failed to make that demonstration, and that the proposed merger must therefore be denied.

Statement of Interest

I submit this petition as a long-time, since 1987, Florida Power & Light ("FPL") customer living in Pinecrest, Miami-Dade County, Florida. I write primarily as a consumer of FPL electrical services who believes, based upon the facts set forth in this Petition, that Applicants have failed to demonstrate that the proposed merger serves the public interest.

Factual Background

Within approximately one month, my residence experienced four electric outages, including one lasting approximately fourteen hours. My wife and I, both nearly eighty years of age, were left without critically needed electric service.

As a direct consequence of recent repeated service failures, this Petitioner was compelled to purchase, first, a gasoline-powered emergency generator and, thereafter, due to the practical difficulty of procuring, transporting, and dispensing gasoline, particularly for elderly residents, a modern battery backup system following the most recent fourteen-hour outage. These purchases were not voluntary or discretionary; they were necessitated by FPL's failure to provide the reliable electric service that ratepayers are legally entitled to expect from their regulated monopoly utility.

These events were documented in contemporaneous correspondence with FPL/NextEra and the Florida Public Service Commission (PSC). Those communications demonstrate that these purchases became necessary because repeated outages caused me to lose confidence that my regulated electric utility could provide dependable electric service when needed.

This petition is not based solely upon those outages. Rather, they raise a broader public-policy question: should a utility be permitted to expand dramatically through acquisition when there are substantial questions regarding the reliability of the service it presently provides?

Serious Documented Ongoing Maintenance Concerns

Based upon my experience over many years as an FPL customer, it appears that the company's maintenance philosophy has become increasingly *reactive rather than preventive.* That is, corrective action occurs after outages rather than through proactive maintenance intended to reduce them.

Prior to FPL's acquisition by NextEra, FPL would routinely inspect electrical lines at our home to ensure reliable electricity. However, under NextEra's management, FPL has abandoned proactive line inspections in favor of a purely reactive posture, namely waiting passively for customers to report failures before dispatching crews.

FPL has institutionalized this approach through an elaborate "power disruption" procedure, including a dedicated outage reporting line (1-800-4-OUTAGE). Once an outage is reported, FPL's restoration response can take as long as fourteen (14) hours or more, as this Petitioner experienced firsthand.

This reactive rather than proactive NextEra business model is good for shareholders but not for customers. This apparent broader emphasis on cost reduction at the expense of preventive maintenance raises significant public-interest concerns that must be examined and resolved before any merger approval is granted.

This Petitioner recognizes that individual experience alone cannot conclusively establish company-wide practices. Nevertheless, the documented occurrence of four (4) service outages within a recent month, including one lasting fourteen (14) hours, raises serious, fact-specific concerns that the reviewing agency has an affirmative obligation to investigate and address in determining whether this merger is consistent with the public interest. Again, FOUR outages in one month!

Public Interest Analysis

The Applicants bear the burden of affirmatively demonstrating that the proposed merger is in the public interest. See, e.g., Federal Power Act § 203, 16 U.S.C. § 824b and applicable state public utility commission standards. That burden is not merely procedural, but it requires a substantive showing that the transaction will result in net benefits to ratepayers and will not impair the reliability of service. The evidence presented herein raises substantial, documented questions about whether NextEra has demonstrated that it is consistently fulfilling its most fundamental obligation: providing safe, adequate, and dependable electric service to the customers it currently serves.

As a matter of sound regulatory policy, a utility's right to expand through acquisition must follow from a demonstrated record of excellent service to existing customers; it cannot precede it. Where ratepayers are compelled to expend their own funds to purchase emergency generators and battery backup systems because they have *lost confidence in the reliability of their regulated monopoly provider*, the reviewing agency cannot, consistent with its statutory mandate, approve further territorial expansion by that provider absent a full, independent reliability audit and binding service-quality commitments enforceable by the agency.

Requested Relief

I respectfully request that your reviewing agency:

1. Deny approval of the proposed merger.
2. Determine that Applicants have not demonstrated the merger is in the public interest.
3. Place this petition in the administrative record.
4. Acknowledge receipt of this petition by email within seven (7) days.
5. Keep me informed of significant developments and opportunities for public participation regarding this merger proposal.
6. If approval is nevertheless granted, specifically address in the written decision the reliability concerns raised herein and explain why they were not considered sufficient to warrant denial.
7. Order an independent, third-party audit of NextEra/FPL's system reliability, outage frequency, and maintenance practices as a condition precedent to any further consideration of this merger.
8. Forward this petition to any other state or federal agency involved in the review or approval of this merger.

Conclusion

This Petition is submitted in the public interest and in furtherance of the reviewing agency's statutory obligation to ensure that all proposed utility mergers affirmatively serve the public interest before receiving regulatory approval.

For all of the foregoing reasons, Petitioner respectfully requests that the reviewing agency deny approval of the proposed merger between NextEra Energy, Inc. and Dominion Energy, Inc.

The Applicants have failed to carry their burden of demonstrating that this transaction is consistent with the public interest, and specifically have failed to demonstrate that the acquiring entity is providing, or has committed to provide, safe, adequate, and reliable service to its existing ratepayers.

The burden is on the Applicants, not on this Petitioner or the public, to affirmatively justify this merger. Until and unless that burden is met, this merger must not be approved.

Verification

I, Kenneth H. Thomas, Ph.D., declare under penalty of perjury under the laws of the United States that the foregoing is true and correct to the best of my knowledge, information, and belief.

Respectfully submitted,

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