

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for rate increase by Florida
Power & Light Company.

DOCKET NO. 20250011-EI
ORDER NO. PSC-2025-0078-PCO-EI
ISSUED: March 17, 2025

ORDER GRANTING PETITION TO INTERVENE BY FLORIDA RISING,
INC., LEAGUE OF UNITED LATIN AMERICAN CITIZENS FLORIDA, INC.,
AND ENVIRONMENTAL CONFEDERATION OF SOUTHWEST FLORIDA, INC.

By letter dated January 2, 2025, Florida Power & Light Company (FPL or Utility) notified the Commission that it would be seeking a base rate increase effective January 2026.¹ On February 28, 2025, FPL filed its petition for base rate increase, minimum filing requirements, and supporting direct testimony. Pursuant to Order No. PSC-2025-0075-PCO-EI, the evidentiary hearing on FPL's petition is scheduled for August 11 through August 22, 2025.

Petition for Intervention

By motion dated February 12, 2025, Florida Rising, Inc. (Florida Rising), the League of United Latin American Citizens Florida, Inc., (LULAC) and Environmental Confederation of Southwest Florida, Inc. (ECOSWF) filed their petition intervene in this proceeding.

Florida Rising states that it is a membership-based organization, and that a substantial numbers of its members live in FPL's territory and receive electrical service from the Utility. Florida Rising further states that it maintains offices in FPL's territory and is a customer of FPL as an organization. Florida Rising alleges that the organization itself and a substantial number of its members are ratepayers of the Utility who would be substantially affected by the Commission's decision, and that the interests affected are of the type this proceeding is designed to protect. Florida Rising requests that it be granted individual standing as an organizational ratepayer, and associational standing to represent the interests of its members. Florida Rising states that its organizational purposes include economic equity as well as climate justice and, therefore, it is appropriate for the organization to seek and receive relief in this docket (*e.g.*, lower rate increases, changes in energy generation types) on behalf of its members.

LULAC represents that it is a membership-based organization. LULAC alleges that a substantial number of its members are FPL ratepayers who will be substantially affected by the Commission's decision, and that the interests affected are of the type this proceeding is designed to protect. LULAC avers that because its organizational purposes include addressing the economic concerns of the its membership and advancing climate and energy security goals, it is appropriate for the organization to seek and receive relief in this docket (*e.g.*, lower rate increases, changes in energy generation types) on behalf of its members.

¹ See Rule 25-6.140, Florida Administrative Code (F.A.C.).

ECOSWF represents that its members include individuals, business entities, and other organizations in Southwest Florida. ECOSWF states that a substantial number of its members are FPL ratepayers who will be substantially affected by the Commission's decision in this proceeding, and that the interests affected are of the type this proceeding is designed to protect. ECOSWF states that because its organizational purposes include promoting energy efficiency improvements and conservation, it would be appropriate for the organization to seek and receive rate relief (e.g., lower rate increases, changes in energy generation types) on behalf of its members.

Florida Rising, LULAC, and ECOSWF represent that they conferred with the following and have been authorized to represent that they take no position on or do not object to the petition to intervene: FPL, Office of Public Counsel, and Florida Industrial Power Users Group. No opposition to the petition to intervene has been filed, and the time for doing so has expired.

Standards for Intervention

Pursuant to Rule 28-106.205, F.A.C., persons, other than the original parties to a pending proceeding, who have a substantial interest in the proceeding and who desire to become parties may move for leave to intervene. A person seeking to intervene on the basis that they have a substantial interest in the proceeding must plead facts sufficient to demonstrate an injury in fact which is of sufficient immediacy to entitle them to an evidentiary hearing, and that this injury is of a type or nature which the proceeding is designed to protect. *Agrico Chem. Co. v. Dep't of Env't Regul.*, 406 So. 2d 478, 482 (Fla. 1st DCA 1981). An association such as Florida Rising, LULAC, or ECOSWF that is seeking to intervene in an administrative proceeding on behalf of its members must specifically plead the following:

- (1) the substantial interests of a substantial number of its members may be substantially affected by the proceeding;
- (2) the subject matter of the proceeding is within the association's general scope of interest and activity; and
- (3) the relief requested is of a type appropriate for the association to receive on behalf of its members.

Fla. Home Builders Ass'n v. Dep't of Lab. & Emp. Sec., 412 So. 2d 351, 354 (Fla. 1982).

Analysis and Ruling

"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't Prot.*, 948 So. 2d 794, 796 (Fla. 1st DCA 2006). Taken as true, the allegations in the petition filed by Florida Rising, LULAC, and ECOSWF are sufficient to support all elements of associational standing under *Florida Home Builders*. Additionally, Florida Rising has made sufficient allegations, taken as true, to support all elements of individual standing under *Agrico*. Therefore, the petition to intervene shall be granted, subject to proof of standing or stipulations that there are sufficient facts to support all elements for standing for

Florida Rising, LULAC, and ECOSWF. *See Delgado v. Agency for Health Care Admin.*, 237 So. 3d 432, 437 (Fla. 1st DCA 2018) (proper pretrial stipulations to the facts supporting all elements of standing are binding upon the parties and the court). As intervenors, Florida Rising, LULAC, and ECOSWF take the case as they find it.

Based on the above representations, it is

ORDERED by Commissioner Mike La Rosa, as Prehearing Officer, that the Motion to Intervene filed by Florida Rising, Inc., the League of United Latin American Citizens Florida, Inc., and Environmental Confederation of Southwest Florida, Inc., is hereby granted, subject to proof of standing or stipulations that there are sufficient facts to support the elements for standing. It is further

ORDERED that Florida Rising, LULAC, and ECOSWF take the case as they find it. It is further

ORDERED that all parties to this proceeding shall furnish copies of all testimony, exhibits, pleadings, and other documents which may hereinafter be filed in this proceeding to:

Bradley Marshall
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By ORDER of Chairman Mike La Rosa, as Prehearing Officer, this 17th day of March, 2025.



Mike La Rosa
Chairman and Prehearing Officer
Florida Public Service Commission
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Copies furnished: A copy of this document is provided to the parties of record at the time of issuance and, if applicable, interested persons.

SPS

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing or judicial review will be granted or result in the relief sought.

Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

Any party adversely affected by this order, which is preliminary, procedural or intermediate in nature, may request: (1) reconsideration within 10 days pursuant to Rule 25-22.0376, Florida Administrative Code; or (2) judicial review by the Florida Supreme Court, in the case of an electric, gas or telephone utility, or the First District Court of Appeal, in the case of a water or wastewater utility. A motion for reconsideration shall be filed with the Office of Commission Clerk, in the form prescribed by Rule 25-22.0376, Florida Administrative Code. Judicial review of a preliminary, procedural or intermediate ruling or order is available if review of the final action will not provide an adequate remedy. Such review may be requested from the appropriate court, as described above, pursuant to Rule 9.100, Florida Rules of Appellate Procedure.