

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Proposed amendment of Rule 25-14.004,
F.A.C., Effect of Parent Debt on Federal
Corporate Income Tax.

DOCKET NO. 20240019-PU
ORDER NO. PSC-2026-0146-PCO-PU
ISSUED: May 12, 2026

ORDER ADDRESSING NOTICE OF INTERVENTION FILED AND
DISCOVERY SERVED BY OFFICE OF PUBLIC COUNSEL

The Office of Public Counsel (OPC) filed a Notice of Intervention in this docket. When this docket was opened in 2024, the Commission added OPC as an Interested Person. Thus, intervention is unnecessary.¹

This docket was opened for rulemaking under the provisions of Section 120.54, Florida Statutes (F.S.). To the extent that OPC is requesting party status in this docket, there is no party status in rulemaking, just Interested Persons.²

Also, purportedly pursuant to Section 350.0611(1), F.S., Rule 28-106.206, Florida Administrative Code (F.A.C.), and Florida Rules of Civil Procedure 1.340, 1.350, and 1.370, OPC served discovery on Commission staff and Duke Energy Florida, Inc. (DEF) and filed Notices of Service of the discovery in this docket. Discovery is not appropriate during rulemaking proceedings under Section 120.54, F.S.,³ and the provisions relied upon by OPC do not provide for discovery in rulemaking.⁴ Accordingly, no one may serve discovery in this docket and no one is required to respond to the discovery already served in this docket.

Therefore, it is

¹ Order No. PSC-95-1403-FOF-TL, issued Nov. 16, 1995, in Docket No. 951145-TL, *In re: GTE Fla., Inc.*; Order No. PSC-95-1093-FOF-TL, issued Sept. 5, 1995, in Docket No. 950778-TL, *In re: BellSouth Tele., Inc.* (“It is not necessary to acknowledge Public Counsel’s Notice of Intervention. OPC and any other interested person may participate in these rulemaking proceedings without formally seeking intervention.”).

² Sections 120.54(1)(a)2.; (2)(a), (c), and (d); (3)(a) and (c), F.S.

³ Section 120.54(3)(c)2., F.S.; *See also Adam Smith Enters., Inc. v. Fla. Dept. of Env’l Protect.*, 553 So. 2d 1260, 1269-70 (Fla. 1st DCA 1989) (holding that rulemaking is not a proceeding in which substantial interests are adjudicated).

⁴ Section 350.0611(1), F.S., does not afford OPC greater discovery rights than anyone else. While the Commission has allowed discovery in a limited circumstance in a proceeding involving proposed agency action, the facts and holding of that case do not apply to rulemaking. *Citizens of State ex rel. Office of Publ. Couns. v. Fla. Public Serv. Comm’n*, 164 So. 3d 58, 64 (Fla. 1st DCA 2015); Order No. PSC-15-0381-DS-PU, issued Sept. 14, 2015, in Docket No. 140107-PU, *In re: Petition for declaratory statement regarding discovery in dockets or proceedings affecting rates or cost of service processed with the Commission’s proposed agency action procedure.*

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ORDERED by Commissioner, Mike La Rosa, as Prehearing Officer, that the Notice of Intervention filed by the Office of Public Counsel is unnecessary and that the discovery it served is inappropriate in this docket.

By ORDER of Commissioner Mike La Rosa, as Prehearing Officer, this 12th day of May, 2026.



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Copies furnished: A copy of this document is provided at the time of issuance to interested persons.

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