

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

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

DOCKET NO. 20250011-EI

FILED: April 1, 2025

**CITIZENS' MOTION TO ENLARGE DISCOVERY**

The Citizens of the State of Florida, by and through the Office of Public Counsel (“Citizens” or “OPC”), pursuant to Rule 28-106.204, Florida Administrative Code (“F.A.C.”), hereby file this Motion to Enlarge Discovery in this docket. OPC requests that this Motion be granted and in support of the motion states:

1. On December 30, 2024, Florida Power & Light Company (“FPL”) filed a test year notification letter informing the Florida Public Service Commission (“Commission”) that FPL would be filing a request for a rate increase on or about February 28, 2025.
2. On January 7, 2025, OPC filed a notice of intervention in this docket, and OPC began proactively serving discovery requests upon FPL on January 29, 2025.
3. On February 28, 2025, FPL filed a Petition for Base Rate Increase, two sets of minimum filing requirements, and 17 sets of witness testimony in support of its requested rate increase.
4. FPL’s requested rate increase is vast and complex, involving a \$1.545 billion base rate increase starting January 1, 2026, an additional \$927 million base rate increase starting January 1, 2027, and Solar and Battery Base Rate Adjustments in both 2028 and 2029.<sup>1</sup>
5. In total, FPL seeks authorization to collect approximately \$10 billion of increased revenues from customers between 2026-2029.<sup>2</sup>

---

<sup>1</sup> Document No. 01170-2025, Docket No. 20250011-EI, p. 1.

<sup>2</sup> *Id.*; Document No. 01942-2025, Docket No. 20250011-EI, pp. 1-2. [(\$1.545 billion per year x 4 years) + (\$927 million per year x 3 years) + (\$296 million per year x 2 years) + (\$266 million per year x 1 year) = \$9.819 billion].

6. OPC is statutorily required to represent customers of investor-owned utilities in proceedings before the Commission, and “shall have such powers as are necessary to carry out the duties of his or her office, including, but not limited to, ... [utilizing] therein all forms of discovery available to attorneys in civil actions generally...”<sup>3</sup>

7. Despite Rule 1.340(a) of the Florida Rules of Civil Procedure limiting parties to 30 interrogatories, the Commission routinely sets an interrogatory limit that is significantly higher than 30.<sup>4</sup>

8. On March 14, 2025, one day after OPC served its sixth set of interrogatories and requests for production, the Commission issued an Order Establishing Procedure, Order No. PSC-2025-0075-PCO-EI, which provided, in part, that interrogatories and requests for production, including subparts, would be limited to 750 each, and requests for admission, including subparts, would be limited to 200.

9. OPC notes that these limits are larger than the 500 interrogatory/500 requests for production/100 requests for admissions limits initially set last year in the Duke Energy Florida, LLC (“DEF”) rate case docket (Docket No. 20240025-EI).<sup>5</sup>

---

<sup>3</sup> § 350.0611(1), Fla. Stat.

<sup>4</sup> See generally, PSC Order No. 2024-0183-PCO-EI, Docket No. 20240028-EI, p. 2, *In re: Petition for rate increase by Tampa Electric Company*; PSC Order No. PSC-2021-0116-PCO-EI, Docket No. 20210015-EI, p. 4, *In re: Petition for rate increase by Florida Power & Light Company*.

<sup>5</sup> PSC Order No. 2024-0092-PCO-EI, Docket No. 20240025-EI, p. 4, *In re: Petition for rate increase by Duke Energy Florida, LLC*.

10. OPC also notes that FPL serves approximately six million customer accounts (approximately 12 million Floridians and businesses across 43 counties),<sup>6</sup> compared to DEF's approximately two million customer accounts.<sup>7</sup>

11. On March 24, 2025, OPC served OPC's Ninth Set of Interrogatories (Nos. 264-277) and OPC's Ninth Requests for Production (104-119).

12. Including subparts, OPC has now served approximately 582 interrogatories upon FPL in this docket.

13. With the current discovery deadline still almost four months away on July 23, 2025, OPC anticipates that OPC may soon exceed the 750 interrogatory limit.

14. The Commission has precedent for increasing the number of interrogatories beyond the originally authorized limit, particularly when the scope of the proceeding is complex.<sup>8</sup>

15. To ensure that OPC has the uninterrupted ability to continue to investigate and analyze FPL's extremely complex rate request, OPC is requesting that the interrogatory limit be removed, or, in the alternative, expanded to at least a 1,500 interrogatory limit, including subparts.

16. At least 12 million Floridians and businesses across 43 counties will be directly impacted by the Commission's decisions in this docket. OPC must be allowed to continue to thoroughly investigate and analyze FPL's requested rate increase, especially given the magnitude and

---

<sup>6</sup> Document No. 01171-2025, Docket No. 20250011-EI, p. 4, lines 12-13.

<sup>7</sup> <https://www.floridapsc.com/pscfiles/website-files/PDF/Publications/SpecialReports/sr--2024-06-Duke%20Energy%20Florida,%20LLC%20.pdf>

<sup>8</sup> Order No. PSC-2024-0145-PCO-EI, Docket No. 20240025-EI, p. 1, *In re: Petition for rate increase by Duke Energy Florida, LLC*; Order No. PSC-2008-0536-PCO-WS, Docket No. 20080121-WS, p. 3, *In re: Application for increase in water and wastewater rates in Alachua, Brevard, DeSoto, Highlands, Lake, Lee, Marion, Orange, Palm Beach, Pasco, Polk, Putnam, Seminole, Sumter, Volusia, and Washington Counties by Aqua Utilities Florida, Inc.*

complexity of the request. FPL's customers will be irreparably harmed if OPC is not allowed to ask more interrogatories than are currently allowed.

17. OPC acknowledges that ratepayers ultimately bear the cost of discovery. However, if it's true that the entire projected rate case expense is \$5.029 million (which includes more than costs associated with responding to interrogatories), then that expense would represent only .05% of the potential cumulative \$10 billion rate increase FPL's customers are facing.<sup>9</sup> Of even greater significance is the fact that FPL's current and future customers are already bearing these 2025 discovery request costs in current rates (and in the workings of the top-of-the-range-yielding RSAM mechanism) through the cost of the embedded regulatory affairs department established to respond to discovery. There is no evidence in the filing that the outside services that are included in the rate case expense will materially or even measurably increase as a result of the discovery OPC propounds. Budgeted and forecasted regulatory affairs department costs in the test year and beyond will further ensure that FPL will be recovering these costs in the future.

18. OPC submits that good cause exists to either remove the limit on interrogatories entirely or enlarge the 750 interrogatory limit to at least 1,500 interrogatories at this time so that OPC may continue to exercise its statutorily-protected right to conduct crucial discovery in this highly complex case.

19. OPC also preserves its statutorily-protected right to conduct discovery and potentially seek further enlargement of this or any other discovery limit, as necessary.

20. OPC has conferred with the other parties in this matter regarding their position on this motion. FPL objects to the motion and will file a response. The League of United Latin American Citizens, Florida Rising, and the Environmental Confederation of Southwest Florida support the

---

<sup>9</sup> Document No. 01189-2025, Docket No. 20250011-EI, MFR C-10.

motion. The Florida Industrial Power Users Group, the Federal Executive Agencies, and the Southern Alliance for Clean Energy do not object to the motion. Walmart, the Florida Retail Federation, Electrify America, and EVgo Services, LLC take no position on the motion.

WHEREFORE, the OPC hereby requests that the Commission grant Citizen's Motion to Enlarge Discovery for the reasons outlined in the body of this motion above.

Respectfully submitted,

Walt Trierweiler  
Public Counsel

/s/ Mary A. Wessling  
Mary A. Wessling  
Associate Public Counsel  
FL Bar No. 93590

Office of Public Counsel  
c/o The Florida Legislature  
111 West Madison Street,  
Suite 12  
Tallahassee, FL 32399-1400

*Attorneys for the Citizens of the  
State of Florida*

**CERTIFICATE OF SERVICE**  
**DOCKET NO. 20250011-EI**

**I HEREBY CERTIFY** that a true and correct copy of the foregoing has been  
furnished by electronic mail on this 1<sup>st</sup> day of April, 2025, to the following:

Shaw Stiller  
Timothy Sparks  
Florida Public Service Commission  
Office of General Counsel  
2540 Shumard Oak Blvd.  
Tallahassee, FL 32399-0850  
sstiller@psc.state.fl.us  
tsparks@psc.state.fl.us

Kenneth A. Hoffman  
Florida Power & Light Company  
134 West Jefferson Street  
Tallahassee, FL 32301-1713  
ken.hoffman@fpl.com

John T. Burnett  
Maria Moncada  
Christopher T. Wright  
Joel Baker  
Florida Power & Light Company  
700 Universe Boulevard  
Juno Beach, FL 33408-0420  
john.t.burnett@fpl.com  
maria.moncada@fpl.com  
christopher.wright@fpl.com  
joel.baker@fpl.com

Jon C. Moyle, Jr.  
Karen A. Putnal  
Moyle Law Firm, P.A.  
118 North Gadsden Street  
Tallahassee, FL 32301  
jmoyle@moylelaw.com  
kputnal@moylelaw.com  
mqualls@moylelaw.com

Leslie R. Newton  
Ashley N. George  
Thomas A. Jernigan  
Michael A. Rivera  
James B. Ely  
Ebony M. Payton  
Federal Executive Agencies  
139 Barnes Drive, Suite 1  
Tyndall Air Force Base, FL 32403  
leslie.newton.1@us.af.mil  
ashley.george.4@us.af.mil  
thomas.jernigan.3@us.af.mil  
michael.rivera.51@us.af.mil  
james.ely@us.af.mil  
ebony.payton.ctr@us.af.mil

Nikhil Vijaykar  
Keyes & Fox LLP  
580 California St., 12<sup>th</sup> Floor  
San Francisco, CA 94104  
nvijaykar@keyesfox.com

Katelyn Lee  
Lindsey Stegall  
EVgo Services, LLC  
1661 E. Franklin Ave.  
El Segundo, CA 90245  
katelyn.lee@evgo.com  
lindsey.stegall@evgo.com

Bradley Marshall  
Jordan Luebke  
Earthjustice  
111 S. Martin Luther King Jr. Blvd.  
Tallahassee, FL 32301  
bmarshall@earthjustice.org  
jluebke@earthjustice.org  
flcaseupdates@earthjustice.org

James W. Brew  
Laura Wynn Baker  
Joseph R. Briscar  
Sarah B. Newman  
Stone Mattheis Xenopoulos & Brew  
1025 Thomas Jefferson St., NW  
Suite 800 West  
Washington, D.C. 20007  
jbrew@smxblaw.com  
lwb@smxblaw.com  
jrb@smxblaw.com  
sbn@smxblaw.com

Stephanie U. Eaton  
Spilman Law Firm  
110 Oakwood Drive, Suite 500  
Winston-Salem, NC 27103  
seaton@spilmanlaw.com

William C. Garner  
Law Office of William C. Garner  
3425 Bannerman Road  
Unit 105, No. 414  
Tallahassee, FL 32312  
bgarner@wcglawoffice.com

Stephen Bright  
Jigar J. Shah  
Electrify America, LLC  
1950 Opportunity Way, Suite 1500  
Reston, VA 20190  
steve.bright@electrifyamerica.com  
jigar.shah@electrifyamerica.com

Robert E. Montejo  
Duane Morris LLP  
201 S Biscayne Blvd., Suite 3400  
Miami, FL 33131-4325  
remontejo@duanemorris.com

/s/ Mary A. Wessling  
Mary A. Wessling  
Associate Public Counsel  
wessling.mary@leg.state.fl.us