

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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

DOCKET NO. 20250011-EI  
ORDER NO. PSC-2025-0369-PCO-EI  
ISSUED: October 6, 2025

ORDER GRANTING THE FLORIDA RETAIL FEDERATION'S  
NOTICE OF INTENT TO SEEK AND MOTION FOR OFFICIAL RECOGNITION

Background

Consistent with the requirements of Section VI(H) of the Order Establishing Procedure,<sup>1</sup> as modified by the First Order Revising Order Establishing Procedure,<sup>2</sup> the Florida Retail Federation (FRF) filed a Notice of Intent to Seek and Motion for Official Recognition of the following:

1. Order No PSC-05-0495-PCO-EI, Order Granting Intervention.
2. Order No. PSC-09-0217-PCO-EI, Order Granting Petition to Intervene.
3. Order No. PSC-16-0181-PCO-EI, Order Granting Florida Retail Federation's Petition to Intervene.
4. Order No. PSC-2021-0134-PCO-EI, Order Granting Florida Retail Federation's Petition to Intervene.

Florida Rising, the Environmental Confederation of Southwest Florida, and the League of United Latin American Citizens Florida (FEL) filed a Response to the Notice and Motion. FEL does not object to official recognition of the four orders. FEL does object to "[t]o the extent FRF intends to use the reference orders included in its Motion as a 'substitute for proof of the fact' of its standing in this case." Motion at 2. No other party filed a response or otherwise opposed the relief requested in the Motion.

Analysis and Decision

Official recognition in administrative proceedings is governed by the same substantive provisions as judicial notice in civil actions. Section 120.569(2)(i), Florida Statutes (F.S.), and Rule 28-106.213(6), Florida Administrative Code (F.A.C.). After notice and upon sufficient motion, official recognition is mandatory as to certain matters and permissive as to others.

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<sup>1</sup> Order No. PSC-2025-0075-PCO-EI, issued March 14, 2025.

<sup>2</sup> Order No. PSC-2025-0323-PCO-EI, issued August 22, 2025.

Pursuant to Section 90.202(5), F.S., judicial notice of “[o]fficial actions of the legislative, executive, and judicial departments of the United States and of any state, territory, or jurisdiction of the United States” is permissive. Similarly, judicial notice of “[r]ecords of any court of this state or of any court of record of the United States or of any state, territory, or jurisdiction of the United States” pursuant to Section 90.202(6), F.S., is permissive.

The four Orders for which FRF requests official recognition meet the above-cited requirements of Section 90.202, F.S., as official actions of Prehearing Officers of the Public Service Commission, and appear to be appropriate for official recognition. FEL does not object to this official recognition, but seeks to limit how FRF may use the referenced orders. Official recognition of the Orders does not automatically transform their contents into admissible, non-hearsay evidence. *See Allstate Ins. Co. v. Greyhound Rent-A-Car, Inc.*, 586 So. 2d 482, 483 (Fla. 4th DCA 1991); *see also Dufour v. State*, 69 So. 3d 235, 253 (Fla. 2011) (“the court's authority to take judicial notice of records cannot be used to justify the wholesale admission of hearsay statements within those court files”). Tribunals are to exercise caution when taking a statement that appears in a document that has been judicially noticed as a substitute for proof of the fact. *See Rubrecht v. Cone Distrib., Inc.*, 95 So. 3d 950, 959 (Fla. 5th DCA 2012). FEL’s objection is noted. However, hearsay is admissible for limited purposes in administrative proceedings,<sup>3</sup> and this objection is not a ground on which to deny the Motion and Notice. FRF’s Notice of Intent to Seek and Motion for Official Recognition is granted.


Therefore, it is

ORDERED by Chairman Mike La Rosa, as Prehearing Officer, that the Notice of Intent to Seek and Motion for Official Recognition filed by the Florida Retail Federation is granted.

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<sup>3</sup> “Hearsay evidence may be used for the purpose of supplementing or explaining other evidence, but it shall not be sufficient in itself to support a finding unless it would be admissible over objection in civil actions.” F.S. § 120.57(1)(c).

By ORDER of Chairman Mike La Rosa, as Prehearing Officer, this 6th day of October, 2025.



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Chairman and Prehearing Officer  
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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.

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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.