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State of Florida

# Public Service Commission

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TALLAHASSEE, FLORIDA 32399-0850

**-M-E-M-O-R-A-N-D-U-M-**

**DATE:** October 22, 2026

**TO:** Office of Commission Clerk (Teitzman)

**FROM:** Division of Economics (Guffey)
Office of the General Counsel (Brownless)

**RE:** Docket No. 20260149-EI – Petition of approval of limited tariff revision and to find existing large load contract service tariff is in compliance, pursuant to Section 366.043(8), Florida Statutes, by Florida Power & Light Company.

**AGENDA:** 11/03/26 – Regular Agenda – Tariff Suspension – Participation is at the Commission's Discretion

**COMMISSIONERS ASSIGNED:** All Commissioners

**PREHEARING OFFICER:** La Rosa

**CRITICAL DATES:** 11/30/26 (60-Day Suspension Date)

**SPECIAL INSTRUCTIONS:** None

## Case Background

Subsection 366.043(8), Florida Statutes (F.S.), requires each public utility to file a tariff that complies with Section 366.043, F.S., no later than October 1, 2026, for Commission approval. On October 1, 2026, Florida Power & Light Company (FPL or Utility) filed a petition requesting Commission approval of tariff revisions to address the requirements of Subsection 366.043(7), F.S., concerning foreign entities. The petition additionally requests that the Commission find that FPL's existing Large Load Contract Service (LLCS) tariffs, and the tariffs proposed in the petition, are in compliance with Section 366.043, F.S., as a matter of law. The Commission

previously approved FPL's LLCS tariffs and associated service agreement in FPL's 2025 Settlement Agreement.[1]

FPL asserts that the Utility requires minor tariff revisions in Section 5, Technical Terms and Abbreviations and Section 6, Rules and Regulations to comply with Section 366.043, F.S. In this petition, FPL is not proposing any revisions to its currently approved LLCS tariffs which consist of Rate schedule LLCS-1, Rate Schedule LLCS-2, and the associated LLCS Service Agreement.

Subsection 366.043(3)(a), F.S., requires utilities to ensure that large load customers with an anticipated monthly peak load of 50 megawatts or more bear their own full cost of service and that such costs are not shifted to the general body of ratepayers. Subsection 366.043(4), F.S., requires that customers may not separate electrical load to avoid the designation as a large load customer. Subsection 366.043(7), F.S., requires that utilities do not provide electric service to a customer that is a foreign entity.

FPL also requested that the Commission process the petition as a Proposed Agency Action. This is staff's recommendation to suspend the proposed tariffs. The Commission has jurisdiction over this matter pursuant to Sections 366.04, 366.043, 366.05, and 366.06 F.S.

[1] Order No. PSC-2026-0022-S-EI, issued January 22, 2026, in Docket No. 20250011-EI, *In re: Petition for rate increase by Florida Power & Light Company*.

## Discussion of Issues

***Issue 1:*** Should the Commission suspend FPL's proposed tariff revisions (Third Revised Sheet No. 5.010, First Revised Sheet No. 6.011, and Thirteenth Revised Sheet No. 6.020)?

***Recommendation:*** Yes. Staff recommends that FPL's proposed tariff revisions (Third Revised Sheet No. 5.010, First Revised Sheet No. 6.011, and Thirteenth Revised Sheet No. 6.020) be suspended to allow staff sufficient time to review the petition and gather all pertinent information in order to present the Commission with an informed recommendation on the proposed tariff modifications. (Guffey)

***Staff Analysis:*** Staff recommends that FPL's proposed tariff revisions (Third Revised Sheet No. 5.010, First Revised Sheet No. 6.011, and Thirteenth Revised Sheet No. 6.020) be suspended to allow staff sufficient time to review the petition and gather all pertinent information in order to present the Commission with an informed recommendation on the proposed tariff modifications.

Pursuant to Section 366.06(3), F.S., the Commission may withhold consent to the operation of all or any portion of the new rate schedules, delivering to the Utility requesting such a change, a reason, or written statement of a good cause for doing so within 60 days. Staff believes that the reason stated above is a good cause consistent with the requirement of Section 366.06(3), F.S.

***Issue 2:*** Should this docket be closed?

***Recommendation:*** No. This docket should remain open pending the Commission's decision on the proposed tariffs. (Brownless)

***Staff Analysis:*** This docket should remain open pending the Commission's decision on the proposed tariffs.