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State of Florida

Public Service Commission

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

DATE: October 22, 2026

TO: Office of Commission Clerk (Teitzman)

FROM: Division of Economics (Ward) CJP
Office of the General Counsel (Bloom, Sapoznikoff) SMC

RE: Docket No. 20260148-EI – Petition for authority to implement large load service tariff, by Florida Public Utilities Company.

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

COMMISSIONERS ASSIGNED: All Commissioners

PREHEARING OFFICER: Payne

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

SPECIAL INSTRUCTIONS: None

Case Background

Section 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 Public Utilities Company (FPUC or the utility) filed a petition for approval of a large load service tariff.

Section 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. Section 366.043(4), F.S., requires that customers may not separate electrical load to avoid the designation of a large load customer. Section 366.043(7), F.S., prohibits utilities from knowingly providing electric service to a customer that is a foreign entity.

Section 366.043(2)(d), F.S., defines a "large load customer" as:

> A customer with an anticipated monthly peak load of 50 megawatts or more, calculated as the highest average load over a 15-minute interval at a single location. The term does not include a load aggregated across multiple locations owned by the same customer. However, the term includes all customers or other entities that have entered into a colocation or similar agreement at a single location that otherwise meets the anticipated monthly peak load provided in this paragraph.

In its petition, FPUC states that it has no current customers that meet the definition of a large load customer, nor does it have any current customers that it reasonably anticipates would grow to a size that would meet the definition of a large load customer. FPUC additionally states that it has not received interest or inquiries from potential customers who would meet the size and scale necessary to qualify as a large load customer. FPUC states that because of this, it does not have the required inputs that are necessary to develop rates and design service for a qualifying customer. Therefore, FPUC asserts that it has no basis upon which to calculate rates that would meet the statutory requirements and ensure that a qualifying large load customer bears its own cost to serve.

The proposed large load service tariff contains the terms and conditions for large load service. This includes sections detailing the availability, applicability, and character of service of large load service. The tariff also includes sections detailing pre-service analysis, curtailment and interruption, and foreign entity compliance. Additionally, as part of the large load service tariff, FPUC is proposing to require that any potential large load customer enter into a Large Load Service Agreement (LLSA) with the utility, which would include rates and charges designed specifically for that customer's proposed service needs. FPUC asserts that the rates and terms of the LLSA would be designed to meet the specific customer's needs, while ensuring that the customer bears its full cost of service without shifting costs or risk to the utility's other customers. The proposed tariff would also require that any LLSA entered into by FPUC with a large load customer would be filed with the Commission for approval before service is initiated to the customer under the agreement. Pursuant to the terms of proposed Tariff Sheet No. 7.028, the utility would also provide appropriate cost of service information as part of that filing.

This is staff's recommendation to suspend the proposed tariff. The Commission has jurisdiction over this matter pursuant to Sections 366.04, 366.043, 366.05, and 366.06, F.S.

Discussion of Issues

Issue 1: Should the Commission suspend FPUC's proposed large load service tariff (First Revised Sheet No. 7.000, and Original Sheet Nos. 7.027-7.029)?

Recommendation: Yes. Staff recommends that FPUC's proposed large load service tariff be suspended to allow staff sufficient time to review the petition and gather all pertinent information to present the Commission with an informed recommendation on the tariff proposal. (Ward)

Staff Analysis: Staff recommends that FPUC's proposed large load service tariff be suspended to allow staff sufficient time to review the petition and gather all pertinent information to present the Commission with an informed recommendation on the tariff proposal.

Pursuant to Section 366.06(3), F.S., pending a final order in any rate proceeding under Section 366.06, F.S., the Commission may withhold consent to the operation of all or any portion of a new rate schedule, delivering to the utility requesting such a change a reason or written statement of good cause for doing so within 60 days withholding its consent. Staff believes that the reason stated above is a good cause consistent with the requirements 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 tariff. (Bloom, Sapoznikoff)

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