**FLORIDA PUBLIC SERVICE COMMISSION**

**Item 3**

**VOTE SHEET**

FILED 11/3/2026
DOCUMENT NO. 07689-2026
FPSC - COMMISSION CLERK

**November 3, 2026**

**Docket No. 20260064-EI** – Petition for a limited proceeding to approve large load tariff, by Duke Energy Florida, LLC.

**Issue 1A:** Does DEF's petition and associated tariffs comply with the requirements of Section 366.03, Florida Statutes?

**Recommendation:** Staff believes that Section 13.06 Special Terms does not comply with Section 366.03, F.S. Staff recommends that the Commission deny the proposed tariff with leave to amend the tariff to reflect the administrative language contained in Section 366.05(1)(e), F.S.

**MOOT**

**COMMISSIONERS ASSIGNED:** **All Commissioners**

**COMMISSIONERS' SIGNATURES**

| **MAJORITY** | **DISSENTING** |
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**REMARKS/DISSENTING COMMENTS:** *Oral Modification, assigned Document No. 07601-2026, is attached.*

**Docket No. 20260064-EI** – Petition for a limited proceeding to approve large load tariff, by Duke Energy Florida, LLC.

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**Issue 1B:** Does DEF's petition and associated tariffs comply with the requirements of Section 366.043, Florida Statutes?
**Recommendation:** Staff recommends that the Commission deny DEF's proposed tariff as filed, with leave to refile, on two grounds. First, the tariff excludes customers who meet the statutory definition of a large-load customer but do not request firm service. Second, DEF has not adequately demonstrated that service under the existing GSD-1 and GSDT-1 rate schedules, together with the proposed contractual and financial protections, reasonably ensures that each large-load customer bears its own full cost of service as required by Section 366.043(3)(a), F.S. DEF must ~~should be permitted to re~~file tariff provisions for Commission approval covering all customers who meet the statutory definition and a proposed large load rate schedule with adequate cost support.

Alternatively, if the Commission finds that DEF's existing rates and proposed protections collectively satisfy the full-cost-of-service and no-cost-shifting requirements, it could approve the cost-recovery framework while requiring DEF to revise the tariff's applicability to include all customers who meet the statutory definition. Approval as filed would require affirmative findings that both the tariff's applicability and its cost-recovery provisions comply with the statute.

**APPROVED** **AS MODIFIED BY ORAL MODIFICATION**

**Issue 1C:** Does DEF's petition and associated tariffs comply with the requirements of Section 366.05, Florida Statutes?
**Recommendation:** Staff believes that Section 13.06 Special Terms does not comply with Section 366.05(1)(e), F.S. Therefore, staff recommends that DEF's proposed tariff be denied with leave to modify Section 13.06 Special Terms to reflect the language utilized in Section 366.05(1)(e), F.S.

**MOOT**

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**Issue 1D:** Whether the following persons have standing to intervene in this proceeding:
a. PCS Phosphate – White Springs
b. Florida Industrial Power Users Group
c. Florida Rising, Inc.
d. Nucor Steel Florida, Inc
**Recommendation:** This issue was resolved in Order No. PSC-2026-0288-PCO-EI.

MOOT

**Issue 1E:** Is Commission approval, as-filed or with modifications, of the proposed, Large Load Customer Agreement (Tariff Sheet Nos. 7.510-7.530), the Large Load Customer Policy (Tariff Sheet Nos. 4.130-4.132), and their associated terms and conditions consistent with provisions of the 2024 Settlement Agreement approved in Order No. PSC-2024-0472-AS-EI?
**Recommendation:** Although the 2024 Settlement Agreement would have permitted DEF to create a new rate class, none was provided. However, staff nonetheless believes that the proposed tariff complies with the existing settlement agreement.

MOOT

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**Issue 1:** Should the Commission approve, deny, or deny with leave to refile with modifications the proposed Large Load Customer Policy (Tariff Sheet Nos. 4.130-4.132) and the associated terms and conditions (e.g., minimum term, minimum monthly bill, security requirements, early termination, and special terms provision)? If denied with leave to refile, what should the modifications be?
**Recommendation:** If the Commission in Issue 1B finds that DEF's petition and associated tariffs do not meet the requirements of Section 366.043, F.S., this issue is moot.

If the Commission in Issue 1B votes that DEF's petition and associated tariffs do meet the requirements of Section 366.043, F.S., staff recommends that the Commission should deny the tariffs with leave to refile the Large Load Customer Policy with the following three tariff modifications. First, DEF should remove the word "firm" from Section 13.01. Second, DEF's proposed calculation of the security amount should be denied. DEF's security amount should be based on ~~two~~ 24 months of minimum bills (Section 13.04). Finally, DEF's proposed provision that would allow the Company to negotiate different non-material terms without Commission review and approval should be denied (Section 13.06). DEF should only be allowed to negotiate different terms that are purely administrative in nature. Staff recommends approval of all other LLCP provisions.

If the Commission approves DEF's LLCP as proposed, without modifications, no changes would be needed to the tariffs.

**MOOT**

**Issue 2:** Should the Commission approve, deny, or deny with leave to refile with modifications the proposed Large Load Customer Agreement (Tariff Sheet Nos. 7.510-7.530) and the associated terms and conditions (e.g., minimum demand, minimum term, minimum demand charge payments, security requirements, and early termination provision)? If denied with leave to refile, what should the modifications be?
**Recommendation:** The Commission's vote on the LLCA should be consistent with the Commission's vote on the LLCP in Issue 1. The LLCA and LLCP tariffs are together structured to include terms and conditions applicable to large load customers and any LLCP customers would need to execute an LLCA. If the Commission denies the proposed LLCP with leave to refile in Issue 1, the Company should make the corresponding changes to the LLCA

**MOOT**

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**Issue 3:** Should the Commission approve, deny, or deny with leave to refile with modifications the proposed CIAC tariff modifications (Tariff Sheet No. 4.030 and 4.132, paragraph 13.07)? If denied with leave to refile, what should the modifications be?
**Recommendation:** If the Commission approves the proposed LLCP and LLCA tariffs as filed, the CIAC tariff modifications should be approved. If the Commission denies the proposed LLCP and LLCA tariffs, this issue is moot. Staff's recommendation to deny the LLCP tariff with leave to refile does not impact the CIAC issue.

MOOT

**Issue 4:** What are the effective dates for the proposed Large Load Customer Policy, Large Load Customer Agreement, and CIAC tariff?
**Recommendation:** If the Commission approves the proposed Large Load Customer Policy, Large Load Customer Agreement, and CIAC tariffs as filed, they should be effective on the date of the Commission vote. If the Commission denies the proposed tariffs, this issue is moot. If the Commission denies the proposed tariffs with leave to refile, DEF should have the option to refile tariffs that comply with the Commission vote for review and administrative approval by staff within 10 business days of the issuance of the order. The tariffs should be filed with the Clerk's Office in the docket. Staff should be given administrative authority to review any refiled tariffs to confirm that they are consistent with the Commission's decision. The refiled tariffs should become effective on the date staff administratively approves them.

MOOT

**Issue 5:** Should this docket be closed?
**Recommendation:** If staff's recommendation to deny certain portions of DEF's tariffs with leave to refile is granted, the docket should remain open to allow time for any refiled tariffs to be received, reviewed, and approved by staff. In that event, the docket should be closed administratively. If DEF's tariffs are granted or denied in their entirety, the docket should be closed upon the expiration of the time for filing an appeal.

APPROVED