

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for rate increase by Florida) DOCKET NO. 20250011-EI
Power & Light Company)
_____) FILED: August 11, 2025

**THE CITIZENS OF THE STATE OF FLORIDA’S, FLORIDA RISING’S, LEAGUE OF
UNITED LATIN AMERICAN CITIZENS’, ENVIRONMENTAL CONFEDERATION OF
SOUTHWEST FLORIDA’S, & FLORIDIANS AGAINST INCREASED RATES’
JOINT RESPONSE IN OPPOSITION TO JOINT MOTION TO SUSPEND SCHEDULE
AND AMEND PROCEDURAL ORDER**

The Citizens of the State of Florida, by and through the Florida Office of Public Counsel, Florida Rising, Inc., League Of United Latin American Citizens, Environmental Confederation of Southwest Florida, Inc., & Floridians Against Increased Rates, Inc., (collectively the “Customer Majority Parties”)¹ hereby respond in opposition to the Joint Motion to Suspend Schedule and Amend Procedural Order filed by Florida Power and Light Company et al. (“Opposed Motion”). The Customer Majority Parties object to the requested suspension of the hearing due to begin today, August 11, 2025, on the bases that the request is both untimely and counter to administrative efficiency. The Customer Majority Parties have neither joined the purported forthcoming agreement nor otherwise waived their Chapter 120 entitlement to a full hearing on FPL’s as-filed petition for base rate increases. The Commission must therefore deny the Opposed Motion. Furthermore, despite not being afforded the seven days to which they are entitled to respond, the

¹ “The Office of Public Counsel is the ‘statutorily created representative of all FPL ratepayers’ in proceedings before the Commission.” *Floridians Against Increased Rates, Inc. v. Clark*, 371 So. 3d 905, 909 n. 10 (Fla. 2023). *See also* § 350.0611. In a rate case, OPC is led by the overall public interest, emphasizing the need for reasonable revenue requirements. FAIR’s and FEL’s membership consists almost entirely of residential customers, plus some small businesses. Even setting aside GS customers, residential customers alone constitute 89% of FPL’s customer base and nearly 58% of total energy sales. FPL 2025 Ten Year Site Plan, Schedules 2.1-2.2 (5,355,964/6,025,452 total customers; 69,688/120,931 GWh).

Customer Majority Parties are prepared to argue the merits of this response as the Commission evaluates the Opposed Motion.

I. FPL's Request to Continue the Hearing Is Untimely

Three days before the hearing set to commence today, August 11, 2025, FPL filed the Opposed Motion at or around 4:00 pm on Friday, August 8, 2025. The Opposed Motion requested that the Commission suspend the procedural schedule set out by the Order Establishing Procedure, in particular the hearing scheduled to begin the following business day. Although the request is phrased as a request for a suspension of the hearing, the Opposed Motion functions as a motion to continue. While a continuance may be granted for good cause, “[e]xcept in cases of emergency,” the request must be made a minimum of five days before the date noticed for the hearing. R. 28-106.210, Fla. Admin. Code. *See also Panda Energy Int’l v. Jacobs*, 813 So. 2d 46, 51 (Fla. 2002) (affirming that PSC properly denied motion for continuance “filed . . . two days before the hearing, thereby violating the five-day requirement of rule 28–106.210”).

The Opposed Motion does not allege or establish the existence of any emergency that would excuse application of the five-day requirement of Rule 28-106.210, nor could it. Neither the State of Florida² nor Leon County³ has declared an active emergency, nor does the National Hurricane Center show any Atlantic tropical cyclone activity that could impact the United States prior to the start of the hearing.⁴ For this reason alone, the request to suspend the procedural calendar should be denied.

² Executive Office of the Governor of Florida, State of Emergency, <https://www.flgov.com/eog/news/emergency> (accessed Aug. 11, 2025).

³ Leon County Emergency Orders, <https://citizensconnect.leoncountyfl.gov/leon-county-emergency-orders> (accessed Aug. 11, 2025).

⁴ NOAA, Seven Day Graphical Tropical Weather Outlook, <https://www.nhc.noaa.gov/> (accessed Aug. 11, 2025).

II. Administrative Efficiency Favors the Existing Schedule

To the extent that the Opposed Motion requests cancellation of the hearing on FPL's base case and instead scheduling a future hearing only on the purported tentative agreement, the Customer Majority Parties have not joined the purported agreement or otherwise waived their rights under Chapter 120 to probe FPL's as-filed petition, which, if approved as filed, would be the largest rate increase in the history of the United States. Specifically, the Customer Majority Parties do not waive their rights to respond to FPL's petition, to present evidence and argument on all issues involved, to conduct cross-examination, to submit proposed findings of facts and orders, or to exercise any other rights to which the Customer Majority Parties are entitled pursuant to sections 120.569 and 120.57, Florida Statutes. The Customer Majority Parties also note that if the Commission were to suspend the hearing on the base case and proceed to a hearing only on the purported agreement, then the validity of the Commission's agency action in this docket would depend on disputed facts. Upon judicial review, a Court would be required to reverse such agency action pursuant to section 120.68(7)(a), Florida Statutes.

The Customer Majority Parties believe that they will need at least the entire two weeks reserved for FPL's base case, even absent participation by the parties to the purported agreement. Collectively, the Customer Majority Parties have filed 748 potential cross-examination exhibits, in contrast to the 40 potential exhibits cumulatively submitted by all other parties (excluding Staff) to this docket.⁵ FPSC EXH No. 1. The announcement of an as-yet unreleased, purported agreement between other intervenors in this docket cannot negate or extinguish the due process rights of all

⁵ The Customer Majority Parties sought to avoid duplication of exhibits included on Commission Staff's list of cross examination exhibits to the greatest extent practical, meaning these 748 exhibits are largely *in addition* to those identified by Staff.

remaining parties.⁶ Should the Commission allow FPL's requested suspension of the procedural calendar, the Customer Majority Parties will still require at least two full weeks to litigate FPL's base case, which has historically and necessarily constituted the bulk of the evidence ultimately included in proposed settlement agreements.

Postponing the two weeks of hearings set to begin today requires a much larger hearing window than would be needed to consider the purported forthcoming agreement alone and increases the chances that a final decision in this docket might not be issued before January 1, 2026, FPL's requested date for the rate increases to become effective.

For the foregoing reasons, the Opposed Motion to suspend the procedural calendar should be denied and the August 11-22, 2025, evidentiary hearing should proceed as scheduled. However, if the Commission does grant the Opposed Motion, the Customer Majority Parties request that dates for a new hearing—including at least two weeks for FPL's as-filed case, in addition to the time allocated for hearing on any forthcoming agreement—be set at the time of that decision.

⁶ The fact that the parties identified in the Opposed Motion—which represent a slim minority of the customers impacted by FPL's proposed rate increases—have indicated their interest in settling but have not actually filed a signed settlement agreement further indicates suspending the hearing at this time would be premature, even if the Opposed Motion had been filed more than five days prior to the scheduled start date.

RESPECTFULLY SUBMITTED this 11th day of August, 2025.

/s/ Walt Trierweiler

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy and correct copy of the foregoing was served on this 11th day of August, 2025, via electronic mail on:

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DATED this 11th day of August, 2025.

/s/ Walt Trierweiler
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