

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition by Florida Power & Light
Company for Base Rate Increase

Docket No. 20250011-EI

Date: October 3, 2025

**SIGNATORY INTERVENORS' JOINT RESPONSE TO OFFICE OF PUBLIC
COUNSEL'S MOTION FOR RECONSIDERATION OF ORDER GRANTING IN PART
AND DENYING IN PART SIGNATORY INTERVENORS' JOINT MOTION FOR
PROTECTIVE ORDER REGARDING CORPORATE REPRESENTATIVE
DEPOSITIONS, OR, IN THE ALTERNATIVE, CLARIFICATION**

Pursuant to Sections 25-22.0376 and 28-106.206, Florida Administrative Code ("F.A.C."), and Florida Rules of Civil Procedure 1.280(d) and (e) and 1.310(b)(6), Florida Industrial Power Users Group ("FIPUG"), Florida Retail Federation ("FRF"), Florida Energy for Innovation Association, Inc. ("FEIA"), Walmart Inc. ("Walmart"), EVgo Services, LLC ("EVgo"), Americans for Affordable Clean Energy, Inc. ("AACE"), Circle K Stores, Inc. ("Circle K"), RaceTrac Inc. ("RaceTrac"), Wawa, Inc. ("Wawa"), Electrify America, LLC ("Electrify America"), Federal Executive Agencies ("FEA"), Armstrong World Industries, Inc. ("AWI"), and Southern Alliance for Clean Energy ("SACE"), (collectively referred to as the "Signatory Intervenor"), by and through their respective undersigned counsel, file this Joint Response to the above-referenced Motion for Reconsideration filed by the Office of Public Counsel ("OPC") on September 29, 2025. Signatory Intervenor fully support the well-reasoned Order issued on September 18, 2025, by the Public Service Commission ("Commission")¹ granting their September 8, 2025, Joint Motion for Protective Order ("Joint Motion") as to deposition discovery requested by OPC.² Signatory Intervenor emphasize the following key reasons to uphold the

¹ Order No. PSC-2025-0354-PCO-EI (Sept. 18, 2025) (the "Sept. 18 Order").

² OPC's September 5, 2025, Notice of Video Conference Deposition Duces Tecum of Signatory Intervenor's Corporate Representative noticed for various times on September 11 and 12, 2025 for OPC to depose corporate representatives of the various Signatory Intervenor (the "OPC Notice").

Sept. 18 Order, as follows:³

1. A motion for reconsideration should only be granted if there are “specific factual matters set forth in the record and susceptible to review” that the Commission overlooked or failed to consider that are presented in the Motion for Reconsideration.⁴
2. In its Motion for Reconsideration,⁵ OPC reiterates facts that were at issue in the Signatory Intervenors’ Joint Motion for Protective Order:
 - a. to the Informal Conference on August 28, 2025;
 - b. OPC’s September 3, 2025, coordination e-mail for corporate depositions that would be noticed for September 11-12, 2025;
 - c. OPC’s September 5, 2025, corporate deposition notices and discovery to Signatory Intervenors;
 - d. separate corporate depositions served September 5, 2025, and noticed by Florida Rising, Inc., the League of United Latin American Citizens, Inc. (“LULAC”) and the Environmental Confederation of Southwest Florida (“ECOSWF”) (collectively “FEL”);
 - e. the Signatory Parties’ Joint Motion for Protective Order served Sunday, September 7, 2025, and filed the following day;
 - f. the September 8, 2025, Prehearing;
 - g. OPC’s September 9, 2025, Response to the Joint Motion for Protective Order;

³ Signatory Intervenors incorporate by reference the background and arguments from their Joint Motion as if fully set forth herein.

⁴ *Stewart Bonded Warehouse, Inc. v. Bevis*, 294 So. 2d 315, 317 (Fla. 1974).

⁵ Even though, on page 2 of its Motion for Reconsideration, the OPC asks the Commission to apply a *de novo* standard of review, the same facts and law the Hearing Officer considered in granting the Signatory Intervenors’ Motion for Protective Order apply to any *de novo* review.

and

- h. the September 10, 2025, e-mail from Commission Staff to all parties to convey the Prehearing Officer's grant of the Joint Motion for Protective Order as to OPC's deposition notices.

3. All of the facts noted in paragraph 2 above were known to the Hearing Officer prior to making his ruling on September 10, 2025.
4. OPC's Motion for Reconsideration fails to assert any points of fact or law that the Commission overlooked or failed to consider in rendering the Order that is under review.⁶
5. It is inappropriate for OPC merely to reargue matters that the Commission already considered, and doing so does not establish a basis for reversing or altering the September 18 Order.⁷
6. OPC cryptically maintains that its statutory authorization to appear in Commission proceedings somehow entitles it to a different standard of review of orders issued by a Commissioner presiding as a pre-hearing examiner (i.e., while denominated a motion for reconsideration, OPC demands *de novo* review of its claims by the full Commission).⁸ OPC offers neither a logical basis for this claim nor a remotely applicable precedent.
7. OPC may argue that it does raise "new facts" in its Motion for Reconsideration because on September 10, 2025, OPC filed a cross-notice of FEL's corporate representative

⁶ See Order No. PSC-2024-0190-FOF-EI, Docket No. 20230019-EI, p. 3, *In re: Petition for recovery of costs associated with named tropical systems during the 2018-2022 hurricane seasons and replenishment of storm reserve, by Tampa Electric Company* (Jun. 13, 2024) (citing *Stewart Bonded Warehouse*, 294 So. 2d 315; *Diamond Cab Co. v. King*, 146 So. 2d 889 (Fla. 1962); and *Pingree v. Quaintance*, 394 So. 2d 162 (Fla. 1st DCA 1981)).

⁷ *State ex. rel. Jaytex Realty Co. v. Green*, 105 So. 2d 817 (Fla 1st DCA 1958).

⁸ Motion for reconsideration at 2. OPC's complaint that all Commissioners have not previously considered the merits addressed in a pre-hearing examiner's order applies to all parties and all such orders.

depositions that were allowed by the Hearing Officer's September 10, 2025, ruling; thereafter, OPC attempted to depose the first witness, FEA, on subjects to which FEA's counsel objected and instructed the witness not to answer because those subjects were precluded by the Hearing Officer's September 10, 2025, ruling.

8. To the contrary, questions of witnesses on topics that OPC included in OPC's corporate deposition notice that had been quashed by the Hearing Officer's ruling were, in fact, out of bounds in any corporate depositions based on express findings in the Hearing Officer's ruling. Instead of "new facts," these were questions on the very topics that the Hearing Officer *already considered* in making his September 10, 2025, ruling that was later memorialized in the Sept. 18 Order.⁹
9. As OPC indirectly observes in its Motion for Reconsideration on page 5, Signatory Intervenor's thirteen corporate representatives have *already all been deposed by FEL* on topics approved by the Sept. 18 Order. OPC cross-noticed FEL's depositions and had counsel present who could ask follow up questions related to FEL's questions and the deponent's answers.
10. In addition to the lack of "new facts" upon which a Motion for Reconsideration can be based, as a practical matter impacting all parties, the Commission, Commission Staff, and Court Reporters, it would certainly be unduly burdensome, costly, and potentially impossible given witness travel schedules and appearances, for OPC to depose the Signatory Intervenor's corporate representatives the weekend prior to the Hearing or

⁹ On page 5 of its Motion for Reconsideration, OPC states that at "each [of the 13 cross-noticed] corporate representative deposition, deponents' counsel referenced the single sentence email regarding the Protective Order or implied that there was a basis for their standing objections to inquiries into relevant subject areas concerning the" Settlement Agreement.

during the times scheduled for the Hearing. OPC correctly notes on page 8 of its Motion for Reconsideration that Rule 1.280(c) of the Florida Rules of Civil Procedure allows broad discovery of “any *nonprivileged* matter that is relevant to and party’s claim or defense *and the proportional needs of the case . . . and whether the burden or expense of the proposed discovery outweighs its likely benefit.*” (emphasis added). These restrictions on discovery remain relevant in the context of OPC’s corporate deposition notices.

11. OPC further complains on page 6 of its Motion for Reconsideration that the Sept. 18, 2025, Order, and e-mail from Staff to all counsel notifying counsel of the ruling before the Order was disseminated, caused confusion and were overbroad. Signatory Intervenor strongly disagree. The Staff e-mail clearly conveyed that Chairman LaRosa granted the Motion to Quash the OPC request, and the Order itself clearly articulated the legal and factual bases for granting that motion. In addition, OPC argues on page 9 of its Motion for Reconsideration that the Sept. 18, 2025, Order denied OPC legitimate discovery inquiries. OPC asserts that the “corporate representatives would also be able to provide factual information regarding the subject areas covered in OPC’s notices of deposition 1-12 without delving into potential privileged information.” *This claim is not a new legal issue; it was already presented to, and rejected by, the Hearing officer in making his ruling in the Sept. 18, 2025, Order.* In fact, OPC itself points to page 6 of the Sept. 18, 2025, Order stating that “[t]o the extent discoverable information is sought in the OPC’s Notice, it is fully covered in the questions in the FEL Notice.”
12. Finally, while the title of OPC’s Motion for Reconsideration does not apply to written discovery requests that OPC made to Signatory Intervenor, OPC explains on page 6

of its Motion for Reconsideration that OPC requested privilege logs for Signatories' Responses to OPC's First and Second Sets of Interrogatories. OPC is correct that on September 23, 2025, Joint Signatories provided a letter response to the requests for privilege logs, and that request is attached as Exhibit 1 to this Response, and speaks for itself.¹⁰ To the extent OPC is asking the Commission to evaluate its request for privilege logs from Signatory Intervenors, then Signatory Intervenors stand by their September 23, 2025 letter response in opposing such a request.

13. The situation here is far different from that for which OPC was recently granted reconsideration *in part*. In Order No. PSC-2025-0363-FOF-WS, the Commission granted OPC's motion for reconsideration where "OPC offered alleged errors in the calculation of the revenue requirement in the Final Order."¹¹ There is no mathematical error here rightfully requiring a correction. Rather, for OPC's other allegations for reconsideration, including violations of due process, reconsideration on those other claims was soundly denied as it should be here because "OPC has otherwise failed to demonstrate that we overlooked or failed to consider a point of fact or law in rendering our decision."¹²

WHEREFORE, for all of the foregoing reasons, Joint Signatories respectfully request that OPC's Motion for Reconsideration be denied, that the Sept. 18, 2025, Order be re-affirmed in all respects, and that no further discovery as to subject matters precluded by the Sept. 18, 2025 Order—including privilege logs related to settlement communications among and between Signatory Intervenors, all Signatories, and Signatories and their counsel—be had. Signatory Parties also

¹⁰ The letter is also part of Ex. C to OPC's Motion for Reconsideration.

¹¹ Docket No. 20240068-WS, Order, at 9 (September 25, 2025).

¹² *Id.*

request that this Commission order such other relief as it may deem necessary, so the parties can move ahead expeditiously in presenting evidence to the Commission during the scheduled Hearing.

Respectfully submitted,

James W. Brew
Stone Law Firm
1025 Thomas Jefferson St, NW
Ste. E-3400
Washington, D.C. 20007
Attorney for Florida Retail Federation

By: s/ James W. Brew
James W. Brew

D. Bruce May
Holland & Knight LLP
315 South Calhoun St, Suite 600
Tallahassee, Florida 32301
Attorneys for Florida Energy for Innovation
Association, Inc.

By: s/ D. Bruce May
D. Bruce May

William C. Garner
Law Office of William C. Garner, PLLC
3425 Bannerman Road
Tallahassee, FL 32312
Unit 105, No. 414
Attorney for Southern Alliance for Clean
Energy

By: s/ William C. Garner
William C. Garner

Jon C. Moyle, Jr.
Karen Putnal
Moyle Law Firm, P.A.
118 North Gadsden Street
Tallahassee, Florida 32301
Attorney for Florida Industrial Power Users Group

By: s/ Jon C. Moyle
Jon C. Moyle

Nikhil Vijaykar
Yonatan Moskowitz
Keyes & Fox LLP
580 California Street, 12th Floor
San Francisco, CA 94104
Attorney for EVgo Services, LLC

By: s/ Yonatan Moskowitz
Yonatan Moskowitz

Stephanie U. Eaton
Spilman Thomas & Battle, PLLC
110 Oakwood Drive, Suite 500
Winston-Salem, NC 27103
Attorney for Walmart, Inc.

By: s/ Stephanie U. Eaton
Stephanie U. Eaton

Leslie R. Newton
Drew Jernigan
Thomas Jernigan
Michael A. Rivera
139 Barnes Drive, Suite 1
Tyndall AFB FL 32403
Attorney for Federal Executive Agencies

By: s/ Leslie R. Newton
Leslie R. Newton

Alexander W. Judd
Duane Morris, LLP
100 Pearl Street, 13th Floor
Hartford, CT 06103
Attorney for Armstrong World Industries,
Inc.

By: s/ Alexander W. Judd
Alexander W. Judd

Floyd R. Self
Ruth Vafek
Berger Singerman, LLP
313 North Monroe Street
Suite 301
Tallahassee, Florida 32301
Attorney for Americans for Affordable Clean
Energy, Inc., Circle K Stores, Inc., RaceTrac, Inc.
and Wawa, Inc.

By: s/ Floyd R. Self
Floyd R. Self

Robert E. Montejo
Duane Morris, LLP
201 S. Biscayne Blvd., Suite 3400
Miami, FL 33131-4325
Attorney for Electrify America, LLC

By: s/ Robert E. Montejo
Robert E. Montejo

CERTIFICATE OF SERVICE

20250011-EI

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished
by electronic mail this 2nd day of October 2025 to the following parties:

Shaw Stiller
Timothy Sparks
Florida Public Service Commission
Office of the General Counsel
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850
sstiller@psc.state.fl.us
tsparks@psc.state.fl.us

Walt Trierweiler
Mary A. Wessling
Office of Public Counsel
c/o The Florida Legislature
111 W. Madison St., Rm 812
Tallahassee, Florida 32399-1400
trierweiler.walt@leg.state.fl.us
Wessling.Mary@leg.state.fl.us
**Attorneys for the Citizens
of the State of Florida**

John T. Burnett
Maria Jose Moncada
Christopher Wright
Florida Power & Light Company
700 Universe Boulevard
Juno Beach, Florida 33408
john.t.burnett@fpl.com
maria.moncada@fpl.com
Christopher.wright@fpl.com

Bradley Marshall
Jordan Luebkekmann
111 S. Martin Luther King Jr. Blvd.
Tallahassee FL 32301
bmarshall@earthjustice.org
jluebkekmann@earthjustice.org
flcaseupdates@earthjustice.org
**Florida Rising, Inc., Environmental
Confederation of Southwest Florida, Inc.,
League of United Latin American Citizens of
Florida**

Danielle McManamon
4500 Biscayne Blvd. Suite 201
Miami, Florida 33137
dmcmanamon@earthjustice.org
**League of United Latin American Citizens of
Florida**

By: s/Stephanie U. Eaton

September 23, 2025

VIA E-MAIL (WATROUS.AUSTIN@leg.state.fl.us)

Austin Watrous
Office of Public Counsel
c/o The Florida Legislature
111 West Madison Street, Suite 812
Tallahassee, FL 32399-1400

Re: Docket No. 20250011-EI; In re: Petition for rate increase by Florida Power & Light Company

Dear Austin:

Several of the Signatory Intervenors received a request from OPC at 3:16 p.m. on Friday, September 19, 2025, requesting that we provide privilege logs for responses to OPC's First Set of Interrogatories served on September 3, 2025 (exemplar set attached as Exhibit 1) and OPC's Second Set of Interrogatories served on September 5, 2025 (exemplar set attached as Exhibit 2). OPC's Sept. 19, 2025 e-mail is attached as Exhibit 3. In particular, OPC has requested from those Signatory Intervenors privilege logs for "responses where [Signatory Intervenors] have asserted attorney-client, work product, or other privilege for the following discovery regarding the SIPP Settlement." OPC asked those Signatory Intervenors provide these privilege logs to OPC by noon on Tuesday, September 23, 2025.

The Signatory Intervenors are writing to advise you that, without waiving all objections we raised in our respective discovery responses, and to the extent we raised objections based on "attorney-client, work product, or other privilege," we will not be providing the requested privilege logs to OPC. While the OEP does anticipate that privilege logs would be provided where privilege has been asserted in response to discovery requests, the nature of OPC's Sept. 3 and Sept. 5 discovery requests and the Commission's recent Order quashing OPC's notices of deposition for Signatory Intervenors' corporate representative depositions support Signatory Intervenors' refusal to provide these specific privilege logs. In particular, the Commission has now indicated, albeit with respect to OPC's requested deposition discovery, that "inquiries regarding the substance of the settlement negotiations in this matter are outside of the scope of permissible discovery." Order No. PSC-2025-0354-PCO-EI, p. 5 (Sept. 18, 2025).

It seems obvious to us that production of privilege logs in relation to discovery on Pre-filed Testimony is very different from production of privilege logs with respect to the Settlement Agreement-based discovery. Logs of communications among the Signatories that, even where the subject matter is redacted, reveal who was speaking with whom and when, and the back and forth of negotiations with clients, FPL and others, reveals too much about the settlement negotiation process itself. Therefore, where Signatory Intervenors lodged this objection to the discovery interrogatories for which OPC is requesting a privilege log, no obligation to submit a privilege log arose in the first place. As the Second District Court of Appeals noted, "[b]efore a written objection to a request for production of documents is ruled upon, the documents are not 'otherwise discoverable' and thus the obligation to file a privilege log does not arise." Avatar Prop. & Cas. Ins. Co. v. Jones, 291 So. 3d 663, 667 (Fla. 2nd DCA 2020) (emphasis added); see also Gosman

v. Luzinski, 937 So. 2d 293, 296 (Fla. 4th DCA 2006); Morton Plant Hosp. Ass'n. v. Shahbas, 960 So. 2d 820, 826 (Fla. 2d DCA 2007); Am. Integrity Ins. Co. of Fla. v. Venable, 324 So. 3d 999, 1001 (Fla. 1st DCA 2021).

As the Court in Gosman explained,

A party is required to file a log only if the information is 'otherwise discoverable.' Where a party claims that the production of documents is burdensome and harassing, such as was done here, the scope of the discovery is at issue. Until the court rules on the request, the party responding to the discovery does not know what will fall into the category of discoverable documents. If the party is correct in her assertion that the documents requested are burdensome to produce, why should she still go through all the requested documents to determine which ones are privileged, even though none of them may be required to be produced because the request is burdensome?

937 So. 2d at 296.

This request for privilege logs is intrusive, harassing, will not lead to admissible evidence, and is unduly burdensome, especially given OPC's requested turnaround time and the stage at which we collectively find ourselves in this litigation. We respectfully request that OPC withdraw this request, but if not, we are happy to address this with the Commission at the appropriate time.

Respectfully submitted,

Stephanie U. Eaton
Spilman Thomas & Battle, PLLC
110 Oakwood Drive, Suite 500
Winston-Salem, NC 27103
Attorney for Walmart, Inc.

By: s/ Stephanie U. Eaton
Stephanie U. Eaton

William C. Garner
Law Office of William C. Garner, PLLC
3425 Bannerman Road
Tallahassee, FL 32312
Unit 105, No. 414
Attorney for Southern Alliance for Clean
Energy

By: s/ William C. Garner
William C. Garner

D. Bruce May
Holland & Knight LLP
315 South Calhoun St, Suite 600
Tallahassee, Florida 32301
Attorneys for Florida Energy for Innovation
Association, Inc.

By: s/ D. Bruce May
D. Bruce May

Jon C. Moyle, Jr.
Karen Putnal
Moyle Law Firm, P.A.
118 North Gadsden Street
Tallahassee, Florida 32301
Attorney for Florida Industrial Power Users Group

By: s/ Jon C. Moyle
Jon C. Moyle

Nikhil Vijaykar
Yonatan Moskowitz
Keyes & Fox LLP
580 California Street, 12th Floor
San Francisco, CA 94104
Attorney for EVgo Services, LLC

By: s/ Yonatan Moskowitz
Yonatan Moskowitz

Leslie R. Newton
Thomas Jernigan
Michael A. Rivera
139 Barnes Drive, Suite 1
Tyndall AFB FL 32403
Attorney for Federal Executive Agencies

By: s/ Thomas Jernigan
Thomas Jernigan

Alexander W. Judd
Duane Morris, LLP
100 Pearl Street, 13th Floor
Hartford, CT 06103
Attorney for Armstrong World Industries,
Inc.

By: s/ Alexander W. Judd
Alexander W. Judd

James W. Brew
Stone Law Firm
1025 Thomas Jefferson St, NW
Ste. E-3400
Washington, D.C. 20007
Attorney for Florida Retail Federation

By: s/ James W. Brew
James W. Brew

Floyd R. Self
Ruth Vafek
Berger Singerman, LLP
313 North Monroe Street
Suite 301
Tallahassee, Florida 32301
Attorney for Americans for Affordable Clean
Energy, Inc., Circle K Stores, Inc., RaceTrac, Inc.
and Wawa, Inc.

By: s/ Floyd R. Self
Floyd R. Self

Robert E. Montejo
Duane Morris, LLP
201 S. Biscayne Blvd., Suite 3400
Miami, FL 33131-4325
Attorney for Electrify America, LLC

By: s/ Robert E. Montejo
Robert E. Montejo

cc: Walt Trierweiler
Mary A. Wessling
Office of Public Counsel
c/o The Florida Legislature
111 W. Madison St., Rm 812
Tallahassee, Florida 32399-1400
trierweiler.walt@leg.state.fl.us
Wessling.Mary@leg.state.fl.us
**Attorneys for the Citizens
of the State of Florida**

Bradley Marshall
Jordan Luebke
111 S. Martin Luther King Jr. Blvd.
Tallahassee FL 32301
bmarshall@earthjustice.org
jluebke@earthjustice.org
flcaseupdates@earthjustice.org
**Florida Rising, Inc., Environmental Confederation of Southwest Florida, Inc.,
League of United Latin American Citizens of Florida**

Danielle McManamon
4500 Biscayne Blvd. Suite 201
Miami, Florida 33137
dmcmanamon@earthjustice.org
League of United Latin American Citizens of Florida

John T. Burnett
Maria Jose Moncada
Christopher Wright
Florida Power & Light Company
700 Universe Boulevard
Juno Beach, Florida 33408
john.t.burnett@fpl.com
maria.moncada@fpl.com
Christopher.wright@fpl.com
Florida Power and Light Company

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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

DOCKET NO.: 20250011-EI

FILED: September 3, 2025

**CITIZENS' FIRST SET OF INTERROGATORIES TO
WALMART INC. (NOS. 1-3)**

Pursuant to § 350.0611(1), F.S., Rule 28-106.206, Fla. Admin. Code, and Rule 1.340, Fla. R. Civ. P., the Citizens of the State of Florida (Citizens), through the Office of Public Counsel (“OPC”), propound the following interrogatories to Walmart Inc. to be answered within seven (7) days after the service of these interrogatories. These interrogatories shall be answered under oath by Walmart or its agent, who is qualified and who will be identified. As provided by Rule 1.340(a), Florida Rules of Civil Procedure, each interrogatory shall be answered separately and fully in writing under oath unless it is objected to. Each answer shall be signed by the person making it. Please supply the name, address, and relationship to Walmart of those persons providing the answers to each of the following interrogatories.

To the extent Walmart provides documents in response to an interrogatory, Citizens request Walmart produce the documents for inspection and copying at the Office of Public Counsel, Claude Pepper Building, 111 West Madison Street, Suite 812, Tallahassee, Florida 32399-1400.

DEFINITIONS

As used herein, the following words shall have the meanings indicated:

“Document” refers to written matter of any kind, regardless of its form, and to information recorded on any storage medium, whether in electrical, optical or electromagnetic form, and capable of reduction to writing by the use of computer hardware and software.

“Identify” means:

- (a) With respect to a person, to state the person’s name, address and business relationship (e.g., “employee”) to Walmart.
- (b) With respect to a document, to state the nature of the document in sufficient detail for identification in a request for production, its date, its author, and to identify its custodian. If the information or document identified is recorded in electrical, optical or electromagnetic form, identification includes a description

of the computer hardware or software required to reduce it to readable form.

INSTRUCTIONS

1. To the extent an interrogatory calls for information which cannot now be precisely and completely furnished, such information as can be furnished should be included in the answer, together with a statement that further information cannot be furnished, and a statement as to the reasons therefore. If the information which cannot now be furnished is believed to be available to another person, identify such other person and the reasons for believing such person has the described information.
2. In the event any interrogatory herein calls for information or documents which Walmart deems to be privileged, in whole or in part, Walmart shall:
 - (a) make the claim expressly and specify the grounds relied upon for the claim of privilege,
 - (b) produce the information or documents in redacted form, and
 - (c) to the extent any information or documents are withheld, Walmart shall identify and describe the nature of each document not disclosed and each redacted provision in a manner that will enable other parties to assess the applicability of the privilege or protection.
3. Documents or reports to be identified shall include all documents in Walmart's possession, custody and control and all other documents of which Walmart has knowledge. If a document is produced in response to an interrogatory, please produce a copy of the original and all versions that are different in any way from the original, whether by interlineation, receipt stamp or notation. If Walmart does not have possession, custody, or control of the originals of the documents requested, please produce a copy of the version(s) in Walmart's possession, custody, or control, however, made.
4. Separate answers shall be furnished for each interrogatory, although where the context permits, an interrogatory may be answered by reference to the answer furnished to another interrogatory.
5. For each interrogatory, identify the name, address, telephone number and position of the person responsible for providing the answer.

6. Responsive documents available in an electronic format shall be provided in their native electronic format, unless the parties have reached a specific agreement in advance for production of the documents in a different, agreed-upon format or medium. OPC requests that responses for each production of document request be provided in separate electronic folders that include the documents responsive to the request.
7. Documents should be produced in an OCR (Optical Character Recognition) searchable format.
8. Please provide all responses to these interrogatories that include workpapers, data, calculations and spreadsheets in non-password protected and executable PC-compatible computer program/models/software. Formulae, links, and cells, formatting, metadata and any other original features assisting in calculation should be intact. For example, Excel documents and documents of a similar format shall be produced in their native electronic format, with all spreadsheets, formulas, and links unlocked and intact. To the extent the data requested does not exist in the form requested, please notify the undersigned counsel so that the parties can confer to reach a resolution for timely production.
9. Please construe “and” as well as “or” either disjunctively or conjunctively as necessary to bring within the scope of the interrogatories any document which might otherwise be construed to be outside the scope.

INTERROGATORIES

1. With respect to the following “WHEREAS” clause contained in Walmart’s August 20, 2025, Stipulation and Settlement Agreement,

WHEREAS, the Parties to this Agreement have undertaken to resolve the issues raised in Docket No. 20250011-EI so as to maintain a degree of stability and predictability with respect to FPL’s base rates and charges; and

Please answer the following as to Walmart:

- a. Does the phrase “the issues raised in Docket No 20250011-EI” refer to all 130 issues contained in Order No. PSC-2025-0298-PHO-EI?
- b. Does this WHEREAS clause indicate that Walmart was authorized to enter into the Agreement to resolve each and every one of the 130 issues contained in Order No. PSC-2025-0298-PHO-EI?
- c. If the answer to b. is “no,” please indicate on which issues Walmart is authorized to enter into an agreement to resolve that issue and please identify the document(s) where Walmart’s legal authority to participate in an agreement to “resolve the issues raised in Docket No 20250011-EI” is found.
- d. If the answer to b. is “yes,” please identify the document(s) where Walmart’s legal authority to participate in an agreement to “resolve [all of] the issues raised in Docket No 20250011-EI” is found.
- e. Please identify the interests represented by Walmart that entitled Walmart and counsel representing Walmart to enter into and sign the agreement to resolve the issues identified in Order No. PSC-2025-0298-PHO.

2. With respect to the following “WHEREAS” clause contained in Walmart’s August 20, 2025, Stipulation and Settlement Agreement,

WHEREAS, the Parties have entered into this Agreement in compromise of their respective positions taken in accord with their rights and interests under Chapters 350, 366 and 120, Florida Statutes, as applicable; and

Please answer the following:

- a. With respect to the phrase “compromise of their respective positions taken” contained in this WHEREAS clause, does the word “positions taken” refer to the positions taken by Walmart as reflected in Order No. PSC-2025-0298-PHO?
- b. In the context of this WHEREAS clause, please explain as to s the meaning of the phrase “in accord with their rights and interests under Chapters 350, 366 and 120, Florida Statutes, as applicable”?
- c. Does the phrase “in accord with their rights and interests under Chapters 350, 366 and 120, Florida Statutes, as applicable” indicate that for certain issues Walmart have no “rights and interests” to resolve each and every one of the 130 issues identified in Order No. PSC-2025-0298-PHO?
- d. If the answer to c. is “yes,” please identify each of the issues that Walmart does have a “right and interest” to resolve.
- e. If Walmart has no right or interest to take an affirmative position on any one or more of the 130 issues identified in Order No. PSC-2025-0298-PHO, can Walmart nevertheless compromise on the specific issue(s)? If the answer is yes, did Walmart so compromise relative to such issues?

- f. Please identify the specific issue identified in Order No. PSC-2025-0298-PHO upon which Walmart reached a compromise.
 - g. Did Walmart have the right and interest to both take a position and compromise on each and every one of the 130 issues identified in Order No. PSC-2025-0298-PHO?
 - h. If Walmart stated in f. that Walmart had a right and interest to compromise on each and every one of the 130 issues identified in Order No. PSC-2025-0298-PHO, please identify the document(s) from which arise such rights and interests that Walmart compromised.
3. With respect to the following “WHEREAS” clause contained in your August 20, 2025, Stipulation and Settlement Agreement,

WHEREAS, as a part of the negotiated exchange of consideration among the Parties to this Agreement, each Party has agreed to concessions to the others with the expectation that all provisions of the Agreement will be enforced by the Commission;

Please answer the following:

- a. Please describe the consideration that Walmart gave where Walmart took no position on certain issues or when Walmart lacked a right or interest to compromise on such an issue or issues?
- b. Please state whether Walmart possessed the right and interest to provide consideration on behalf of a represented interest on each and every one of the 130 issues identified in Order No. PSC-2025-0298-PHO.
- c. Did Walmart have the right to represent residential customers and small business customers identified by the abbreviation RS(T)-1 and GS(T)-1 in MFR Schedule E-? If Walmart’s answer is “yes,” identify the documents and provisions of law that provide the authorization to represent such interests.

Respectfully submitted,

/s/ Walt Trierweiler

Walt Trierweiler

Public Counsel

Florida Bar No.: 912468

trierweiler.walt@leg.state.fl.us

Office of Public Counsel

c/o The Florida Legislature

111 West Madison Street, Suite 812

Tallahassee, FL 32399-1400

(850) 488-9330

*Attorneys for the Citizens
of the State of Florida*

AFFIDAVIT

STATE OF _____

COUNTY OF _____

I hereby certify that on this _____ day of _____, 2025, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared _____, who is personally known to me, and he/she acknowledged before me that he/she provided the answers to number(s) _____ in CITIZENS' FIRST SET OF INTERROGATORIES TO WALMART INC. (NOS. 1-3) in Docket No. 20250011-EI, and that the responses are true and correct based on his/her personal knowledge.

In Witness Whereof, I have hereunto set my hand and seal in the State and County aforesaid as of this _____ day of _____, 2025.

Notary Public
State of Florida, at Large

My Commission Expires:

CERTIFICATE OF SERVICE
DOCKET NO. 20250011-EI

I **HEREBY CERTIFY** that a true and correct copy of the foregoing has been furnished by electronic mail on this 3rd day of September, 2025, to the following:

Adria Harper
Shaw Stiller
Timothy Sparks
Florida Public Service Commission
Office of General Counsel
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850
aharper@psc.state.fl.us
sstiller@psc.state.fl.us
tsparks@psc.state.fl.us
discovery-gcl@psc.state.fl.us

John T. Burnett
Maria Moncada
Christopher T. Wright
Joel Baker
Florida Power & Light Company
700 Universe Boulevard
Juno Beach, FL 33408-0420
john.t.burnett@fpl.com
maria.moncada@fpl.com
christopher.wright@fpl.com
joel.baker@fpl.com

Leslie R. Newton
Ashley N. George
Thomas A. Jernigan
Michael A. Rivera
James B. Ely
Ebony M. Payton
Federal Executive Agencies
139 Barnes Drive, Suite 1
Tyndall Air Force Base, FL 32403
leslie.newton.1@us.af.mil
ashley.george.4@us.af.mil
thomas.jernigan.3@us.af.mil
michael.rivera.51@us.af.mil
james.ely@us.af.mil
ebony.payton.ctr@us.af.mil

Kenneth A. Hoffman
Florida Power & Light Company
134 West Jefferson Street
Tallahassee, FL 32301-1713
ken.hoffman@fpl.com

Jon C. Moyle, Jr.
Karen A. Putnal
Moyle Law Firm, P.A.
118 North Gadsden Street
Tallahassee, FL 32301
jmoyle@moylelaw.com
kputnal@moylelaw.com
mqualls@moylelaw.com

Nikhil Vijaykar
Yonatan Moskowitz
Keyes & Fox LLP
580 California St., 12th Floor
San Francisco, CA 94104
nvijaykar@keyesfox.com
ymoskowitz@keyesfox.com
Katelyn Lee
Lindsey Stegall
EVgo Services, LLC
1661 E. Franklin Ave.
El Segundo, CA 90245
katelyn.lee@evgo.com
lindsey.stegall@evgo.com

Bradley Marshall
Jordan Luebke
Earthjustice
111 S. Martin Luther King Jr. Blvd.
Tallahassee, FL 32301
bmarshall@earthjustice.org
jluebke@earthjustice.org
flcaseupdates@earthjustice.org

Danielle McManamon
Earthjustice
4500 Biscayne Blvd., Suite 201
Miami, FL 33137
dmcmanamon@earthjustice.org

James W. Brew
Laura Wynn Baker
Joseph R. Briscar
Sarah B. Newman
Stone Mattheis Xenopoulos & Brew
1025 Thomas Jefferson St., NW
Suite 800 West
Washington, D.C. 20007
jbrew@smxblaw.com
lwb@smxblaw.com
jrb@smxblaw.com
sbn@smxblaw.com

Stephen Bright
Jigar J. Shah
Electrify America, LLC
1950 Opportunity Way, Suite 1500
Reston, Virginia
steve.bright@electrifyamerica.com
jigar.shah@electrifyamerica.com

Stephanie U. Eaton
Spilman Thomas & Battle
110 Oakwood Drive, Suite 500
Winston-Salem, NC 27103
seaton@spilmanlaw.com

Steven W. Lee
Spilman Thomas & Battle
1100 Bent Creek Blvd., Suite 101
Mechanicsburg, PA 17050
slee@spilmanlaw.com

William C. Garner
Law Office of William C. Garner
3425 Bannerman Road
Unit 105, No. 414
Tallahassee, FL 32312
bgarner@wcglawoffice.com

D. Bruce May
Kevin W. Cox
Kathryn Isted
Holland & Knight LLP
315 S. Calhoun Street, Suite 600
Tallahassee, FL 32301
bruce.may@hklaw.com
kevin.cox@hklaw.com
kathryn.isted@hklaw.com

Robert Scheffel Wright
John T. LaVia, III
Gardner, Bist, Bowden, Dee, LaVia,
Wright, Perry & Harper
1300 Thomaswood Drive
Tallahassee, FL 32308
schef@gbwlegal.com
jlavia@gbwlegal.com

Brian A. Ardire
Armstrong World Industries, Inc.
2500 Columbia Avenue
Lancaster, PA 17603
baardire@armstrongceilings.com

Alexander W. Judd
Duane Morris LLP
100 Pearl Street, 13th Floor
Hartford, CT 06103
ajudd@duanemorris.com

Floyd R. Self
Ruth Vafek
Berger Singerman, LLP
313 N. Monroe Street, Suite 301
Tallahassee, FL 32301
fself@bergersingerman.com
rvafek@bergersingerman.com

Robert E. Montejo
Duane Morris LLP
201 S Biscayne Blvd., Suite 3400
Miami, FL 33131-4325
remontejo@duanemorris.com

/s/ Walt Trierweiler
Walt Trierweiler
Public Counsel
trierweiler.walt@leg.state.fl.us

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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

DOCKET NO.: 20250011-EI

FILED: September 5, 2025

**CITIZENS' SECOND SET OF INTERROGATORIES TO
WALMART, INC. (NOS. 4-8)**

Pursuant to § 350.0611(1), F.S., Rule 28-106.206, Fla. Admin. Code, and Rule 1.340, Fla. R. Civ. P., the Citizens of the State of Florida (Citizens), through the Office of Public Counsel (“OPC”), propound the following interrogatories to Walmart, Inc. to be answered within seven (7) days after the service of these interrogatories. These interrogatories shall be answered under oath by Walmart or its agent, who is qualified and who will be identified. As provided by Rule 1.340(a), Florida Rules of Civil Procedure, each interrogatory shall be answered separately and fully in writing under oath unless it is objected to. Each answer shall be signed by the person making it. Please supply the name, address, and relationship to Walmart of those persons providing the answers to each of the following interrogatories.

To the extent Walmart provides documents in response to an interrogatory, Citizens request Walmart produce the documents for inspection and copying at the Office of Public Counsel, Claude Pepper Building, 111 West Madison Street, Suite 812, Tallahassee, Florida 32399-1400.

DEFINITIONS

As used herein, the following words shall have the meanings indicated:

“Document” refers to written matter of any kind, regardless of its form, and to information recorded on any storage medium, whether in electrical, optical or electromagnetic form, and capable of reduction to writing by the use of computer hardware and software.

“Identify” means:

- (a) With respect to a person, to state the person’s name, address and business relationship (e.g., “employee”) to Walmart.
- (b) With respect to a document, to state the nature of the document in sufficient detail for identification in a request for production, its date, its author, and to identify its custodian. If the information or document identified is recorded in

electrical, optical or electromagnetic form, identification includes a description of the computer hardware or software required to reduce it to readable form.

INSTRUCTIONS

1. To the extent an interrogatory calls for information which cannot now be precisely and completely furnished, such information as can be furnished should be included in the answer, together with a statement that further information cannot be furnished, and a statement as to the reasons therefore. If the information which cannot now be furnished is believed to be available to another person, identify such other person and the reasons for believing such person has the described information.
2. In the event any interrogatory herein calls for information or documents which Walmart deem to be privileged, in whole or in part, Walmart shall:
 - (a) make the claim expressly and specify the grounds relied upon for the claim of privilege,
 - (b) produce the information or documents in redacted form, and
 - (c) to the extent any information or documents are withheld, Walmart shall identify and describe the nature of each document not disclosed and each redacted provision in a manner that will enable other parties to assess the applicability of the privilege or protection.
3. Documents or reports to be identified shall include all documents in Walmart's possession, custody and control and all other documents of which Walmart has knowledge. If a document is produced in response to an interrogatory, please produce a copy of the original and all versions that are different in any way from the original, whether by interlineation, receipt stamp or notation. If Walmart does not have possession, custody, or control of the originals of the documents requested, please produce a copy of the version(s) in Walmart's possession, custody, or control, however, made.
4. Separate answers shall be furnished for each interrogatory, although where the context permits, an interrogatory may be answered by reference to the answer furnished to another interrogatory.
5. For each interrogatory, identify the name, address, telephone number and position of the person responsible for providing the answer.

6. Responsive documents available in an electronic format shall be provided in their native electronic format, unless the parties have reached a specific agreement in advance for production of the documents in a different, agreed-upon format or medium. OPC requests that responses for each production of document request be provided in separate electronic folders that include the documents responsive to the request.
7. Documents should be produced in an OCR (Optical Character Recognition) searchable format.
8. Please provide all responses to these interrogatories that include workpapers, data, calculations and spreadsheets in non-password protected and executable PC-compatible computer program/models/software. Formulae, links, and cells, formatting, metadata and any other original features assisting in calculation should be intact. For example, Excel documents and documents of a similar format shall be produced in their native electronic format, with all spreadsheets, formulas, and links unlocked and intact. To the extent the data requested does not exist in the form requested, please notify the undersigned counsel so that the parties can confer to reach a resolution for timely production.
9. Please construe “and” as well as “or” either disjunctively or conjunctively as necessary to bring within the scope of the interrogatories any document which might otherwise be construed to be outside the scope.

INTERROGATORIES

Please refer to the proposed 2025 Stipulation and Settlement Agreement (SA) for the following questions.

4. Please refer to paragraphs 4(a) and 4(b) and answer the following:
 - a. Please verify Walmart's understanding of whether, if the SA is approved as filed, that each of the proposed battery and/or storage projects, including (i) the 522 MW Northwest Florida battery projects in 2025, (ii) the 1,420 MW of battery projects in the 2026 projected test year, (iii) the 820 MW of solar projects in the 2026 projected test year, and (iv) the 820 MW of battery projects in the 2027 projected test year are undisputed for inclusion in the 2026 and 2027 annual revenue increases.
 - b. Please explain Walmart's understanding of whether, if the SA is approved as filed, the Commission is approving, by default, any specific resource planning method (i.e., stochastic loss-of-load probability) by approving the revenue increases or the SA as a whole.
5. Please refer to paragraphs 4(f) and 13(i). Please explain why Walmart believes it is appropriate to increase the monthly credits for the CILC and CDR programs in each year following 2026 with each SoBRA.
6. Please refer to paragraph 13 and answer the following:
 - a. Please explain Walmart's understanding of whether, if the SA is approved as filed, the Commission is approving, by default, any specific resource planning method (i.e., stochastic loss-of-load probability) by approving the SOBRA Mechanism or the SA as a whole.
 - b. Explain Walmart's understanding of the methodology to be used in the calculation of the Cumulative Present Value Revenue Requirement (CPVRR) for the solar projects. As part of your response, explain what limitation(s), if any, would be on the Commission's or any other party's review of this methodology in the future SOBRA proceedings.

- c. Explain Walmart's understanding of the use of inclusion of non-SOBRA battery and/or solar projects as possible avoidable units in the determination of the CPVRR for solar projects in the future SOBRA proceedings.
 - d. Explain Walmart's understanding of whether the SOBRA battery projects must also demonstrate CPVRR benefits. If so, detail what conditions, if any, that the SOBRA battery projects are subject to, and what methodology or limitations would there be on the Commission's or any other party's review in the future SOBRA proceedings. If not, explain why not.
 - e. Explain Walmart's understanding of the methodology intended to be used in the determination of reliability need for solar and battery projects. As part of your response, explain what limitation(s), if any, would be on the Commission's or any other party's review of this methodology in the future SOBRA proceedings.
 - f. Explain Walmart's understanding of the methodology that would be used in demonstrating that solar and/or battery project portfolios are the lowest cost resource available to timely meet the resource need. As part of your response, explain what limitation(s), if any, would be on the Commission's or any other party's review of this methodology in the future SOBRA proceedings.
7. Please refer to paragraph 21(a). Explain Walmart's understanding of how the additional threshold and sharing percentage interacts with Order No. PSC-2024-0078-FOF-EI, specifically paragraph 21(v) of the 2021 Rate Case Settlement and the review and adjustment of the adjustable parameters in the Fuel Cost Recovery Docket. Explain under what circumstances the modified Asset Optimization Program may be changed by the Commission in a later proceeding during the term of the proposed SA, and what participation, if any, Walmart or any other party would be allowed in that proceeding.
8. Please refer to paragraph 9 of the proposed Settlement for the following interrogatories.
- a. Please verify Walmart understands that it has agreed to not oppose allocating all clause factors using a 4 Coincident Peak (CP) and 12 percent Average Demand (AD) methodology for production plant and 4CP methodology for transmission plant.
 - b. Please explain Walmart's understanding of the 4CP and 12 percent AD methodology for production plant and 4CP methodology for transmission plant to allocate clause

factors. As part of your response, explain what limitation(s), if any, would be on the Commission's or any other non-signatory party's review of this methodology in future clause proceedings.

- c. Please state whether Walmart has ever intervened and been a party in any of the clause proceedings during the past 3 years. If yes, please list the year and the specific clause.
- d. Please indicate whether Walmart intends to obtain party status and participate in the upcoming 2025 clause proceedings?
- e. Please explain whether it is Walmart's understanding that the Commission is obligated to approve the 4CP 12 percent AD methodology for production plant and 4CP for transmission plant cost of service methodology in future clause hearings, under the terms of the proposed Settlement.
- f. Please explain whether Walmart agrees to FPL's proposed cost of service methodology (12 CP and 25 percent AD) to allocate production and transmission plant to set base rates.

Respectfully submitted,

/s/ Walt Trierweiler

Walt Trierweiler

Public Counsel

Florida Bar No.: 912468

trierweiler.walt@leg.state.fl.us

Office of Public Counsel

c/o The Florida Legislature

111 West Madison Street, Suite 812

Tallahassee, FL 32399-1400

(850) 488-9330

Attorneys for the Citizens

of the State of Florida

AFFIDAVIT

STATE OF _____

COUNTY OF _____

I hereby certify that on this _____ day of _____, 2025, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared _____, who is personally known to me, and he/she acknowledged before me that he/she provided the answers to number(s) _____ in CITIZENS' SECOND SET OF INTERROGATORIES TO WALMART, INC. (NOS. 4-8) in Docket No. 20250011-EI, and that the responses are true and correct based on his/her personal knowledge.

In Witness Whereof, I have hereunto set my hand and seal in the State and County aforesaid as of this _____ day of _____, 2025.

Notary Public
State of Florida, at Large

My Commission Expires:

CERTIFICATE OF SERVICE
DOCKET NO. 20250011-EI

I **HEREBY CERTIFY** that a true and correct copy of the foregoing has been furnished by electronic mail on this 5th day of September, 2025, to the following:

Adria Harper
Shaw Stiller
Timothy Sparks
Florida Public Service Commission
Office of General Counsel
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850
aharper@psc.state.fl.us
sstiller@psc.state.fl.us
tsparks@psc.state.fl.us
discovery-gcl@psc.state.fl.us

John T. Burnett
Maria Moncada
Christopher T. Wright
Joel Baker
Florida Power & Light Company
700 Universe Boulevard
Juno Beach, FL 33408-0420
john.t.burnett@fpl.com
maria.moncada@fpl.com
christopher.wright@fpl.com
joel.baker@fpl.com

James W. Brew
Laura Wynn Baker
Joseph R. Briscar
Sarah B. Newman
Stone Mattheis Xenopoulos & Brew
1025 Thomas Jefferson St., NW
Suite 800 West
Washington, D.C. 20007
jbrew@smxblaw.com
lwb@smxblaw.com
jrb@smxblaw.com
sbn@smxblaw.com

Kenneth A. Hoffman
Florida Power & Light Company
134 West Jefferson Street
Tallahassee, FL 32301-1713
ken.hoffman@fpl.com

Jon C. Moyle, Jr.
Karen A. Putnal
Moyle Law Firm, P.A.
118 North Gadsden Street
Tallahassee, FL 32301
jmoyle@moylelaw.com
kputnal@moylelaw.com
mqualls@moylelaw.com

Stephen Bright
Jigar J. Shah
Electrify America, LLC
1950 Opportunity Way, Suite 1500
Reston, Virginia
steve.bright@electrifyamerica.com
jigar.shah@electrifyamerica.com

Leslie R. Newton
Ashley N. George
Thomas A. Jernigan
Michael A. Rivera
James B. Ely
Ebony M. Payton
Matthew R. Vondrasek
Federal Executive Agencies
139 Barnes Drive, Suite 1
Tyndall Air Force Base, FL 32403
leslie.newton.1@us.af.mil
ashley.george.4@us.af.mil
thomas.jernigan.3@us.af.mil
michael.rivera.51@us.af.mil
james.ely@us.af.mil
ebony.payton.ctr@us.af.mil
matthew.vondrasek.1@us.af.mil

Bradley Marshall
Jordan Luebke
Earthjustice
111 S. Martin Luther King Jr. Blvd.
Tallahassee, FL 32301
bmarshall@earthjustice.org
jluebke@earthjustice.org
flcaseupdates@earthjustice.org

Stephanie U. Eaton
Spilman Thomas & Battle
110 Oakwood Drive, Suite 500
Winston-Salem, NC 27103
seaton@spilmanlaw.com

William C. Garner
Law Office of William C. Garner
3425 Bannerman Road
Unit 105, No. 414
Tallahassee, FL 32312
bgarner@wcglawoffice.com

Nikhil Vijaykar
Yonatan Moskowitz
Keyes & Fox LLP
580 California St., 12th Floor
San Francisco, CA 94104
nvijaykar@keyesfox.com
ymoskowitz@keyesfox.com

Katelyn Lee
Lindsey Stegall
EVgo Services, LLC
1661 E. Franklin Ave.
El Segundo, CA 90245
katelyn.lee@evgo.com
lindsey.stegall@evgo.com

Danielle McManamon
Earthjustice
4500 Biscayne Blvd., Suite 201
Miami, FL 33137
dmcmanamon@earthjustice.org

Steven W. Lee
Spilman Thomas & Battle
1100 Bent Creek Blvd., Suite 101
Mechanicsburg, PA 17050
slee@spilmanlaw.com

D. Bruce May
Kevin W. Cox
Kathryn Isted
Holland & Knight LLP
315 S. Calhoun Street, Suite 600
Tallahassee, FL 32301
bruce.may@hklaw.com
kevin.cox@hklaw.com
kathryn.isted@hklaw.com

Robert Scheffel Wright
John T. LaVia, III
Gardner, Bist, Bowden, Dee, LaVia,
Wright, Perry & Harper
1300 Thomaswood Drive
Tallahassee, FL 32308
schef@gbwlegal.com
jlavia@gbwlegal.com

Brian A. Ardire
Armstrong World Industries, Inc.
2500 Columbia Avenue
Lancaster, PA 17603
baardire@armstrongceilings.com

Alexander W. Judd
Duane Morris LLP
100 Pearl Street, 13th Floor
Hartford, CT 06103
ajudd@duanemorris.com

Floyd R. Self
Ruth Vafek
Berger Singerman, LLP
313 N. Monroe Street, Suite 301
Tallahassee, FL 32301
fself@bergersingerman.com
rvafek@bergersingerman.com

Robert E. Montejo
Duane Morris LLP
201 S Biscayne Blvd., Suite 3400
Miami, FL 33131-4325
remontejo@duanemorris.com

/s/ Walt Trierweiler
Walt Trierweiler
Public Counsel
trierweiler.walt@leg.state.fl.us

Sarah D. Stoner

From: Stephanie U. Eaton
Sent: Tuesday, September 23, 2025 11:44 AM
To: Sarah D. Stoner
Subject: FW: Docket # 20250011-EI FPL Rate Case - Request for Privilege Log [STB-WORKSITE.FID1208246]

From: Bailey, Stephanie <BAILEY.STEPHANIE@leg.state.fl.us>
Sent: Friday, September 19, 2025 3:16 PM
To: Jon Moyle <jmoyle@moylelaw.com>; Karen Putnal <kputnal@moylelaw.com>; Moyle Law Firm, P.A. <mqualls@moylelaw.com>; 'James W. Brew' <jbrew@smxblaw.com>; Laura Wyn Baker <lwb@smxblaw.com>; jrb@smxblaw.com; 'Sarah Newman' <sbn@smxblaw.com>; Leslie R. Newton <Leslie.Newton.1@us.af.mil>; Ashley N. George <ashley.george.4@us.af.mil>; Thomas A. Jernigan <thomas.jernigan.3@us.af.mil>; Michael Rivera <Michael.Rivera.51@us.af.mil>; James Ely <james.ely@us.af.mil>; Ebony Payton <ebony.payton.ctr@us.af.mil>; Matthew R. Vondrasek <Matthew.Vondrasek.1@us.af.mil>; Stephanie U. Eaton <seaton@spilmanlaw.com>; Steven Wing-Kern Lee <SLee@spilmanlaw.com>; William C. Garner <bgarner@wcglawoffice.com>; bruce.may@hklaw.com; kevin.cox@hklaw.com; kathryn.isted@hklaw.com; fself@bergersingerman.com; Ruth Vafek <rvafek@bergersingerman.com>; remontejo@duanemorris.com; ajudd@duanemorris.com
Cc: Trierweiler, Walt <TRIERWEILER.WALT@leg.state.fl.us>; Wessling, Mary <Wessling.Mary@leg.state.fl.us>; Christensen, Patty <CHRISTENSEN.PATTY@leg.state.fl.us>; Ponce, Octavio <PONCE.OCTAVIO@leg.state.fl.us>; Watrous, Austin <WATROUS.AUSTIN@leg.state.fl.us>; Howard, Bernadette <HOWARD.BERNADETTE@leg.state.fl.us>
Subject: Docket # 20250011-EI FPL Rate Case - Request for Privilege Log

EXTERNAL SENDER

Good afternoon,

On behalf of Austin Watrous in the Office of Public Counsel, please provide a copy of your privilege log for all discovery responses where you have asserted attorney-client, work product, or other privilege for the following discovery regarding the SIPP Settlement:

- OPC's 1st ROGs (Nos. 1-3) served on September 3, 2025
- OPC's 2nd ROGs (Nos. 4-8) served on September 5, 2025

Please provide the privilege logs via email to Austin Watrous at watrous.austin@leg.state.fl.us by noon on Tuesday, September 23, 2025.

If you have any questions or concerns, please do not hesitate to contact our office.

Sincerely,

Stephanie Bailey

Office of Public Counsel
 111 West Madison Street, Room 812
 Tallahassee, FL 32399-1400
 Main Phone: 850.488.9330
 Direct: 850.717.0335