

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for a limited proceeding to
approve large load tariff, by Duke Energy
Florida, LLC.

DOCKET NO. 20260064-EI
ORDER NO. PSC-2026-0233-PCO-EI
ISSUED: June 23, 2026

ORDER GRANTING INTERVENTION FOR FLORIDA RISING, INC.

On April 22, 2026, Duke Energy Florida, LLC (DEF or Utility) filed a petition requesting approval of a new large load tariff with a policy applicable to large electric users and an associated customer agreement. Discovery guidelines, hearing procedures, and controlling dates were established by the Order Establishing Procedure, Order No. PSC-2026-0120-PCO-EI, issued on May 5, 2026. This docket is currently scheduled for hearing on August 25-26, 2026.

Petition for Intervention

On May 5, 2026, Florida Rising, Inc. (Florida Rising) filed a Petition to Intervene (Petition) in this docket. According to its Petition, Florida Rising is an association that has a substantial number of its members within DEF's service territory. Florida Rising asserts that its members will be substantially affected by the outcome of this proceeding, arguing that DEF customers that will face higher electricity rates for the investments needed to serve large load customers unless Florida Rising's members' interests are properly protected. Florida Rising states in its Petition that it conferred with DEF, the Office of Public Counsel (OPC), and PCS Phosphate regarding its intervention. DEF took no position but reserved the right to respond, OPC took no position pending demonstration of associational standing, and PCS Phosphate took no position. On May 12, 2026, DEF filed a response seeking denial of Florida Rising's Petition, alleging that Florida Rising's interests are not being affected in this docket.

Standards for Intervention

Pursuant to Rule 28-106.205, F.A.C., persons, other than the original parties to a pending proceeding, who have a substantial interest in the proceeding, and who desire to become parties may move for leave to intervene. Motions for leave to intervene must be filed at least twenty (20) days before the final hearing, must comply with Rule 28-106.204(3), F.A.C., and must include allegations sufficient to demonstrate that the intervenor is entitled to participate in the proceeding as a matter of constitutional or statutory right or pursuant to Commission rule, or that the substantial interests of the intervenor are subject to determination or will be affected through the proceeding. Intervenors take the case as they find it.

To have standing, the intervenor must meet the three-prong standing test set forth in Florida Home Builders Association v. Department of Labor and Employment Security, 412 So. 2d 351, 353-54 (Fla. 1982), and Farmworker Rights Organization, Inc. v. Department of Health and Rehabilitative Services, 417 So. 2d 753, 754 (Fla. 1st DCA 1982), which is based on the

basic standing principles established in Agrico Chemical Company v. Department of Environmental Regulation, 406 So. 2d 478, 481-82 (Fla. 2d DCA 1981).¹ Associational standing may be found where: (1) the association demonstrates that a substantial number of an association's members may be substantially affected by the Commission's decision in a docket; (2) the subject matter of the proceeding is within the association's general scope of interest and activity; and (3) the relief requested is of a type appropriate for the association to receive on behalf of its members. Fla. Home Builders, 412 So. 2d at 353-54; Farmworker Rights Org., 417 So. 2d at 754.

Analysis and Ruling

With respect to the first prong of the associational standing test established in Florida Home Builders, Florida Rising asserts that its members are electric customers of DEF and that its members' substantial interests will be directly affected by the Commission's decision on DEF's petition. With respect to the second prong, the subject matter of the proceeding appears to be within Florida Rising's general scope of interest and activity. Florida Rising is an association whose members are retail consumers of DEF. Florida Rising contends that its members will be directly affected by the outcome of this docket. As for the third prong, Florida Rising is seeking intervention in this docket in order to represent the interests of its members in this rate proceeding.

Based on the foregoing, Florida Rising has made allegations sufficient to meet the three-prong associational standing test established in Florida Home Builders and its petition to intervene shall be granted subject to proof of standing or stipulations that there are sufficient facts to support all elements for standing. See Delgado v. Agency for Health Care Admin., 237 So. 3d 432, 437 (Fla. 1st DCA 2018) (proper pretrial stipulations to the facts supporting all elements of standing are binding upon the parties and the court). As an intervenor, Florida Rising takes the case as it finds it.

Based on the above representations, it is

ORDERED by Commissioner Gary F. Clark, as Prehearing Officer, that Florida Rising, Inc. is hereby granted provisional intervention subject to proof of standing at hearing as set forth in the body of this Order. It is further

ORDERED that Florida Rising, Inc. takes the case as it finds it. It is further

¹ Under Agrico, the intervenor must show that (1) he will suffer injury in fact which is of sufficient immediacy to entitle him to a Section 120.57, F.S., hearing, and (2) the substantial injury is of a type or nature which the proceeding is designed to protect. The first aspect of the test deals with the degree of injury. The second deals with the nature of the injury. 406 So. 2d 478 at 482. The "injury in fact" must be both real and immediate and not speculative or conjectural. International Jai-Alai Players Assn. v. Florida Pari-Mutuel Commission, 561 So. 2d 1224, 1225-26 (Fla. 3d DCA 1990). See also: Village Park Mobile Home Assn., Inc. v. State Dept. of Business Regulation, 506 So. 2d 426, 434 (Fla. 1st DCA 1987), rev. den., 513 So. 2d 1063 (Fla. 1987) (speculation on the possible occurrence of injurious events is too remote).

ORDERED that all parties to this proceeding shall furnish copies of all testimony, exhibits, pleadings, and other documents which may hereinafter be filed in this proceeding to:

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Jordan Luebke
Earthjustice
111 S. Martin Luther King Jr. Blvd.
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By ORDER of Commissioner Gary F. Clark, as Prehearing Officer, this 23rd day of June,
2026.



GARY F. CLARK
Commissioner and Prehearing Officer
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Copies furnished: A copy of this document is provided to the parties of record at the time of issuance and, if applicable, interested persons.

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NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing or judicial review will be granted or result in the relief sought.

Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

Any party adversely affected by this order, which is preliminary, procedural or intermediate in nature, may request: (1) reconsideration within 10 days pursuant to Rule 25-22.0376, Florida Administrative Code; or (2) judicial review by the Florida Supreme Court, in the case of an electric, gas or telephone utility, or the First District Court of Appeal, in the case of a water or wastewater utility. A motion for reconsideration shall be filed with the Office of Commission Clerk, in the form prescribed by Rule 25-22.0376, Florida Administrative Code. Judicial review of a preliminary, procedural or intermediate ruling or order is available if review of the final action will not provide an adequate remedy. Such review may be requested from the appropriate court, as described above, pursuant to Rule 9.100, Florida Rules of Appellate Procedure.