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-2026-0244-PCO-EI ISSUED: July 8, 2026

ORDER GRANTING FLORIDA RISING, INC.'S MOTION TO COMPEL DUKE ENERGY FLORIDA, LLC'S RESPONSE TO DISCOVERY

On April 22, 2026, Duke Energy Florida, LLC (DEF or Utility) filed a petition for a limited proceeding seeking approval of a new Large Load Customer Policy (LLCP), a Large Load Customer Agreement (LLCA), and revised Contribution in Aid of Construction (CIAC) tariffs. DEF states that this filing complies with newly passed state legislation, Senate Bill 484 (SB 484). The Governor signed SB 484 into law on May 7, 2026, which takes effect on July 1, 2026, as Section 366.043, Florida Statutes (F.S.).

The LLCP and associated LLCA establish a minimum contract term, minimum monthly bill provisions, security requirements, and early termination provisions. Customers subject to the LLCP must also pay a non-refundable system impact fee. Finally, the LLCP contains a CIAC provision requiring large load customers to pay 100 percent of the estimated costs to extend service in advance.

On May 15, 2026, Florida Rising, Inc. (FR) requested intervention in this docket. FR's request for intervention was granted by Order No. PSC-2026-0233-PCO-EI on June 23, 2026, subject to proof of standing or stipulations that there are sufficient facts to support all elements for standing. FR served its First Request for Production of Documents (Nos. 1-7)[1] and Second Request for Production of Documents (Nos. 8-14)[2] upon DEF, to which DEF served its responses and objections.[3] On June 3, 2026, FR filed a Motion to Compel DEF's Response to Discovery (Motion to Compel), requesting that DEF be compelled to answer FR's Requests for Productions Nos. 3-6 and 9. DEF filed a response in opposition to the Motion to Compel on June 10, 2026. Since filing the Motion to Compel, FR has confirmed that its requests to compel DEF to answer Request Nos. 5-6 and 9 are now moot after discussions with DEF and receipt of documents. Therefore, only Request Nos. 3 and 4 remain at issue regarding the Motion to Compel.

This Order is issued pursuant to the authority granted by Rule 28-106.211, Florida Administrative Code (F.A.C.), which provides that the presiding officer before whom a case is pending may issue any orders necessary to effectuate discovery, prevent delay, and promote the just, speedy, and inexpensive determination of all aspects of the case.

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[1] Document No. 02700-2026.

[2] Document No. 02872-2026.

[3] Document No. 03073-2026 and Document No. 03179-2026.

Motion to Compel Discovery

Generally, Request No. 3 seeks production of cost estimates to serve customers, prospective or otherwise, that would be subject to DEF's proposed Large Load Customer Policy (LLCP) and Request No. 4 seeks production of all documents including possible generation additions to serve such customers. FR argues that the discovery it seeks is directly relevant and relates to the heart of the matter in this docket.

Request for Production No. 3

FR argues that the costs of service for large load customers is relevant because Section 366.043(3)(a), F.S., requires tariffs for large load customers to "reasonably ensure that each large load customer bears its own full cost of service and that such cost is not shifted to the general body of ratepayers." FR asserts that, because the subject of DEF's petition is a tariff concerning service of electricity to large load customers, DEF's tariff must consider the estimated costs to serve such customers in order to properly divvy up cost responsibilities as required by Section 366.043(3)(a), F.S. FR states that Request No. 3 attempts to determine if DEF's petition complies with the new statute. FR argues that, for the reasons above, Request No. 3 is relevant, reasonably calculated to lead to the discovery of admissible evidence, and within the scope of this proceeding.

Request for Production No. 4

FR argues that documents including possible generation additions for large load customers is relevant because Section 366.043(3)(a), F.S., requires DEF's tariff to reasonably ensure that costs of service for large load customers is fully covered by those customers. FR further argues that DEF's ability to serve large load customers depends on its plans to increase its generation capacity. FR asserts that without a properly structured tariff, rate increases could occur for customers who are not receiving large loads, which would contravene the requirements of Section 366.043, F.S. For the reasons above, FR asserts that Request No. 4 is relevant and reasonably calculated to lead to the discovery of admissible evidence.

DEF's Response to the Motion

DEF argues that it is only requesting tariff language and service requirements be approved in its petition, pursuant to the requirements of SB 484, and it is not seeking approval of any costs, cost allocation methodologies, generation projects, or rate schedules aside from identifying that large load customers will be initially receiving service under the previously-approved GSD-1 and GSDT-1 rates.[4] DEF notes that within its proposal, the rate schedule for large loads states that large load customers will stay under GSD-1 and GSDT-1 rates until after the Commission approves a new large load rate schedule in its next rate proceeding "which shall reasonably ensure that [large load customers] bears its own full cost of service."[5] DEF argues

[4] Order No. PSC-2024-0472-AS-EI, issued November 12, 2024, in Docket No. 20240025-EI, *In re: Petition for rate increase by Duke Energy Florida, LLC.*
[5] Document No. 02327-2026.

that this approach can reasonably ensure the Commission that large load customers will bear their own costs of service and costs will not be shifted to the general body of ratepayers, and that the Commission can make this finding without cost estimates and cost of service studies.

Analysis and Decision

Rule 28-106.206, F.A.C., provides:

> After commencement of a proceeding, parties may obtain discovery through the means and in the manner provided in Rules 1.280 through 1.400, Florida Rules of Civil Procedure. The presiding officer may issue appropriate orders to effectuate the purposes of discovery and to prevent delay, including the imposition of sanctions in accordance with the Florida Rules of Civil Procedure, except contempt.

The scope of discovery is generally broad, and courts possess "significant discretion" in regulating the discovery process. *Adkins v. Sotolongo*, 337 So. 3d 110 (Fla. 3d DCA 2021). "The trial court is given wide discretion in dealing with discovery matters, and unless there has been a clear abuse of discretion, the trial court's order will not be disturbed by the appellate court." *American Funding, Ltd. v. Hill*, 402 So. 2d 1369, 1371 (Fla. 1st DCA 1981).

FR's Requests Nos. 3 and 4 seek information that is directly related to DEF's petition and could be reasonably calculated to lead to admissible evidence regarding whether DEF's proposed tariff is in compliance with the newly enacted legislation. Requests for estimated costs DEF could incur by serving large load customers, as well as possible generation additions DEF may require, are both directly related to the crafting of a large load tariff that seeks to comply with the new law.

DEF's argument is that the proposed tariff utilizes its existing, previously-approved rate classes until a new large load rate schedule is approved by this Commission in a future rate case and, thus, the cost estimates and cost of service information are not yet necessary. However, the estimated costs of service for large load customers or possible generation additions to serve large load customers is information reasonably calculated to lead to the discovery of relevant evidence concerning whether DEF's proposed tariff reasonably ensures that large load customers bear their own cost of service, and that costs are not shifted to the general body of ratepayers, as required by Section 366.043(3)(a), F.S.

Having considered the arguments of the parties, I find that FR's Motion to Compel shall be granted as to its Requests for Production Nos. 3 and 4. Regarding Request for Production No. 3, responses shall be limited to customers prospectively affected by the proposed tariff. Consequently, cost estimates for customers who meet the demand thresholds but existed on the Utility's system as of December 31, 2025 – pursuant to the proposed LLCP[6] – are irrelevant and not included within the scope of this discovery.

[6] Document No. 02327-2026.

Therefore, it is

ORDERED by Commissioner Gary F. Clark, as Prehearing Officer, that Florida Rising, Inc.'s Motion to Compel is granted as to its Requests for Production Nos. 3 and 4 to Duke Energy Florida, LLC, as set forth within the body of this Order. It is further

ORDERED that Duke Energy Florida, LLC shall provide responses to Florida Rising, Inc.'s discovery requests, as detailed herein, within 10 days of the issuance of this Order.

By ORDER of Commissioner Gary F. Clark, as Prehearing Officer, this 8th day of July, 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.

SF

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.