

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-2026-0253-PCO-EI
ISSUED: July 17, 2026

ORDER DENYING DUKE ENERGY FLORIDA, LLC'S MOTION TO
STRIKE FLORIDA RISING, INC. AS AN INTERVENING PARTY

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).

On May 15, 2026, Florida Rising, Inc. (FR) requested intervention in this docket, alleging that FR's membership will face higher electricity rates and bills as DEF's proposed tariffs do not appropriately cover costs for large load users and expansion of infrastructure. 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. On June 24, 2026, FR filed the testimony of Katina Rentas Negrón in this docket to support its standing. In the testimony, FR's witness Negrón states that FR has estimated 190 members as current DEF customers.¹

On June 26, 2026, DEF filed a Motion to Strike Florida Rising, Inc. as an Intervening Party (Motion to Strike), requesting that FR be excluded from further participation in this docket for a lack of standing. On July 7, 2026, FR and the Office of Public Counsel filed individual responses to the Motion to Strike, requesting that it be denied.

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.

DEF's Motion to Strike

DEF asserts that FR has failed to meet the standards for standing to participate in this docket because it has not demonstrated that a substantial number of its members are substantially

¹ The 190 member estimate is based on a *pro rata* calculation where the percentage of DEF customers in each Florida county is applied to the FR member count for each respective county. For example, in Orange County, DEF serves 434,749 customers out of the 672,416 that reside in the county (approximately 64.65%). Per witness Negrón's testimony, FR applies this *pro rata* proportion to 125 members in Orange County to estimate that approximately 80 customers in Orange County are both DEF customers and FR members. Across all counties, this process estimates approximately 190 members of FR are also DEF customers according to FR's testimony.

affected. Specifically, DEF takes issue with FR estimating the number of its members that are DEF customers and the use of a *pro rata* methodology to create its estimate, claiming that such an estimate is not competent substantial evidence. DEF also argues that FR's estimate of 190 out of 1,255 of its members being DEF customers does not result in a "substantial number." See *Fla. Home Builders Ass'n v. Dep't of Labor and Emp't Security*, 412 So. 2d 351 (Fla. 1982).

DEF further asserts that FR's alleged injury is speculative and fails the *Agrico* requirement. *Agrico Chem. Co. v. Dep't of Env'tl. Reg'l*, 406 So. 2d 478 (Fla 2d DCA 1981). DEF argues that there are multiple contingencies that must take place following approval of its proposed tariff before any residential rate impact can occur, including a future rate proceeding. Until then, DEF notes that its rates are fixed through 2027 under a Commission-approved settlement, and such rates are not being changed through this proceeding.

FR's Response to the Motion to Strike

FR responds that estimates are competent substantial evidence and valid as factual determinations, noting prior DEF rate cases where intervenors used estimates regarding the intervenor's membership, which was relied upon in decisions made by the Commission and upheld by the Florida Supreme Court. FR defends that a substantial number of its members will be affected by this docket and the threshold for "substantial number" under *Florida Home Builders* is not based upon a majority or a minimum percentage. FR notes that all 65 of its alleged members in Pinellas County will be affected by this docket, which it asserts is a substantial number on its own. Finally, FR argues that this docket could result in billions of dollars in cost-shifting onto residential customers. FR asserts that if DEF's proposal is allowed to go forward, it will ultimately result in increased rates for FR's members.

OPC's Response to the Motion to Strike

OPC responds that DEF did not allege that estimates are not commonly relied upon by a reasonably prudent person. Consequently, DEF's motion is not a relevancy issue but rather a sufficiency argument. The proper result would be continued discovery. As it stands, dismissal of a genuine issue of material fact (i.e., standing) is premature if a party has not had the opportunity to complete discovery and provide testimony. As of the filing of the Motion to Strike, FR has yet to offer its testimony into evidence.

Analysis and Decision

As noted in the responses to the Motion to Strike, DEF's motion is akin to a motion for summary final order. As provided in the Order Granting Intervention,² FR's petition for intervention was "granted subject to proof of standing or stipulations that there are sufficient facts to support all elements for standing." FR has prefiled testimony to address that requirement, and the evidentiary record remains open until the conclusion of the hearing, which is scheduled for August 25-26, 2026. Whether FR's testimony is sufficient is a question of weight for

² Order No. PSC-2026-0233-PCO-EI.

Commission to consider as the trier of fact at hearing. Consequently, DEF's Motion to Strike is hereby denied.

Therefore, it is

ORDERED by Commissioner Gary F. Clark, as Prehearing Officer, that the Motion to Strike Florida Rising, Inc. as an Intervening Party is denied.

By ORDER of Commissioner Gary F. Clark, as Prehearing Officer, this 17th 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.

MRT/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.