

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Storm protection plan cost recovery
clause.

DOCKET NO. 20260010-EI
ORDER NO. PSC-2026-0266-PCO-EI
ISSUED: July 29, 2026

ORDER GRANTING CITY OF PANAMA CITY, FLORIDA'S
MOTION TO FILE DIRECT TESTIMONY

On July 1, 2026, the City of Panama City, Florida (City) filed a Motion for Leave to File the direct testimony of Jonathan Hayes in support of the City's standing (Motion). In its Motion the City requests that it be allowed to file its direct testimony after June 16, 2026, the date to file intervenor testimony established by the Order Establishing Procedure, Order No. PSC-2026-0040-PCO-EI.¹ The City states that Witness Hayes' testimony only addresses the issue of the City's standing and does not address any of the disputed substantive issues in the docket. The City also argues that Florida Power & Light Company (FPL) did not file an objection to its petition for intervention. That being the case, the City argues that there is no prejudice to FPL, Commission staff or any other party to the docket to allow it to file this standing testimony.

The City states that Tampa Electric Company, Florida Public Utilities Company, PCS Phosphate, Florida Industrial Power Users Group, and Nucor Steel Florida, Inc. take no position on the Motion. The Office of the Public Counsel and Duke Energy Florida, LLC reserved the right to take a position on the Motion when it was filed. Neither of those parties has filed objections or responses to the Motion. FPL filed a letter responding to the Motion on July 7, 2026, in which it stated: "FPL does not challenge the City's standing to intervene in this proceeding, nor the Motion . . ." FPL goes on to state that it disagrees with the City that by responding to the City's discovery it has "accepted or stipulated to the City's standing to intervene and that therefore no prejudice to FPL will arise through the offered late-filed testimony."

Review of Jonathan Hayes testimony filed on July 1, 2026, confirms that it only addresses the City's standing issue, and no other issues raised in this docket. It is also true that neither FPL nor any other party to the docket filed objections to Order No. PSC-2026-0085-PCO-EI² granting provisional intervention to the City, which was issued over four months ago. Additionally, it is difficult to tell from FPL's letter concerning the City's Motion whether FPL thinks that the City, an FPL ratepayer, does not actually have legal standing or whether its objection is a procedural one, i.e., that the City did not meet its burden of proof to prove standing by timely filing testimony supporting its party status.

FPL has not provided any information regarding how it will be prejudiced if the City is allowed to late-file its testimony. No new facts in support of its standing have been raised by the

¹ Order No. PSC-2026-0040-PCO-EI, issued February 6, 2026, in Docket No.20260010-EI, *In re: Storm protection plan cost recovery clause*.

² Order No. PSC-2026-0085-PCO-EI, issued April 10, 2026, in Docket No.20260010-EI, *In re: Storm protection plan cost recovery clause*.

City in its Motion that were not also stated in its petition for intervention filed on March 16, 2026, four months ago. Further, the discovery deadline in this docket is August 7, 2026, giving FPL ample time to conduct discovery on Witness Hayes' testimony and exhibit.

Based on the above, I find that there is no prejudice to the parties, staff, or the Commission by allowing the City to late-file the testimony of Witness Hayes. This order is limited to the issue of whether the City should be allowed to late-file Witness Hayes' testimony and exhibit. The issue of whether the City has proven its substantial interest in this docket necessary to meet the standing requirements will be decided by the full Commission.

Based on the foregoing, it is

ORDERED by Commissioner Gary F. Clark, as Prehearing Officer, that the City of Panama City, Florida's Motion to File Direct Testimony is granted as stated in the body of this Order.

By ORDER of Commissioner Gary F. Clark, as Prehearing Officer, this 29th day of July, 2026.



GARY F. CLARK

Commissioner and Prehearing Officer
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399
(850) 413-6770
www.floridapsc.com

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

SBr

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.