

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-2026-0275-PCO-EI
ISSUED: August 11, 2026

ORDER ESTABLISHING PROCEDURE FOR HEARING ON STANDING

An evidentiary hearing is scheduled for August 25-26, 2026, to receive testimony and take exhibits on Duke Energy Florida, LLC's (DEF), large load tariff filed April 22, 2026. Rule 28-106.205, Florida Administrative Code (F.A.C.), governs intervention in this proceeding. Paragraph (2)(c) of the Rule provides a motion to intervene must contain "[a]llegations sufficient to demonstrate that the intervenor is entitled to participate in the proceeding as a matter of constitutional or statutory right or pursuant to agency rule, or that the substantial interests of the intervenor are subject to determination or will be affected by the proceeding." Under Subsection (1), "[t]he presiding officer may impose terms and conditions on the intervenor to limit prejudice to other parties."

The Office of Public Counsel (OPC) is authorized to intervene by Section 350.0611, Florida Statutes, and its intervention has been acknowledged by order. Provisional orders granting intervention were issued for the remaining intervenors – Florida Rising, Inc. (FR); PCS Phosphate–White Springs (PCS Phosphate); the Florida Industrial Power Users Group (FIPUG); and Nucor Steel Florida, Inc. (Nucor). All provisional orders contained a ruling that the intervenors' "petition[s] to intervene shall be granted subject to proof of standing or stipulations that there are sufficient facts to support all elements for standing." The issue regarding the parties' standing appears as Issue D in the Prehearing Order.¹

At the August 5, 2026, prehearing conference, it appeared that the status of standing remained a contested issue and some parties expressed an interest in having any standing questions resolved prior to the start of the August 25-26 evidentiary hearing on the merits of DEF's tariff. Accordingly, an August 17, 2026, hearing was noticed "to receive testimony and exhibits and to enable a decision as to whether [FR, PCS Phosphate, FIPUG, and Nucor] have standing to intervene and participate." The notice also stated that "[i]f all parties have stipulated to the facts to support standing for a particular intervenor, that intervenor is not required to present evidence at the August 17, 2026 hearing."

This Order sets forth the procedural requirements for all parties with respect to the August 17, 2026, hearing on standing. This Order is issued pursuant to the authority granted by Rule 28-106.211, 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.

¹ Issue D states: "Whether the following persons have standing to intervene in this proceeding: a. PCS Phosphate – White Springs; b. Florida Industrial Power Users Group; c. Florida Rising, Inc.; d. Nucor Steel Florida, Inc."

Attendance at Hearing

Unless excused by the Prehearing Officer for good cause shown, each party shall personally appear at the hearing, and either present their witness in support of standing, or present evidence that all parties have stipulated to the facts to support that party's standing. Failure of a party, or that party's representative, to appear shall constitute waiver of that party's issues, and that party may be dismissed from the proceeding. Any party who wishes for their representative or their standing witness to participate at the August 17, 2026, hearing by audio-visual means must contact Commission staff to that effect by no later than August 13, 2026.

Hearing Exhibits

Parties shall bring 20 copies of any exhibits they plan to use for purposes of cross-examination or impeachment. Any confidential exhibits shall be provided in accordance with Section IV of the Prehearing Order.

Opening Statements

Opening statements, if any, shall not exceed 5 minutes per party.

Witnesses

Witnesses who prefiled testimony on standing shall be given the opportunity to present a 3 minute of summary of their testimony. All witnesses shall be subject to cross-examination at the conclusion of their testimony. The witnesses on standing shall take the stand in the following order:

Jeffrey Pollock – FIPUG
Katina Rentas Negrón – FR
Karl Rábago – FR
Tony Georgis – PCS Phosphate

Cross-Examination

The parties shall avoid duplicative, repetitious, and friendly cross-examination.

Briefs

Parties shall file briefs, if any, of no more than 10 pages with respect to Issue D by August 20, 2026.

Based on the foregoing, it is

ORDERED by Commissioner Gary F. Clark, as Prehearing Officer, that the provisions of this Order shall govern this proceeding unless modified by the Commission.

By ORDER of Commissioner Gary F. Clark, as Prehearing Officer, this 11th day of August, 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.