FILED 8/11/2026
DOCUMENT NO. 05104-2026
FPSC - COMMISSION CLERK

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-2026-0276-PHO-EI ISSUED: August 11, 2026

PREHEARING ORDER

Pursuant to Notice and in accordance with Rule 28-106.209, Florida Administrative Code (F.A.C.), a Prehearing Conference was held on August 5, 2026, in Tallahassee, Florida, before Commissioner Gary F. Clark, as Prehearing Officer.

APPEARANCES:

DIANNE M. TRIPLETT, ESQUIRE, Duke Energy Florida, LLC, 299 1st Avenue North, St. Petersburg, Florida 33701
MATTHEW R. BERNIER and STEPHANIE CUELLO, ESQUIRES, Duke Energy Florida, LLC, 106 East College Avenue, Suite 800, Tallahassee, Florida 32301
On behalf of Duke Energy Florida, LLC (DEF).

WALT TRIERWEILER, OCTAVIO SIMOES-PONCE, and AUSTIN A. WATROUS, ESQUIRES, Office of Public Counsel, c/o The Florida Legislature, 111 West Madison Street, Suite 812, Tallahassee, Florida 32399-1400
On behalf of Office of Public Counsel (OPC).

JON C. MOYLE, JR. and KAREN A. PUTNAL, ESQUIRES, Moyle Law Firm, P.A., 118 North Gadsden Street, Tallahassee, Florida 32301
On behalf of Florida Industrial Power Users Group (FIPUG).

BRADLEY MARSHALL and JORDAN LUEBKEMANN, ESQUIRES, Earthjustice, 111 South Martin Luther King Jr. Blvd., Tallahassee, Florida 32301
On behalf of Florida Rising, Inc. (FL Rising).

PETER J. MATTHEIS, MICHAEL K. LAVANGA and JOSEPH R. BRISCAR, ESQUIRES, Stone Mattheis Xenopoulos & Brew, PC, 1025 Thomas Jefferson Street, NW, Suite E-3400, Washington, DC 20007-5201
On behalf of Nucor Steel Florida, Inc. (Nucor).

JAMES W. BREW, LAURA WYNN BAKER and SARAH B. NEWMAN, ESQUIRES, Stone Mattheis Xenopoulos & Brew, PC, 1025 Thomas Jefferson Street, NW, Suite E-3400, Washington, DC 20007-5201
On behalf of White Springs Agricultural Chemicals, Inc. d/b/a PCS Phosphate – White Springs (PCS Phosphate).

MAJOR THOMPSON and SAAD FAROOQI, ESQUIRES, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850
On behalf of the Florida Public Service Commission (Staff).

MARY ANNE HELTON, ESQUIRE, Deputy General Counsel, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850
Advisor to the Florida Public Service Commission.

ADRIA E. HARPER, ESQUIRE, General Counsel, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850
Florida Public Service Commission General Counsel.

I. CASE BACKGROUND

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 (Chapter No. 2026-65, Laws of Florida). In compliance with Section 366.06(3), Florida Statutes (F.S.), an administrative hearing on DEF's Petition is scheduled for August 25-26, 2026.

The Office of Public Counsel's (OPC) intervention in this docket was acknowledged on May 8, 2026.[1] Florida Rising, Inc. (FR),[2] PCS Phosphate – White Springs (PCS Phosphate),[3] the Florida Industrial Power Users Group (FIPUG),[4] and Nucor Steel Florida, Inc. (Nucor)[5] were granted intervention in this docket subject to proof of standing or stipulations that there are sufficient facts to support all elements for standing.

II. CONDUCT OF PROCEEDINGS

Pursuant to Rule 28-106.211, F.A.C., this Prehearing Order is issued to prevent delay and to promote the just, speedy, and inexpensive determination of all aspects of this case.

---

[1] Order No. PSC-2026-0144-PCO-EI, issued May 8, 2026.
[2] Order No. PSC-2026-0233-PCO-EI, issued June 23, 2026.
[3] Order No. PSC-2026-0234-PCO-EI, issued June 23, 2026.
[4] Order No. PSC-2026-0238-PCO-EI, issued June 26, 2026.
[5] Order No. PSC-2026-0268-PCO-EI, issued July 31, 2026.

III. JURISDICTION

This Commission is vested with jurisdiction over the subject matter by the provisions of Chapters 120 and 366, Florida Statutes (F.S.). This hearing will be governed by said Chapters and Rules 25-6, 25-22, and 28-106, F.A.C., as well as any other applicable provisions of law.

IV. PROCEDURE FOR HANDLING CONFIDENTIAL INFORMATION

Information for which proprietary confidential business information status is requested pursuant to Section 366.093, F.S., and Rule 25-22.006, F.A.C., shall be treated by the Commission as confidential. The information shall be exempt from Section 119.07(1), F.S., pending a formal ruling on such request by the Commission or pending return of the information to the person providing the information. If no determination of confidentiality has been made and the information has not been made a part of the evidentiary record in this proceeding, it shall be returned to the person providing the information. If a determination of confidentiality has been made and the information was not entered into the record of this proceeding, it shall be returned to the person providing the information within the time period set forth in Section 366.093, F.S. The Commission may determine that continued possession of the information is necessary for the Commission to conduct its business.

It is the policy of this Commission that all Commission hearings be open to the public at all times. The Commission also recognizes its obligation pursuant to Section 366.093, F.S., to protect proprietary confidential business information from disclosure outside the proceeding. Therefore, any party wishing to use any proprietary confidential business information, as that term is defined in Section 366.093, F.S., at the hearing shall adhere to the following:

(1) When confidential information is used in the hearing that has not been filed as prefiled testimony or prefiled exhibits, parties must have copies for the Commissioners, necessary staff, and the court reporter, in red envelopes clearly marked with the nature of the contents and with the confidential information highlighted. Any party wishing to examine the confidential material that is not subject to an order granting confidentiality shall be provided a copy in the same fashion as provided to the Commissioners, subject to execution of any appropriate protective agreement with the owner of the material.

(2) Counsel and witnesses are cautioned to avoid verbalizing confidential information in such a way that would compromise confidentiality. Therefore, confidential information should be presented by written exhibit when reasonably possible.

At the conclusion of that portion of the hearing that involves confidential information, all copies of confidential exhibits shall be returned to the proffering party. If a confidential exhibit has been admitted into evidence, the copy provided to the court reporter shall be retained in the Office of Commission Clerk's confidential files. If such material is admitted into the evidentiary record at hearing and is not otherwise subject to a request for confidential classification filed with the Commission, the source of the information must file a request for confidential classification of the information within 21 days of the conclusion of the hearing, as set forth in Rule 25-22.006(8)(b), F.A.C., if continued confidentiality of the information is to be maintained.

V. PREFILED TESTIMONY AND EXHIBITS; WITNESSES

Testimony of all witnesses to be sponsored by the parties has been prefiled and will be inserted into the record as though read after the witness has taken the stand and affirmed the correctness of the testimony and associated exhibits. All testimony remains subject to timely and appropriate objections. Upon insertion of a witness' testimony, exhibits appended thereto may be marked for identification. Each witness will have the opportunity to orally summarize his or her testimony at the time he or she takes the stand. Summaries of testimony shall be limited to five (5) minutes. If a witness has filed both direct and rebuttal testimonies, he or she will receive five (5) minutes for direct and three (3) minutes for rebuttal. If both direct and rebuttal testimonies are taken together, those witnesses will be given up to eight (8) minutes total.

Witnesses are reminded that, on cross-examination, responses to questions calling for a simple yes or no answer shall be so answered first, after which the witness may explain his or her answer. After all parties and Staff have had the opportunity to cross-examine the witness, the exhibit may be moved into the record. All other exhibits may be similarly identified and entered into the record at the appropriate time during the hearing.

The Commission frequently administers the testimonial oath to more than one witness at a time. Therefore, when a witness takes the stand to testify, the attorney calling the witness is directed to ask the witness to affirm whether he or she has been sworn.

The parties shall avoid duplicative or repetitious cross-examination. Further, friendly cross-examination will not be allowed. Cross-examination shall be limited to witnesses whose testimony is adverse to the party desiring to cross-examine. Any party conducting what appears to be a friendly cross-examination of a witness should be prepared to indicate why that witness' direct testimony is adverse to its interests.

All parties must refer to the Exhibit Number established by the Comprehensive Exhibit List when referencing an exhibit during cross-examination.

VI. ORDER OF WITNESSES

Each witness whose name is preceded by a plus sign (+) will present direct and rebuttal testimony together.

Witness	Proffered By	Issues #
Direct		
+ Matthew J. Chatelain	DEF	A-C, E, 1-4
+ Steven W. Wishart	DEF	A-C, 1-3
Ron Nelson	OPC	B, 1-4
Jeffry Pollock	FIPUG	D(b)
Karl Rábago	Florida Rising	A, B, D, 1-3
Katina Rentas Negrón	Florida Rising	D(c)
Tony M. Georgis	PCS Phosphate	D
Rebuttal		
Benjamin Borsch	DEF	1-2

VII. BASIC POSITIONS

DEF: As shown in DEF's Petition, Testimony, and Exhibits, DEF's proposed Large Load Customer Policy ("LLCP") and Large Load Customer Agreement ("LLCA") comply with Section 366.043, Fla. Stat., and represent a reasonable, measured approach to accommodate new large loads by appropriately balancing the interests of these customers and the other existing and future DEF customers. All large load customers will take service under the existing GSD-1 or GSDT-1 rate, until DEF presents a large load customer rate in a future proceeding, no later than first quarter 2027. That new proposed rate schedule for large load customers will meet the objectives of the new legislation. Existing customers are fully protected from the potential cost of serving any new large load customers between now and January 1, 2028, because, pursuant to DEF's current settlement agreement, DEF cannot change its rates.

All large load customers with a Peak Contract Demand forecast reasonably expected to be greater than or equal to a Monthly Maximum Demand of 50,000 kW (50 MW) of firm load will (1) be subject to the new proposed LLCP, and (2) execute a new proposed customer agreement, the LLCA. DEF has also proposed changes to the CIAC tariff, such that large load applicants will be required to advance the total estimated costs to extend service. The proposed LLCP and LLCA include important protections for existing customers to recognize the unique nature of new large load customers. The Direct Testimony and Exhibits of DEF Witnesses Matt Chatelain and Steve Wishart, as well as the rebuttal testimony of these witnesses and witness Benjamin Borsch, demonstrate that DEF's proposed approach fully complies with Section 366.043 and provides reasonable protections for existing customers.

Specifically, DEF proposes certain minimum "take-or-pay" provisions based on 75-85% of contracted capacity. These protections help ensure that large load customers pay for the incremental costs incurred by DEF to serve them. In addition, the Company requests a 20-year LLCA contract term for large load customers. If a customer terminates service before the minimum term expires, DEF will require that the customer provide a two-year termination notice. The customer must also pay termination damages that vary depending on when the customer terminates the contract. For example, if the customer terminates before taking service, the customer must pay all actual costs incurred by DEF to date. If termination occurs after taking service, the termination payment is equal to the three years of minimum bill payments plus the net book value of the CIAC facilities less any refundable portion of the upfront CIAC payment, which has not yet been refunded.

Finally, to secure all payment obligations from the customer associated with DEF providing service, the customer must provide adequate security, in the form of a letter of credit, cash, or parent guarantee. The amounts vary depending on the amount being secured and the creditworthiness of the counterparty.

DEF's proposed tariff should be approved because it establishes a reasonable and enforceable framework for large load service and provides meaningful protections against cost shifting to existing customers. The intervenor proposals would require the Commission to resolve complex, customer-specific cost allocation and rate design issues prematurely, without an actual qualifying customer or a complete evidentiary record. DEF's proposal strikes the appropriate balance by protecting customers today, preserving commercially reasonable terms for prospective large load customers, and maintaining the Commission's full authority to evaluate detailed cost-of-service issues in DEF's next rate proceeding.

OPC: On May 7, 2026, Governor DeSantis signed SB 484, a historic consumer protection bill. For the first time in Florida, public utility tariffs would have to meet minimum requirements for large load customers pursuant to section 366.043, Florida Statutes. These minimum requirements were designed to ensure that the risk of nonpayment of each large load customer's cost of service may not be borne by the general body of ratepayers. In signing the legislation, Governor DeSantis declared that "SB 484… prevents data center costs from being passed on to consumers, including electricity costs, and protects Florida's water resources from data center consumption."

Despite the Legislature's passage of SB 484 and Governor DeSantis' ratifying signature and remarks, Duke Energy Florida ("DEF") wants to proceed as though it's business as usual. Instead of designing a rate specific to large load customers, DEF warms over its existing GSD-1 and GSDT-1 rates in an attempt to sidestep the requirements of section 366.043, Florida Statutes. These rates were designed as part of a settlement agreement entered into on July 15, 2024, and approved by the Commission on November 12, 2024, which was over a year before SB 484 was filed in the Florida Senate. DEF's attempts to hide behind the 2024 Settlement offers no assurance that the risk of nonpayment of large load customer costs will not be borne by DEF's general body of ratepayers.

The Commission should deny DEF's petition even absent DEF's deficient attempt to serve large load customers under existing rates. For example, although DEF's CIAC change sounds like it requires large load customers to pay "100% of the total estimated costs to extend service in advance," DEF has conceded that these costs do not include the costs of incremental generation. This concession flies in the face of section 366.043, Florida Statutes, which identifies the cost of incremental generation as an example of risks that may not be borne by the general body of rate payers. DEF's tariff also generously bestows upon the company unbridled discretion to relax customer protections to make special changes in its terms when negotiating with large load customers, oversight of which is limited to DEF unless DEF decides otherwise. DEF's early termination policy also lacks protections for its general body of rate payers. These are only a few of the many issues discussed in OPC's witness testimony for why DEF's petition should be denied.

This is a case of first impression for the Commission. Not only are the communities served by DEF watching, but so too are the other utilities who have not yet made their filings. This case represents the Commission's first and best chance both to get it right and give guidance to those waiting utilities. The Commission must deny DEF's petition for failing to comply with the requirements of section 366.043, Florida Statutes. If the Commission gives DEF leave to refile, it should do so with instructions to create a large load customer-specific rate and address all other areas in which the proposed tariffs are deficient.

FIPUG: FIPUG seeks to ensure that DEF's proposals in this case do not adversely affect FIPUG's membership. FIPUG's membership includes a substantial number of customers of DEF who have been in business and customers of DEF for many years. The Commission's decisions in the docket should achieve the following:

- Approve fair, just, and reasonable terms and conditions of service for existing, grandfathered large load customers, including FIPUG members;
- Ensure that existing large load customers, including FIPUG members, are not subsidizing future data center operations or other customers of DEF;
- Take no action which would affect the existing and in effect 2024 Rate Case Settlement Agreement between DEF and DEF customers, including FIPUG members.

FL RISING: The Commission should deny Duke Energy Florida's ("Duke") petition, including its request for approval of its Large Load Customer Policy ("LLCP") and Large Load Customer Agreement ("LLCA"). Duke's filing does not comply with newly enacted legislation, section 366.043, Florida Statutes, which was designed to protect the general body of ratepayers from increased energy bills and from subsidizing the costs to serve new data centers.

The new legislation, for one, requires Duke to file a compliant tariff by October 1, 2026, that ensures that large load customers, i.e., customers with over 50 MWs of load (generally new data centers), pay all of the costs to serve them. Duke has repeatedly purported that its filing is compliant, though it fails to even include a rate schedule and instead merely adds large load customers to its existing rate classes, GSD-1 or GSDT-1, which, according to Duke's last cost of service analysis, is already below parity and thus does not even recover the costs to serve the existing customers on those rates. Duke thus fails to comply with even the law's most basic requirement.

Furthermore, the statute explicitly requires Duke and its filing 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." § 366.043(3)(a), Fla. Stat. The legislation further details the costs that large load customers are expected to bear, including, but not limited to, connection, incremental transmission, incremental generation, and operations and maintenance expenses. Duke's filing fails this metric, too; by adding large load customers to existing rate classes which are already below parity, Duke guarantees cross-class subsidization, primarily by the residential and small business classes that are already above parity. Given the estimated billions of dollars it would take to serve even *one* data center, the problem is only expected to worsen, with those billions upon billions leading to an increased negative impact on the parity indices of the GSD-1 and GSDT-1 classes and with the minimum bill set by Duke's LLCP falling far short of that needed for full cost recovery.

In the event of early termination, Duke's policy woefully falls short again. In its Termination Payment Obligation, the LLCA limits the costs the customer is on the hook for to only those associated with preparing the site for electric service, leaving ample costs on the table associated with constructing new power facilities, operating and maintaining those facilities, and more for the general body of ratepayers to recover. Even those costs that *are* recoverable from the large load customer upon termination are not guaranteed; only the security amount paid upfront by the customer provides any real assurance. This security provision ends up, however, only generating more concerns rather than resolving them, with only 10% of an already insufficient Termination Payment Obligation or Termination Fee positively assured. This, too, violates the new legislation: Duke's filing does not comply with the Legislature's command to ensure that the risk of nonpayment is not borne by the general body of ratepayers.

Instead of protecting the general body of ratepayers from the costs to serve data centers and other large load customers—the sole mandate and primary goal of the Legislature's new law—Duke attempts to entice such customers instead, proposing a "tariff" that ensures low costs for data centers at the expense of everyone else. To therefore comply with and carry out the goals of the new legislation, the Commission should deny Duke's petition for approval of its LLCP and LLCA and direct it to file tariffs and rates designed to recover the costs to serve large load customers from large load customers.

NUCOR: Duke Energy Florida, LLC's ("DEF") Petition in this case proposes a new Large Load Customer Policy ("LLCP") and Large Load Customer Agreement ("LLCA"). The purpose of the LLCP and LLCA is to "protect DEF's other retail customers from bearing the cost burden associated with potential future stranded or underutilized assets."[6] The Petition makes clear that the need for the proposed large load policies is driven largely by the potential influx of new data center load. DEF's Petition complies with Senate Bill 484, Ch. 2026-65, Laws of Florida and is a reasonable approach for addressing new large loads while protecting existing customers and ratepayers. Accordingly, the Commission should approve DEF's Petition.

PCS PHOSPHATE: Regulators and legislatures throughout the country are scrambling to address the electric system planning, rate, and related issues posed by the rapid emergence of data centers and other hyper-scale computational loads.[7] On September 5, 2025, in Docket No. 20250113-EI, Duke Energy Florida, LLC ("DEF") sought to establish a regulatory framework for such looming development by filing a petition for Public Service Commission ("Commission") approval of a Large Load Customer Policy ("LLCP"), proposed revisions to its Contribution in Aid of Construction ("CIAC") provisions, a Large Load Customer Agreement ("LLCA"), and a Large Load Customer Rate Schedule. Before the Commission could act on that petition, on March 13, 2026, the Florida Legislature passed Senate Bill 484, Ch. 2026-65, Laws of Florida, entitled "An act relating to data

[6] Petition at 5.
[7] *See, e.g.*, Docket EL26-67-000 et al., Order Instituting Proceeding Under Section 206 of the Federal Power Act, 195 FERC ¶ 61,211 (June 18, 2026).

centers" ("2026 Data Center Law").[8] The basic intent of the legislation, as noted in the Governor's signing statement, was to "protect . . . citizens and communities from hyperscale data centers" by, in part, preventing these expected massive computational loads from passing costs on to consumers, including through electricity costs.[9] In light of the bill's passage, DEF withdrew its petition in Docket No. 20250113-EI. On April 22, 2026, DEF filed a revised petition ("Petition") that DEF maintains is fully compliant with the 2026 Data Center Law.[10] The Petition retains with modifications the LLCP, LLCA, and CIAC provisions proposed in the September 5, 2025 petition, but deletes the Large Load Customer Rate Schedule.[11] DEF stated its intent to propose a new large load rate schedule applicable to hyperscale loads in its next rate case.[12]

The Petition as filed in this proceeding is compliant with the 2026 Data Center Law. The Petition is reasonably designed to establish a regulatory framework that will safeguard DEF's general body of ratepayers, establish manageable requirements for emerging data center loads, and avoid imposing unnecessary and unintended requirements on DEF's existing industrial customers. PCS Phosphate urges the Commission to approve the Petition at this time with no material modifications and to take such action in DEF's next rate case as the Commission deems necessary and appropriate to further address data center development in DEF's service territory.

STAFF: Staff's positions are preliminary and based on materials filed by the parties and on discovery. The preliminary positions are offered to assist the parties in preparing for the hearing. Staff's final positions will be based upon all the evidence in the record and may differ from the preliminary positions.

VIII. ISSUES AND POSITIONS

ISSUE A: Does DEF's petition and associated tariffs comply with the requirements of Section 366.03, Florida Statutes?

DEF: Yes. DEF's filing fully complies with Section 366.03, Fla. Stat. This statute obligates DEF to provide service to all customers, including large load customers. *See* sec. 366.03, Fla. Stat. ("Each public utility shall furnish to each person applying therefor reasonably sufficient, adequate, and efficient service upon terms

[8] On May 7, 2026 Governor DeSantis signed SB484 into law, which has been entered into the Laws of Florida as Chapter 2026-65 (hereinafter "2026 Data Center Law").
[9] Fla. Exec. Off. of the Gov'r, Governor Ron DeSantis Signs Law to Protect Floridians From Subsidizing Data Centers (May 7, 2026), https://www.flgov.com/eog/news/press/2026/governor-ron-desantis-signs-law-protect-floridians-subsidizing-data-centers.
[10] Petition for Limited Proceeding to Approve Large Load Tariff by Duke Energy Florida, LLC (Apr. 22, 2026).
[11] *Id.* at 6-7.
[12] *Id.* at 6.

as required by the commission."). **It** further requires that DEF's rates be "fair and reasonable." As discussed in the position to issue B, DEF's petition and associated tariffs, in recognition of this requirement to provide electricity to all customers requesting it, provide fair and reasonable terms and conditions to serve large load customers while protecting existing customers.

DEF's proposed tariffs are fair and reasonable because they establish rates large load customers can take service under now, while the existing settlement ensures no rate increase to existing customers. DEF expressly commits to filing a new rate schedule designed to comply with all statutory requirements to take effect on January 1, 2028, and requests that the Commission memorialize that obligation in its order. That commitment provides a clear path for Commission review of the detailed cost allocation and rate design issues that are more appropriately addressed in DEF's next rate proceeding. (Chatelain, Wishart)

OPC: No. DEF has failed to demonstrate that it is "fair and reasonable" to serve the "unprecedented" loads of large load customers using rates that were not designed to do so. Serving large load customers under GSD-1 and GSDT-1 rates would give those customers undue or unreasonable preference or advantage. DEF has also failed to demonstrate that its proposed CIAC modifications, LLCP, and LLCA are fair and reasonable and do not give large load customers undue or unreasonable preference or advantage. (Nelson)

FIPUG: Yes.

FL RISING: No. By forcing the general body of ratepayers to subsidize large load customer costs, Duke's LLCP is neither fair nor reasonable under sections 366.03, Florida Statutes. (Rábago).

NUCOR: Yes. DEF's petition and proposed tariffs are fair and reasonable and do not give any undue or unreasonable preference or advantage to any person or locality.

PCS PHOSPHATE: Yes.

STAFF: Section 366.03 requires that utilities provide "service upon terms as required by the commission." The Large Load Customer Policy contains section 13.06 ("Special Terms") that allows DEF to negotiate "non-material" terms different than those included in the policy without Commission approval. The utility defined material terms for which any deviation would require Commission approval as statutory compliance, in-service date, minimum term, termination notice, minimum bill design, early termination payments, full CIAC funding, security requirements, and minimum billing demand. However, the decision as to which additional terms not listed above are "non-material" is left exclusively to the utility.

Staff's position is preliminary and is based on the record as it exists at the time of filing its prehearing statement. Staff reserves the right to modify or change its position upon completion of the evidentiary hearing and after consideration of the parties' post-hearing briefs.

ISSUE B: **Does DEF's petition and associated tariffs comply with the requirements of Section 366.043, Florida Statutes?**

DEF: Yes. DEF's filing fully complies with Section 366.043, Fla. Stat, which requires each public utility to file a large load tariff, for commission approval, meeting minimum tariff and service requirements that (1) 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 and (2) include provisions reasonably designed to prevent a public utility from providing electric service to a customer that would otherwise qualify as a large load customer if that customer is a foreign entity. Subsection 5 lists utility industry-accepted ratemaking and other financial tool elements that the Commission may approve as part of meeting the large load tariff requirements. The House Message Summary, provided on March 11, 2026, describing the approved House Amendment – 383957, specifically notes that the final revisions to SB 484 make "the rate making and other financial tools to effectuate large load tariffs to be optional and does not provide or direct the PSC to use these in creating minimum standards."

The proposal includes coordinated cost responsibility and risk mitigation mechanisms, such as CIAC requirements, minimum bill obligations, termination provisions, and financial assurance requirements, that collectively satisfy the statute's objectives while preserving the Commission's authority to appropriately determine cost allocation and rate design in a general rate proceeding.

DEF's proposed tariff is consistent with the legislative requirement that the utility must 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. DEF's proposed tariffs do that by establishing rates large load customers can take service under now, while the existing settlement ensures no rate increase to existing customers. DEF expressly commits to filing a new rate schedule designed to comply with the statutory requirements to take effect on January 1, 2028, and requests that the Commission memorialize that obligation in its order. That commitment provides a clear path for Commission review of the detailed cost allocation and rate design issues that are more appropriately addressed in DEF's next rate proceeding. (Chatelain, Wishart)

OPC: No. At a minimum, the failure to design a large load customer-specific rate and the attempted resort to an existing rate fails to comply with the requirements of section 366.043, Florida Statutes. DEF's proposed CIAC modifications, LLCA, LLCP, and grandfather clause also fail to contain sufficient protections to ensure that the risk that the nonpayment of large load customer costs will not be borne by the general body of ratepayers. (Nelson)

FIPUG: Yes.

FL RISING: No. Section 366.043, Florida Statutes, contains several mandates to ensure such costs are not passed to the general body of ratepayers, and DEF's petition and associated tariffs falls well-short of those requirements, with no assurance at all that the general body of customers will not be paying the costs for large load customers, among other violations of the statutory requirements. (Rábago)

NUCOR: Yes. DEF's petition and proposed tariffs incorporate changes to comply with the requirements of Section 366.043, Florida Statutes. The changes proposed by DEF help ensure that data center and other new large load customer costs are not passed onto existing customers.

PCS PHOSPHATE: Yes.

STAFF: Section 366.043 defines a large load customer as "a customer with an anticipated monthly peak load of 50 megawatts or more." DEF's proposed tariff applies to customers with "aggregated peak contract demand forecast reasonably expected to be" 50 megawatts or more "of firm (i.e., not interruptible or curtailable) load." The statute does not distinguish between firm and non-firm load profiles. Additionally, the statute requires that a compliant tariff "must 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." DEF proposes to add large load customers to the GSD-1 or GSDT-1 rate class and commits to filing a new cost of service study and new rate schedule in its next rate case.

Staff's position is preliminary and is based on the record as it exists at the time of filing its prehearing statement. Staff reserves the right to modify or change its position upon completion of the evidentiary hearing and after consideration of the parties' post-hearing briefs."

<u>ISSUE C</u>: **Does DEF's petition and associated tariffs comply with the requirements of Section 366.05, Florida Statutes?**

DEF: Yes. DEF's filing fully complies with Section 366.05, Fla. Stat. This statute gives the Commission the power to "prescribe fair and reasonable rates and charges." Sect. 366.05(1)(a), Fla. Stat. As discussed in the position to issue B, DEF's petition and associated tariffs provide fair and reasonable terms and conditions to serve large load customers while protecting existing customers. DEF's proposed tariffs are fair and reasonable because they establish rates large load customers can take service under now, while the existing settlement ensures no rate increase to existing customers. DEF expressly commits to filing a new rate schedule designed to comply with the statutory requirements to take effect on January 1, 2028, and requests that the Commission memorialize that obligation in its order. That commitment provides a clear path for Commission review of the detailed cost allocation and rate design issues that are more appropriately addressed in DEF's next rate proceeding. (Chatelain, Wishart)

OPC: No**.** DEF has not met its burden to demonstrate that its petition should be approved by the Commission. DEF's proposed tariff reserves to DEF so much discretion about the application of the tariff provisions that the Commission cannot reasonably approve the associated tariffs with sufficient knowledge of what it has actually approved and whether, as applied, the tariff complies with section 366.03, Florida Statutes. Furthermore, the Commission would be unable to enforce Rule 25-9.034, Florida Administrative Code (based on section 366.05(1), Florida Statutes), because the Commission cannot determine whether a special contract with a customer is specifically covered by the tariff or to what degree arrangements deviate from the tariff.

FIPUG: Yes.

FL RISING: No. This statute gives the Commission the power to "prescribe fair and reasonable rates and charges." As discussed in the positions to Issue A and B, Duke's proposal falls far short of ensuring fair and reasonable terms.

NUCOR: Yes. DEF's petition and proposed tariffs result in "fair and reasonable rates and charges" and classifications.

PCS PHOSPHATE: Yes.

STAFF: Section 366.05(1)(e) provides that changes to tariffs must be approved by a majority vote of the Commission. As discussed in Issue A, section 13.06 of the Large Load Customer Policy allows for DEF to negotiate different terms of the LLCP and lets the utility decide whether those changes are material.

Staff's position is preliminary and is based on the record as it exists at the time of filing its prehearing statement. Staff reserves the right to modify or change its position upon completion of the evidentiary hearing and after consideration of the parties' post-hearing briefs."

<u>ISSUE D</u>: 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.

DEF:

a. No position.

b. No position.

c. Florida Rising does not have standing to intervene in this proceeding. As an association, Florida Rising bears the burden of proving it has a substantial number of members who will be substantially impacted by this docket. Out of 1,255 total FL Rising members, they list three purported DEF customers by name. Even assuming all three are DEF customers, that would equate to only 0.2% of the FL Rising members are DEF customers. If we assume that all the purported Pinellas County members are DEF customers (65), that still only amounts to 5.2% of FL Rising's members. None of these numbers, which do not even approach a simple majority, result in a "substantial number" of members so as to satisfy the legal standing requirement. Florida Rising also cannot meet the "substantial interest" test required by Florida law for standing. Specifically, this proceeding neither changes the rates approved by the Commission in the 2024 Settlement Agreement, nor authorizes any new charges to existing customers. Any alleged impact on residential customers would arise, if at all, only in a future rate case conducted with a separate evidentiary record, separate parties, and separate procedural protections available to all stakeholders. Moreover, FL Rising does not even allege that its 65 members residing in Pinellas County are customers of DEF, rather Ms. Negron's Amended Testimony asserts that they are "served by DEF." *See* Negron Amended Testimony, p. 2, l. 16. Thus, even if this was a rate making proceeding, which it is not, FL Rising has not alleged that a "Substantial number" of its membership are even DEF ratepayers. *See id.* at ll. 18-20 (vaguely offering the assertion that "many of our other members outside of Pinellas County are also served by DEF."). Further, DEF has indicated that any large load customer would take service on the existing GSD-1 or GSDT-1 rate until that future rate proceeding. But Florida Rising admitted in its discovery responses that none of its members even take service on DEF's GSD-1 or GSDT-1 rate, thus further highlighting the speculative nature of their "injury." Finally, beyond the speculative financial impacts discussed above, FL Rising alleges that it faces potential injury from the environmental impacts of potential data centers locating in DEF's service territory. *See id.* at pp. 3-4. This is simply not the time nor forum to litigate these concerns. Section 366.043 does not empower this Commission to address the potential environmental impacts of large load customers when reviewing the required tariffs, nor do sections 366.03 or 366.05.

d. No position.

OPC:
a. No position.
b. The Florida Industrial Power Users Group have not demonstrated standing to intervene in this docket.
c. No position.
d. No position.

FIPUG:

a.	PCS Phosphate – White Springs -	Yes.
b.	Florida Industrial Power Users Group	Yes.
c.	Florida Rising, Inc.	No.
d.	Nucor Steel Florida, Inc.	Yes.

FL RISING: (a) Yes, PCS Phosphate, as an individual customer whose rates could ultimately be impacted by this proceeding, has standing.
(b) FIPUG claims to have about eight members served by Duke. This would appear to support associational standing, as eight members are a substantial number and this proceeding may greatly impact electric rates. Florida Rising is not waiving its legal arguments regarding incorporation status being necessary to participate in Chapter 120 proceedings, nor its ability to raise such arguments at the appellate level.
(c) Yes. (Negrón, Rábago)
(d) Yes, Nucor Steel, as an individual customer whose rates could ultimately be impacted by this proceeding, has standing.

NUCOR: Pursuant to Sections 120.569 and 120.57, Florida Statutes and Rule 28-106.205, Florida Administrative Code, Nucor has standing to intervene in this proceeding. Nucor takes no position on whether PCS Phosphate, FIPUG, or Florida Rising have standing. However, Nucor notes that PCS Phosphate, FIPUG, and Florida Rising all have extensive experience participating in cases before the Commission. Nucor is willing to stipulate to the standing of PCS Phosphate, FIPUG, and Florida Rising if those parties are also willing to stipulate to Nucor's standing.

PCS PHOSPHATE: A party's standing to intervene is a threshold matter that concerns whether the party is entitled to initiate or participate in a cause of action, or, in this case, a public regulatory docket.[13] A party is entitled to perform discovery, submit testimony, conduct depositions and cross-examination, take positions, agree to compromise or settle issues, file briefs and argue contested matters, with all of the time and expense that those matters require.[14] Other parties are obligated to incur the time and expense of responding to those interrogatory and production of document requests, requests for depositions, and competing positions on issues

---

[13] *See, e.g.*, Agrico Chemical Co. v. Department of Environmental Regulation, 406 So.2d 478, 482 (Fla. 2d DCA 1981).
[14] *See, e.g.*, Rule 28-106.206, Florida Administrative Code ("F.A.C.") (Discovery); Rule 28-106.213, F.A.C. (Evidence); Rule 28-106.215, F.A.C. (Post-Hearing Submittals).

that a party may take or initiate. Consequently, to the extent practicable, questions regarding party standing should be decided before the evidentiary proceedings begin. PCS Phosphate's credentials concerning its status as a current DEF customer with a substantial interest in the issues presented here are unassailable and its standing to intervene should be confirmed without qualification. In addition, it bears noting that PCS Phosphate and the other listed intervenors have an extensive history of participation in matters before the Commission and are well known by the other parties to this docket. The public interest is not served by further deferring the standing question, and PCS Phosphate is willing to stipulate to the standing of all parties if they are willing to extend the same curtesy to PCS Phosphate.

a. Yes. (Georgis)
b. See the statement above.
c. See the statement above.
d. See the statement above.

STAFF: No position at this time.

<u>ISSUE E</u>: **Is Commission approval, as-filed or with modifications, of the proposed, Large Load Customer Agreement (Tariff Sheet Nos. 7.510-7.530), the Large Load Customer Policy (Tariff Sheet Nos. 4.130-4.132), and their associated terms and conditions consistent with provisions of the 2024 Settlement Agreement approved in Order No. PSC-2024-0472-AS-EI?**

DEF: Yes. The proposed LLCA and LLCP do not change the rates of any existing customers; accordingly, it is consistent with the provisions of the 2024 Settlement Agreement. The Company will not be able to defer costs incurred during the settlement freeze and moreover does not expect to serve a large load customer prior to the end of the settlement freeze. If DEF does incur costs and the GSD-1 and GSDT-1 rates are not adequate to cover them during the settlement period, those costs will fall to the bottom line and be borne by DEF shareholders. To be clear, to the extent such costs are incurred and resulting in DEF falling below its authorized ROE band, it commits that it will not seek to adjust rates during the settlement period. To the extent DEF incurs costs to serve a future data center, DEF plans to account for them consistent with current practices and would include any large load customer costs in future rate proceedings where proper cost allocation is shown. (Chatelain)

OPC: The 2024 Settlement Agreement does not prohibit a rate or rates, and the associated terms and conditions, resulting from this docket and ordered by the Commission in compliance with SB 484. Section 34 of the 2024 Settlement Agreement provides that a rate or rates, and their associated terms and conditions, resulting from this docket and ordered by the Commission in compliance with legislative requirements like those contained in SB 484, will not violate the terms of the agreement. Furthermore, the base rate freeze provision in Paragraph 5 of the Agreement does not protect existing customers from the risk that the nonpayment of large load customer costs will not be borne by the general body of ratepayers or that costs will otherwise be improperly redistributed among customer classes in a cost-of-service study applicable to future rate setting.

FIPUG: Yes.

FL RISING: Duke's petition fails to create a new rate case for large load customers as required by section 366.043, Florida Statutes. However, even if Duke's petition was modified to add such a new rate class, it would not violate Order No. PSC-2025-0472-AS-EI, given the independent legal obligation to comply with the new intervening law.

NUCOR: So long as the LLCA and LLCP do not result in changes to the rates paid by existing customers, approval is consistent with the 2024 Settlement Agreement.

PCS PHOSPHATE: Yes, Commission approval of the as-filed LLCP and LLCA is consistent with the provisions of the 2024 Settlement Agreement based on our understanding that neither will effect a change in rates, terms or conditions of service to existing customers consistent with the 2024 Settlement Agreement approved by the Commission in Order No. PSC-2024-0472-AS-EI. PCS Phosphate reserves the right to take a position regarding any as-yet unspecified modifications to the as-filed LLCP and LLCA that the Commission may order that may alter the rates or terms of service established in the 2024 Settlement Agreement.

STAFF: No position at this time.

<u>ISSUE 1</u>: **Should the Commission approve, deny, or deny with leave to refile with modifications the proposed Large Load Customer Policy (Tariff Sheet Nos. 4.130-4.132) and the associated terms and conditions (e.g., minimum term, minimum monthly bill, security requirements, early termination, and special terms provision)? If denied with leave to refile, what should the modifications be?**

DEF: The Commission should approve, without modifications, DEF's proposed LLCP. The Company's proposal ensures that large load customers bear appropriate costs in the near term through CIAC requirements, minimum bill obligations, termination provisions, and related contractual protections. These mechanisms provide meaningful cost responsibility without requiring the Commission to adopt a rigid, customer-specific allocation model that does not reflect system realities. (Chatelain, Wishart, Borsch)

OPC: The Commission should deny the proposed LLCP and its associated terms and conditions. The LLCP does not have sufficient protections to ensure that the risk of nonpayment of large load customer costs are not borne by the general body of ratepayers. If the Commission denies the LLCP with leave to refile with modifications, then, at a minimum, the Commission should strip DEF of the discretion to negotiate any changes to provisions without total oversight by the Commission, strengthen the early termination policy and security collateral requirements, and make any other changes recommended by OPC's expert witness or deemed necessary by the Commission to protect the general body of ratepayers. (Nelson)

FIPUG: The Commission should approve DEF's proposed Large Load Customer Policy (Tariff Sheet Nos. 4.130-4.132) and associated terms and conditions (e.g., minimum term, minimum monthly bill, security requirements, early termination, and special terms provision).

FL RISING: The Commission should deny the proposed LLCP or, in the alternative, deny with leave to refile, provided that the new filing contains a separate rate class for large load customers, the minimum monthly bill is adjusted to ensure that it recovers the full costs of serving large load customers, and the security and early termination provisions are revised to include a higher security payment and Termination Payment Obligation or Termination Fee. (Rábago)

NUCOR: So long as existing customers are exempt from the LLCP, the Commission should approve the proposed Large Load Customer Policy (Tariff Sheet Nos. 4.130-4.132) and the associated terms and conditions as proposed.

PCS PHOSPHATE: Yes, the Commission should approve the as-filed LLCP. However, if the Commission determines to adopt modifications that would result in the LLCP applying to existing DEF customers, then the LLCP needs to be revised to establish an existing customer tier as follows:

- To the extent that the existing customer is not currently served on the GSD-1 or GSDT-1 rate schedule, the existing customer should not be forced to migrate to one of those rate schedules;
- To the extent that an existing customer receives service pursuant to a contract, the term of service should remain the customer's current contract term, and termination should be governed by the customer's current rate schedule or contract agreement;
- There should be no Minimum Demand or Minimum Billing Energy Volume for existing customers;
    - An assumed hypothetical data center-oriented minimum load factor should not be applied in calculating monthly energy charges;

  - o There should not be a take-or-pay requirement in the calculation of demand charges;
  - o Billing demand should be calculated in accordance with the applicable current tariffs, rather than the LLCP;
- The existing customer should remain subject only to the security provisions in the existing General Rules and Regulations Governing Electric Service (Tariff Sheet No. 4.070) and existing customer rate schedules; and
- There should not be an early termination fee of any kind.

STAFF: No position at this time.

<u>ISSUE 2</u>: **Should the Commission approve, deny, or deny with leave to refile with modifications the proposed Large Load Customer Agreement (Tariff Sheet Nos. 7.510-7.530) and the associated terms and conditions (e.g., minimum demand, minimum term, minimum demand charge payments, security requirements, and early termination provision)? If denied with leave to refile, what should the modifications be?**

DEF: The Commission should approve, without modifications, DEF's proposed LLCA. The Company's proposal ensures that large load customers bear appropriate costs in the near term through CIAC requirements, minimum bill obligations, termination provisions, and related contractual protections. These mechanisms provide meaningful cost responsibility without requiring the Commission to adopt a rigid, customer-specific allocation model that does not reflect system realities. (Chatelain, Wishart, Borsch).

OPC: The Commission should deny the proposed LLCA and associated terms and conditions. If the Commission denies the LLCA with leave to refile with modification, then, at a minimum, the Commission should recommend modifications consistent with the above. (Nelson)

FIPUG: Existing customers should be grandfathered so that the new proposed Large Load Customer Agreement (Tariff Sheet Nos. 7.510-7.530) and the associated terms and conditions (e.g., minimum demand, minimum term, minimum demand charge payments, security requirements, and early termination provision) are not applicable to current DEF customers.

FL RISING: The Commission should deny the proposed LLCA or, in the alternative, deny with leave to refile, provided that the security to be rendered is increased and the early termination provisions are revised to include all costs associated with servicing a large load customer. (Rábago)

NUCOR: So long as existing customers are exempt from the LLCA, the Commission should approve the proposed Large Load Customer Agreement (Tariff Sheet Nos. 7.510-7.530) and the associated terms and conditions as proposed.

PCS PHOSPHATE: Yes, the Commission should approve the as-filed LLCA. However, if the Commission determines to adopt modifications that would result in an LLCA applying to existing DEF customers, then the LLCA needs to be revised as to those existing customers:

- To the extent that an existing customer receives service pursuant to a contract, the term of service should remain the customer's current contract term, and termination should be governed by the customer's current rate schedule or contract agreement;
- There should be no Minimum Demand or Minimum Billing Energy Volume for existing customers;
    - An assumed hypothetical data center-oriented minimum load factor should not be applied in calculating monthly energy charges;
    - There should not be a take-or-pay requirement in the calculation of demand charges;
    - Billing demand should be calculated in accordance with the applicable current tariffs, rather than the LLCP; and
- The existing customer should remain subject only to the security provisions in the existing General Rules and Regulations Governing Electric Service (Tariff Sheet No. 4.070) and existing customer rate schedules; and
- There should not be an early termination fee of any kind.

STAFF: No position at this time.

<u>ISSUE 3</u>: Should the Commission approve, deny, or deny with leave to refile with modifications the proposed CIAC tariff modifications (Tariff Sheet No. 4.030 and 4.132, paragraph 13.07)? If denied with leave to refile, what should the modifications be?

DEF: The Commission should approve, without modifications, DEF's proposed modifications to the CIAC tariff. Customer-funded, refundable Contributions in Aid of Construction ("CIACs") appropriately assign the cost of customer-specific interconnection facilities while recognizing that those facilities may subsequently provide value to other customers. (Chatelain, Wishart).

OPC: The Commission should deny the proposed CIAC modifications for failing to include recovery of incremental generation costs, failing to clearly specify what exact costs of incremental transmission are included in the CIAC charges, and for not applying a "but for" test to establish the costs to be recovered in the CIAC charges. If the CIAC tariff provisions are denied with leave to refile, the Commission should require DEF to include modifications to make large load customers pay 100% of the "but for" connection costs related to large load customers that include the incremental generation and transmission upgrades costs, including the costs of network transmission upgrades. (Nelson)

FIPUG: Existing customers should be grandfathered so that the proposed CIAC tariff modifications (Tariff Sheet No. 4.030 and 4.132, paragraph 13.07)are not applicable to current DEF customers.

FL RISING: The CIAC provisions should be made more robust, so as to comply with section 366.043, Florida Statutes, and protect ratepayers. (Rábago)

NUCOR: So long as existing customers are exempt from the CIAC requirements, the Commission should approve the proposed CIAC tariff modifications (Tariff Sheet No. 4.030 and 4.132, paragraph 13.07) as proposed.

PCS PHOSPHATE: The Commission should approve the DEF as-filed proposed CIAC tariff modifications. If the Commission adopts modifications to the DEF proposal, it should specify that existing customers will remain subject to the currently approved CIAC provisions of the existing General Rules and Regulations Governing Electric Service (Tariff Sheet No. 4.030, part 3.01).

STAFF: No position at this time.

ISSUE 4: What are the effective dates for the proposed Large Load Customer Policy, Large Load Customer Agreement, and CIAC tariff ?

DEF: The LLCP, LLCA, and CIAC tariffs should be effective immediately upon Commission approval in this docket. (Chatelain).

OPC: There should be no effective dates as DEF's Petition should be denied. If DEF's proposals are approved, the effective date(s) should be in compliance with the provisions of SB 484.

FIPUG: Adopt position of PCS Phosphate [no position].

FL RISING: Effective date should not be decided until there are proposals that comply with the statutory mandates.

NUCOR: No position.

PCS PHOSPHATE: No position.

STAFF: No position at this time.

ISSUE 5: **Should this docket be closed?**

DEF: Yes.

OPC: No.

FIPUG: Yes.

FL RISING: No. The Commission should deny Duke's proposal and then direct Duke to re-file with a proposal that complies with section 366.043, Florida Statutes.

NUCOR: No position.

PCS PHOSPHATE: No position.

STAFF: No position at this time.

IX. EXHIBIT LIST

Witness	Proffered By		Description
Direct			
Matthew Chatelain	DEF	MJC-1	Comparison of tariffs filed in Docket 20250113-EI to tariffs filed in this docket
Ron Nelson	OPC	RN-1	CV
Ron Nelson	OPC	RN-2	Response to Interrogatory 24C
Ron Nelson	OPC	RN-3	JLARC Report
Jeffry Pollock	FIPUG	JP-1	Qualifications of Jeffry Pollock
Jeffry Pollock	FIPUG	JP-2	Testimony filed in Regulatory Proceedings

Witness	Proffered By		Description
Karl Rábago	FL Rising	KRR-1	Karl R. Rábago Resume
Karl Rábago	FL Rising	KRR-2	Rábago List of Prior Testimony
Karl Rábago	FL Rising	KRR-3	DEF 2024 Settlement Agreement Rate Schedule
Karl Rábago	FL Rising	KRR-4	DEF Response to Florida Rising's First Request for Admission
Katina Rentas Negrón	FL Rising	KRN-1	Florida Rising Articles of Incorporation
Tony M. Georgis	PCS Phosphate	TMG-1	Resume & Record of Testimony of Tony Georgis
Tony M. Georgis	PCS Phosphate	TMG-2	DEF's Response to PCS Phosphate's First RFA (No. 1)
Tony M. Georgis	PCS Phosphate	TMG-3	Excerpt from DEF's 2026 Ten Year Site Plan

X. PROPOSED STIPULATIONS

There are no proposed stipulations at this time.

XI. PENDING MOTIONS

There are no pending motions at this time.

XII. PENDING CONFIDENTIALITY MATTERS

1. DEF's Request for Confidential Classification of certain information contained in its Response to the Office of Public Counsel's First Set of Interrogatories No. 21, filed May 14, 2026.

2. DEF's Request for Confidential Classification of certain information contained in its Response to the Office of Public Counsel's First Request for Production of Documents No. 3, filed May 29, 2026.

3. DEF's Request for Confidential Classification of certain information contained it its Response to Florida Rising, Inc.'s First Request for Production of Documents No. 3, filed July 20, 2026.

4. DEF's Request for Confidential Classification of certain information contained in its Second Supplemental Response to Florida Rising, Inc.'s First Request for Production of Documents No. 3, filed July 24, 2026.

5. DEF's Request for Confidential Classification of certain information contained in its Third Supplemental Response to Florida Rising, Inc.'s First Request for Production of Documents No. 3, filed August 4, 2026.

XIII. POST-HEARING PROCEDURES

If no bench decision is made, each party shall file a post-hearing statement of issues and positions. A summary of each position, set off with asterisks, shall be included in that statement. If a party's position has not changed since the issuance of this Prehearing Order, the post-hearing statement may simply restate the prehearing position; however, if the prehearing position is longer than 75 words, it must be reduced to no more than 75 words. If a party fails to file a post-hearing statement, that party shall have waived all issues and may be dismissed from the proceeding.

Pursuant to Rule 28-106.215, F.A.C., a party's proposed findings of fact and conclusions of law, if any, statement of issues and positions, and brief, shall together total no more than 50 pages and shall be filed at the same time.

XIV. RULINGS

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

Based upon discussions with the parties at the Prehearing Conference, a public evidentiary hearing shall be scheduled for August 17, 2026, for the purpose of taking evidence and enabling a decision as to whether the following persons have standing to intervene and participate in the August 25-26, 2026 hearing scheduled in this docket: PCS Phosphate – White Springs; Florida Industrial Power Users Group; Florida Rising, Inc.; and Nucor Steel Florida, Inc. The August 17, 2026 hearing shall allow the parties to present evidence and testimony in support of their positions, and all witnesses shall be subject to cross-examination at the conclusion of their testimony. 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.

FIPUG's request to have an option for its witness Jeffrey Pollock to appear audio-visually is granted. I have granted this request due to the limited nature of Mr. Pollock's testimony, as it speaks solely to the issue of FIPUG's standing in this docket. Consistent with the ruling above, if FIPUG or any other party to this docket intends to present witness testimony related to the issue of standing via audio-visual means on August 17, 2026, it must contact Commission staff to that effect by no later than August 13, 2026.

It is therefore,

ORDERED by Commissioner Gary F. Clark, as Prehearing Officer, that this Prehearing Order shall govern the conduct of these proceedings as set forth above 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
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.

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.