

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-2026-0303-PCO-EI
ISSUED: August 24, 2026

ORDER GRANTING IN PART AND DENYING IN PART WHITE SPRINGS
AGRICULTURAL CHEMICALS, INC. d/b/a PCS PHOSPHATE – WHITE SPRINGS’ AND
NUCOR STEEL FLORIDA, INC.’S JOINT NOTICE OF INTENT TO SEEK AND MOTION
FOR OFFICIAL RECOGNITION

On April 22, 2026, Duke Energy Florida, LLC (DEF or Utility) filed a petition for 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 took 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.

On August 14, 2026, the White Springs Agricultural Chemicals, Inc. d/b/a PCS Phosphate – White Springs (PCS Phosphate) and Nucor Steel Florida, Inc. (Nucor) filed a joint Notice of Intent to Seek and Motion for Official Recognition (Motion) for ten exhibits labelled Exhibit A through Exhibit J. The Florida Industrial Power Users Group (FIPUG) supports the motion while the remaining intervening parties took no position. DEF filed a Response in Opposition to all ten exhibits, arguing that all ten are irrelevant to any issue under consideration in this docket.

Decision

Official recognition in administrative proceedings is governed by the same substantive provisions as judicial notice in civil actions. Section 120.569(2)(i), Florida Statutes (F.S.), and Rule 28-106.213(6), Florida Administrative Code (F.A.C.). After notice and upon sufficient motion, official recognition is mandatory as to certain matters and permissive as to others.

Pursuant to Section 90.202(2), F.S., judicial notice of “decisional . . . law of every other state, territory and jurisdiction of the United States” is permissive. Exhibits A and B (final orders from other state regulators) in the Motion fit squarely within this category and are appropriate for official recognition. Although DEF objects on the grounds that these orders are irrelevant, decisions from other jurisdictions addressing large loads may help inform this Commission as to adequate customer protections, emerging trends, or potential pitfalls. As a result, I find that Exhibits A and B are relevant and are officially recognized.

Pursuant to Section 90.202(5), F.S., judicial notice of “[o]fficial actions of the legislative, executive, and judicial departments of the United States and of any state, territory, or jurisdiction of the United States” is permissive. The Motion seeks recognition of Exhibits C through F

through this subsection. While Exhibits D through F (orders issued by the Federal Energy Regulatory Commission) qualify as official actions, Exhibit C (a transcript of a hearing) is not an official action contemplated by subsection (5). DEF objects to relevancy but I again note that official information from other governmental sources may inform this Commission in ways relevant to the ultimate disposition of this case. Therefore, Exhibits D, E, and F are officially recognized but Exhibit C shall not be.

Pursuant to Section 90.202(11) or (12), F.S., judicial notice of facts that are not subject to dispute because they are generally known within the jurisdiction of the court or because they are capable of accurate and ready determination is permissive. Exhibits G through J (press releases, specific utility proposals, and reports) do not fall within the scope of these subsections. Consequently, Exhibits G through J are not appropriate for official recognition.

Therefore, it is

ORDERED by Commissioner Gary F. Clark, as Prehearing Officer, that the Notice of Intent to Seek and Motion for Official Recognition is granted in part and denied in part as laid out in the body of this order.

By ORDER of Commissioner Gary F. Clark, as Prehearing Officer, this 24th 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.

MRT

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.