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FPSC - COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for rate increase by Florida Power & Light Company	**Docket No: 20250011-EI** **Filed: July 18, 2025**

FLORIDA ENERGY FOR INNOVATION ASSOCIATION'S
PREHEARING STATEMENT

Pursuant to the Order Establishing Procedure, PSC-2025-0075-PCO-EI, Florida Energy for Innovation Association ("FEIA") hereby files its Prehearing Statement.

I. WITNESSES

Witness	Subject Matter	Issue No(s).
Direct		
Robert Provine	Describes FEIA, its members, and FEIA's standing; explains flaws in FPL's proposed LLCS Tariff (excessive rates and overly burdensome terms and conditions of service); explains that, if approved as initially proposed, the LLCS Tariff would damage Florida's ability to attract and retain data center investment, depriving Florida of substantial economic development benefits.	1, 105
David Loomis	Explains that FPL's proposed LLCS Tariff rate and contractual structure are not designed in accordance with sound ratemaking principles; recommends modifications to the LLCS Tariff rates and contractual terms to ensure the tariff is reasonable, non-discriminatory, and commercially viable for data center development and operation.	105
Fletcher Mangum	Explains the serious economic consequences if FPL's proposed LLCS rate and contractual structure are approved in the form initially proposed	105
Mohamed Ahmed	Describes how the Incremental Generation Charge ("IGC') is based on flawed inputs that drive up the LLCS rate to excessive levels, and fails to account for the significant system benefits data centers provide.	105
Rebuttal		
David Loomis	Explains the importance of addressing the LLCS Tariff issue in this rate case to avoid prolonged regulatory uncertainty.	105

II. PRE-FILED EXHIBITS

Witness	Proffered By	Exhibit No.	Description	Issue No(s).
Direct				
Robert Provine	FEIA	RP-1	Curriculum Vitae of Robert Provine	1, 105
David Loomis	FEIA	DGL-1	Curriculum Vitae of David Loomis	105
David Loomis	FEIA	DGL-2	GSLD-3-Current & GSLD-3, LLCS-1 Proposed Rates	105
David Loomis	FEIA	DGL-3	Contractual Comparison: FPL GSLD-3 vs LLCS-1	105
David Loomis	FEIA	DGL-4	Data Center Market Contract Lengths	105
David Loomis	FEIA	DGL-5	Entergy Louisiana Additional Facilities Charge	105
David Loomis	FEIA	DGL-6	Electricity Rates Across Data Center Markets vs FPL	105
Fletcher Mangum	FEIA	FM-1	Curriculum Vitae of Fletcher Mangum	105
Mohamed Ahmed	FEIA	MH-1	Curriculum Vitae of Mohamed Ahmed	105
Mohamed Ahmed	FEIA	MH-2	Current & GSLD-3, LLCS-1 Proposed Rates	105
Mohamed Ahmed	FEIA	MH-3	Data Center Load Profiles and FPL Load Factor Increase	105
Mohamed Ahmed	FEIA	MH-4	Entergy Louisiana Additional Facilities Charge Structure	105

III. STATEMENT OF BASIC POSITION

OVERVIEW

FEIA is a not-for-profit association whose members are comprised of companies developing large data centers in Florida, and their affiliates that are current electric customers of FPL. FEIA was formed to represent its members' interests before the Commission and other Florida governmental entities to ensure that the data center industry has access to fair, just, reasonable, and non-discriminatory electricity rates. FEIA has intervened in this proceeding because FPL proposes to adopt a new Large Load Contract Service ("LLCS") Tariff that imposes exorbitant electric rates and overly burdensome contract terms and conditions on large data centers. In addition to being inconsistent with fundamental cost-of-service principles, if approved in its current form, the LLCS Tariff would stifle Florida's ability to attract data center investment and bar the state from achieving the significant economic benefits that data centers generate, including high-wage job creation, expanded tax base, and infrastructure development. The Commission has all of the regulatory tools and authority in this docket to reform the proposed LLCS Tariff to allow FPL to recover its cost of service without saddling hyperscale data center customers with disproportionate charges and oppressive terms and conditions for service that are inconsistent with national benchmarks. Deferring consideration of the LLCS Tariff to some future proceeding is unnecessary, and will lead to prolonged regulatory uncertainty that will stifle the development of data centers in the state, causing Florida to lose immediate investment opportunities to states with clearer and more predictable regulatory environments.

BACKGROUND

Data centers require a reliable and cost-effective electric power source to operate their computer servers and other essential infrastructure. Electricity is the single largest operating expense for large-scale data centers, often comprising up to 60% of total operating costs. FEIA members have sought to obtain electric service from FPL for their data centers since early 2024. FEIA members were initially attracted to develop data center projects in FPL's service area because of the reasonable rates under FPL's GSLD-3 Tariff, and the overall reliability of FPL's electric service.

Up until the filing of its rate increase petition on February 28, 2025, FPL had maintained that large data center projects were eligible for electric service under FPL's GSLD-3 Tariff. However, when

FPL filed its rate case it announced that large data centers would no longer be eligible for its GSLD-3 Tariff, and instead would be required to take service under the rates, terms, and conditions of FPL's proposed Large Load Contract Service ("LLCS") Tariffs—LLCS-1 and LLCS-2. FEIA will present competent substantial evidence in this proceeding showing that the proposed LLCS Tariff subjects large data center customers to excessive rates and overly burdensome and discriminatory contractual terms which, if approved, would directly undermine Florida's ability to attract and retain data center investment.

LLCS TARIFF DEFICIENCIES

Excessive Rates. Under its LLCS-1 Tariff, FPL proposes charging data center customers an all-in electric price of approximately 10.16 cents per kWh, which is more than 69% higher than would be charged under its current GSLD-3 Tariff and substantially exceeds the price of electricity in other states that are competing with Florida for data center development. The rates of the proposed LLCS-2 Tariff have yet to be defined, which creates additional and substantial regulatory uncertainty.

The primary factor contributing to the excessive LLCS rates is FPL's introduction of a new rate element, the Incremental Generation Charge ("IGC"), which is supposed to cover the cost of new battery storage buildout that would be required to satisfy the new LLCS load. FPL uses a revenue requirements analysis to justify the IGC that has two basic flaws. First, FPL's revenue requirement model takes the highest annual revenue requirement to serve the expected LLCS load (the "peak" year) over a 20-year period and assumes that same revenue requirement for every year over the 20-year term even though revenue requirements are significantly lower in other years. This "peak year" revenue requirements approach results in recovery of revenue through the IGC that exceeds what would be produced under a levelized or time-weighted average, and thus overstates the revenue requirement relative to FPL's actual long-term costs.

Second, FPL's revenue requirements model is based on installing 6.1 gigawatts (GW) of battery capacity to serve 3 GW of projected LLCS load. Basing its revenue requirements on a 2:1 battery-to-load ratio effectively doubles the infrastructure assumed necessary to serve the data center load and inflates the capital cost basis used in the IGC calculations. This overspecification leads to significantly higher revenue requirements when compared to a more appropriately sized system.

After correcting the "peak year" and "overspecification" modelling flaws, FPL's own revenue requirements model shows that the IGC should be lowered from \$28.07/kW/month to \$10.20/kW/month. This, in turn, reduces the all-in LLCS-1 electricity rate from 10.16 cents/kWh to approximately 7.28 cents/kWh, which is in line with the electric rates in major data center markets in competitor states.

If left uncorrected, FPL's proposed LLCS rates would impose disproportionate costs on low-risk, high-volume data center customers, violating core cost-of-service principles and deterring investment in Florida. Moreover, the proposed LLCS rates far exceed the electric rates in other states that are competing with Florida for data center development. FPL's revenue requirements model, after adjustment to address the deficiencies described above, demonstrates that FPL can serve data centers at rates which are competitive with other states without burdening, or requiring any subsidies from, the general body of ratepayers.

Onerous Terms and Conditions of Service. In addition to substantially higher rates, the proposed LLCS Tariff would impose burdensome contractual terms and conditions on large load customers that are unnecessary and not customary in other competitor states. Specifically, FPL initially proposed that applicants for service under the LLCS Tariff must: (i) execute a LLCS Service Agreement ("LSA") with a minimum term of 20 years, (ii) enter into complex and multi-billion dollar service and security agreements in a compressed and unrealistic six-month time frame after acceptance of FPL's system and engineering studies, (iii) agree to "take or pay" 90% of their contracted load, and (iv) post excessive security guarantees that are not commercially viable. That discriminatory structure deviates from standard national practices and falls far short of Florida's statutory requirement that rate structures are to be fair, reasonable, and non-discriminatory.

Potential Lost Economic Development Opportunities. Data centers are designed to support the substantial computational demands of the artificial intelligence ("AI") industry and other advanced technology industries that the State of Florida seeks to attract as part of its long-term economic strategy. They are estimated to bring billions of dollars in economic development opportunities to the state and elevate Florida's standing in the national AI and technology economy. The proposed LLCS Tariff's disproportionately high rates and overly burdensome contract structure are out of line with the large load rates, terms, and requirements of electricity providers in other states.

Because electricity pricing is the primary factor in data center site selection, if the LLCS Tariff is approved in its current form, developers will not develop data centers in FPL's territory. This would severely jeopardize, if not eliminate, Florida's standing in the national AI and technology economy, and threaten job creation, tax revenue, infrastructure development, and long-term digital resilience.

FPL'S RECENT PROPOSALS

In the rebuttal testimony of FPL witness Cohen, FPL has attempted to address some, but not all, of FEIA's concerns. For example, FPL proposes to lower the IGC from \$28.07/kW/month to \$12.07/kW/month. However, FPL simultaneously proposes to effectively double the demand charge for a LLCS-1 customer from \$7.01/kW to \$ \$14.08/kW, which results in continued overstatement of total rates. FPL witness Cohen also proposes to reduce the minimum take-or-pay requirements for LLCS customers from 90% of contracted load to 70%. FPL's proposals to reduce the ICG and lower the minimum take-or-pay requirements better align with cost of service and are constructive steps in the right direction. However, these adjustments only address parts of a broader proposed rate structure. Data centers and other large customers evaluate the total electricity costs holistically, considering not just the rate, but also terms and conditions of the electric service itself that are needed to remain competitive. FEIA believes that even with the adjustments FPL recently proposed, top tier data center operators are likely to consider FPL's territory a "no-go" zone when compared to data center tariffs in other states. That assessment will continue until the LLCS rate and contractual conditions of service are materially amended.

FEIA'S PROPOSALS

Accordingly, FEIA respectfully recommends that the Commission amend the proposed LLCS Tariff as follows:

- **Final Rate:** Set the all-in LLCS-1 rate, including the IGC, at a level that is comparable to FPL's proposed GSLD-3 rate, reflecting data centers' low cost-to-serve, high load factor, and credit strength.

- **ICG Performance Security:** Eliminate redundant IGC collateral for customers executing LLCS Service Agreements that meet FPL's creditworthiness requirements. If the customer does not meet FPL's creditworthiness standards, then the ICG Performance Security should be set at an amount reflecting FPL's actual generation costs.

- **Contract Term:** Reduce the minimum term from 20 years to a base of 12 years with optional 5-year extensions at the customer's discretion.

- **Engineering Acceptance Period:** Extend the period commencing on the date of completion of the Engineering Study, during which the LLCS Service Agreement and other relevant FPL contracts must be executed, from 6 months to 18 months.

The rates and streamlined contractual structure FEIA proposes would preserve FPL's ability to recover prudent costs, maintain system integrity, and protect the general body of rate payers while ensuring Florida remains competitive for large-scale digital infrastructure investment.

Finally, FEIA respectfully requests that the Commission act promptly to resolve the LLCS Tariff issue in the present rate case. Deferring consideration of the LLCS Tariff to some later proceeding is unnecessary, and will lead to prolonged regulatory uncertainty, effectively halting Florida's ability to compete for data center investment and forfeiting billions in economic growth, high-wage jobs, and critical infrastructure development.

IV. ISSUES AND POSITIONS

Note: The following issues are from a list that Commission staff provided to the parties on July 8, 2025. There are disputes concerning the appropriateness of including certain issues, which are italicized below. Those contested issues are to be brought before the prehearing officer for resolution at the prehearing conference. Accordingly, FEIA is not stating a position on the contested issues at this time but will do so following the prehearing conference for any issues that the prehearing officer decides are properly included.

LEGAL ISSUES

ISSUE 1: Whether the following persons have standing to intervene in this proceeding:

a. League of United Latin Citizens Florida
b. Environmental Confederation of Southwest Florida
c. Florida Rising
d. Florida Industrial Power Users Group

e. Federal Executive Agencies
f. Southern Alliance for Clean Energy
g. EVGo, Services, LLC
h. Electrify America, LLC
i. Florida Retail Federation
j. Walmart
k. Florida Energy Innovation Association
l. Floridians Against Increased Rates
m. Americans for Affordable Clean Energy
n. Wawa, Inc.
o. RaceTrac, Inc.
p. Circle K, Inc.
q. Armstrong World Industries, Inc.

FEIA: FEIA was formed to represent its members' interests before the Commission and other Florida governmental entities to ensure that the data center industry has access to fair, just, reasonable, and non-discriminatory electricity rates. As summarized below, FEIA has standing to intervene in this proceeding because FEIA and its members satisfy all applicable standing criteria under Chapter 120, Florida Statutes, and applicable case law.

FEIA members developing data centers are actively seeking to obtain electric service from FPL, and have paid FPL significant sums of money to study the design and cost of the facilities needed to supply electric power to their data centers. Under the proposed LLCS Tariff, FEIA members' data centers would be foreclosed from taking electric service under FPL's GSLD-3 Tariff and instead relegated to a new and much more expensive and onerous LLCS rate structure. Moreover, a substantial number of FEIA members are current retail electric customers of FPL whose electric utility bills will be directly impacted as a result of the Commission's decision regarding FPL's proposed base rate increase. Thus, the substantial interests of FEIA members will be directly, immediately, and substantially affected by the Commission's decisions regarding the proposed LLCS Tariff and have standing to intervene in this proceeding. *See Ameristeel Corp. v. Clark*, 691 So. 2d 473, 477 (Fla. 1997); *Agrico Chem. Co. v. Dep't of Envt'l Reg.*, 406 So. 2d 478 (Fla. 2d DCA 1981), *rev. denied*, 415 So. 2d 1359 (Fla. 1982).

In addition, FEIA satisfies the three requirements of "associational standing." *See Fla. Home Builders Ass'n v. Dep't of Labor and Emp. Sec.*, 412 So. 2d 351, 353-54 (Fla. 1982); *Farmworker Rights Org., Inc. v. Dep't of Health & Rehab. Servs.*, 417 So. 2d 753, 754 (Fla. 1st DCA 1982). First, as explained above, FEIA members will be substantially affected by the Commission's decision in this proceeding regarding FPL's proposed rates. Second, intervention in this proceeding fits squarely within FEIA's express purpose to represent its members' interests before the Commission and other agencies to ensure that the data center industry has access to fair, just, reasonable, and non-discriminatory electricity rates. Third, the relief requested--intervention and the assurance of fair, cost-effective, and non-discriminatory rates--will benefit all of FEIA's members. Thus, it is the type of relief that is appropriate for an association to obtain on behalf of its members. FEIA is therefore entitled to intervene to protect its members' substantial interests.

FEIA takes no position regarding the standing of any of the other persons listed in Issue 1.

ISSUE 2: Does the Commission have the authority to approve FPL's requested Tax Adjustment Mechanism (TAM)?

No position at this time.

ISSUE 3: Does the Commission have the authority to approve FPL's requested Solar Base Rate Adjustment mechanisms in 2028 and 2029?

No position at this time.

ISSUE 4: Does the Commission have the authority to approve FPL's proposed Storm Cost Recovery mechanism?

No position at this time.

ISSUE 5: Does the Commission have the authority to approve modification FPL's proposed mechanism for addressing a change in tax law?

No position at this time.

CONTESTED ISSUE 6: *What impact will the following pending Florida Supreme Court appeals involving PSC Orders have on this rate case, and how should the Commission address those in this docket:*

a. SC 2021-0303 – LULAC Florida Educational Fund, Inc. v. Gary F. Clark, etc., et al?

b. SC2023-0988 – Citizens of the State of Florida, etc., v. Florida Public Service Commission (and consolidated SC2023-1433 – Citizens of the State of Florida, etc. v. Florida Public Service Commission)?

c. SC2024-0485 – Florida Rising, Inc. et al. v. Florida Public Service Commission, et al.?

d. SC2025-0289 – LULAC Florida, Inc. et al. v. Florida Public Service Commission, et al. (and consolidated SC2025-0300 – Citizens of the State of Florida, etc. v. Florida Public Service Commission, et al.)?

TEST PERIOD AND FORECASTING

ISSUE 7: Has FPL proven its entitlement to the use of a subsequent projected test year ending

December 31, 2027 adjustment to base rates?

No position at this time.

ISSUE 8: Is FPL's projected test period appropriate:

a. For the 12 months ending December 31, 2026?
b. For the 12 months ending December 31, 2027?

No position at this time.

ISSUE 9: Has FPL proven any financial need for rate relief in any period subsequent to the projected test period ending December 31, 2026?

No position at this time.

ISSUE 10: Are FPL's forecasts of Customers, KWH, and KW by revenue and rate class appropriate:

a. For the 2026 projected test year?
b. For the 2027 projected test year?

No position at this time.

ISSUE 11: What are the inflation, customer growth, and other trend factors that should be approved for use in forecasting the projected test years' budget:

a. For the 2026 projected test year?
b. For the 2027 projected test year?

No position at this time.

QUALITY OF SERVICE

ISSUE 12: Is the quality of the electric service provided by FPL adequate?

Yes.

DEPRECIATION AND DISMANTLEMENT STUDIES

ISSUE 13: What are the appropriate depreciation parameters and resulting depreciation rates for each depreciable plant account?

No position at this time.

ISSUE 14: Based on the application of the depreciation parameters and resulting depreciation rates that the Commission deems appropriate, and a comparison of the theoretical reserves to the book reserves, what are the resulting imbalances?

No position at this time.

<u>ISSUE 15</u>: What corrective reserve measures should be taken with respect to the imbalances identified in Issue 14, if any?

No position at this time.

<u>ISSUE 16</u>: Should the Commission approve FPL's requested capital recovery schedules and amortization schedules, if any?

No position at this time.

<u>ISSUE 17</u>: What is the appropriate annual accrual and reserve for dismantlement for the 2026 projected test year?

No position at this time.

<u>ISSUE 18</u>: What corrective dismantlement reserve measures should be approved, if any?

No position at this time.

<u>ISSUE 19</u>: What should be the implementation date for new depreciation rates and the provision for dismantlement?

No position at this time.

<u>RATE BASE</u>

<u>ISSUE 20</u>: Has FPL made the appropriate adjustments to remove all non-utility activities from Plant in Service, Accumulated Depreciation, and Working Capital:

a. For the 2026 projected test year?
b. For the 2027 projected test year?

No position at this time.

<u>ISSUE 21</u>: Should the Commission approve FPL's proposal to move certain costs from base rates to the Storm Protection Plan Cost Recovery Clause effective January 1, 2026?

No position at this time.

<u>ISSUE 22</u>: Should the Commission approve FPL's proposal to move certain costs from base rates to the Environmental Cost Recovery Clause effective January 1, 2026?

No position at this time.

<u>ISSUE 23</u>: Should FPL's 2025 Northwest Florida battery project be approved for the 2026 projected test year?

No position at this time.

ISSUE 24: How should the Commission treat the impact, if any, of the acquisition from Vandolah Power Company in making any determination in this docket?

No position at this time.

ISSUE 25: Should the Commission approve FPL's proposed introduction of a stochastic loss of load probability analysis for resource adequacy planning?

No position at this time.

ISSUE 26: Should FPL's proposed solar generation projects be approved:

a. For the 2026 projected test year?
b. For the 2027 projected test year?

No position at this time.

ISSUE 27: Should FPL's proposed battery storage projects be approved:

a. For the 2026 projected test year?
b. For the 2027 projected test year?

: No position at this time.

ISSUE 28: Should FPL's proposed generation maintenance capital expense be approved:

a. For the 2026 projected test year?
b. For the 2027 projected test year?

No position at this time.

ISSUE 29: Should FPL's proposed Customer Information System replacement be approved for the 2027 projected test year?

No position at this time.

ISSUE 30: Should FPL's proposed long-duration battery pilot program be approved for the 2027 projected test year?

No position at this time.

ISSUE 31: What amount of Net Nuclear Fuel should be approved:

a. For the 2026 projected test year?
b. For the 2027 projected test year?

No position at this time.

ISSUE 32: Should FPL's proposed biogas project upgrade be approved:

a. For the 2026 projected test year?
b. For the 2027 projected test year?

No position at this time.

<u>ISSUE 33</u>: Should FPL's proposed transmission plant additions be approved:

a. For the 2026 projected test year?
b. For the 2027 projected test year?

No position at this time.

<u>ISSUE 34</u>: Should FPL's proposed distribution plant additions be approved:

a. For the 2026 projected test year?
b. For the 2027 projected test year?

No position at this time.

<u>ISSUE 35</u>: What amount of Plant in Service should be approved: (Fallout Issue)

a. For the 2026 projected test year?
b. For the 2027 projected test year?

No position at this time.

<u>CONTESTED ISSUE 36</u>: *What action, if any, should the Commission take to adjust the depreciation reserve for costs improperly recorded above the line during periods when the Reserve Amount was amortized to the income statement?*

<u>ISSUE 37</u>: What amount of Accumulated Depreciation should be approved: (Fallout Issue)

a. For the 2026 projected test year?
b. For the 2027 projected test year?

No position at this time.

<u>ISSUE 38</u>: What amount of Construction Work in Progress should be approved:

a. For the 2026 projected test year?
b. For the 2027 projected test year?

No position at this time.

<u>ISSUE 39</u>: What amount of Property Held for Future Use should be approved:

a. For the 2026 projected test year?
b. For the 2027 projected test year?

No position at this time.

<u>ISSUE 40</u>: What amount of Working Capital should be approved:

a. For the 2026 projected test year?
b. For the 2027 projected test year?

No position at this time.

ISSUE 41: What amount of rate base should be approved: (Fallout Issue)

a. For the 2026 projected test year?
b. For the 2027 projected test year?

No position at this time.

COST OF CAPITAL

ISSUE 42: What amount of accumulated deferred taxes should be approved for inclusion in the capital structure:

a. For the 2026 projected test year?
b. For the 2027 projected test year?

No position at this time.

ISSUE 43: What amount and cost rate of the unamortized investment tax credits should be approved for inclusion in the capital structure:

a. For the 2026 projected test year?
b. For the 2027 projected test year?

No position at this time.

ISSUE 44: What amount and cost rate for short-term debt should be approved for inclusion in the capital structure:

a. For the 2026 projected test year?
b. For the 2027 projected test year?

No position at this time.

ISSUE 45: What amount and cost rate for long-term debt should be approved for inclusion in the capital structure:

a. For the 2026 projected test year?
b. For the 2027 projected test year?

No position at this time.

ISSUE 46: What amount and cost rate for customer deposits should be approved for inclusion in the capital structure:

a. For the 2026 projected test year?
b. For the 2027 projected test year?

No position at this time.

ISSUE 47: Has FPL made the appropriate adjustments to remove all non-utility activities from the Common Equity balance:

a. For the 2026 projected test year?
b. For the 2027 projected test year?

No position at this time.

ISSUE 48: What equity ratio should be approved for use in the capital structure for ratemaking purposes:

a. For the 2026 projected test year?
b. For the 2027 projected test year?

No position at this time.

ISSUE 49: What return on equity (ROE) should be approved for use in establishing FPL's revenue requirements:

a. For the 2026 projected test year?
b. For the 2027 projected test year?

No position at this time.

ISSUE 50: What capital structure and weighted average cost of capital should be approved for use in establishing FPL's revenue requirements: (Fallout Issue)

a. For the 2026 projected test year?
b. For the 2027 projected test year?

No position at this time.

NET OPERATING INCOME

ISSUE 51: Has FPL correctly calculated the annual revenues at current rates:

a. For the 2026 projected test year?
b. For the 2027 projected test year?

No position at this time.

ISSUE 52: What projected amounts of Other Operating Revenues should be approved:

a. For the 2026 projected test year?
b. For the 2027 projected test year?

No position at this time.

ISSUE 53: What amount of Total Operating Revenues should be approved:

a. For the 2026 projected test year?
b. For the 2027 projected test year?

No position at this time.

ISSUE 54: What amount of generation O&M expense should be approved:

a. For the 2026 projected test year?
b. For the 2027 projected test year?

No position at this time.

ISSUE 55: What amount of FPL's transmission O&M expense should be approved:
a. For the 2026 projected test year?
b. For the 2027 projected test year?

No position at this time.

ISSUE 56: What amount of FPL's distribution O&M expense should be approved:
a. For the 2026 projected test year?
b. For the 2027 projected test year?

No position at this time.

ISSUE 57: Should the Commission approve FPL's proposal to move certain costs from base rates to the Fuel Adjustment Clause effective January 1, 2026?

No position at this time.

ISSUE 58: Has FPL made the appropriate test year adjustments to remove fuel revenues and fuel expenses recoverable through the Fuel Adjustment Clause:
a. For the 2026 projected test year?
b. For the 2027 projected test year?

No position at this time.

ISSUE 59: Has FPL made the appropriate test year adjustments to remove conservation revenues and conservation expenses recoverable through the Energy Conservation Cost Recovery Clause:
a. For the 2026 projected test year?
b. For the 2027 projected test year?

No position at this time.

ISSUE 60: Has FPL made the appropriate test year adjustments to remove capacity revenues and capacity expenses recoverable through the Capacity Cost Recovery Clause:
a. For the 2026 projected test year?
b. For the 2027 projected test year?

No position at this time.

ISSUE 61: Has FPL made the appropriate test year adjustments to remove environmental revenues and environmental expenses recoverable through the Environmental Cost Recovery Clause:

a. For the 2026 projected test year?
b. For the 2027 projected test year?

No position at this time.

ISSUE 62: Has FPL made the appropriate adjustments to remove all storm hardening revenues and expenses recoverable through the Storm Protection Plan Cost Recovery Clause:

a. For the 2026 projected test year?
b. For the 2027 projected test year?

No position at this time.

ISSUE 63: Has FPL made the appropriate adjustments to remove all non-utility activities from operating revenues and operating expenses:

a. For the 2026 projected test year?
b. For the 2027 projected test year?

No position at this time.

ISSUE 64: What amount of incentive compensation should be approved:

a. For the 2026 projected test year?
b. For the 2027 projected test year?

No position at this time.

ISSUE 65: What amount of salaries and benefits expense, including incentive compensation, should be approved:

a. For the 2026 projected test year?
b. For the 2027 projected test year?

No position at this time.

ISSUE 66: Should any adjustments be made to FPL's operating revenues or operating expenses for the effects of transactions with affiliated companies:

a. For the 2026 projected test year?
b. For the 2027 projected test year?

No position at this time.

ISSUE 67: Should any adjustments be made to Directors and Officers Liability Insurance expense:

a. For the 2026 projected test year?
b. For the 2027 projected test year?

No position at this time.

ISSUE 68: What amount of Economic Development expense should be approved:

a. For the 2026 projected test year?
b. For the 2027 projected test year?

No position at this time.

ISSUE 69: Should any adjustments be made to Property Insurance expense:

a. For the 2026 projected test year?
b. For the 2027 projected test year?

No position at this time.

ISSUE 70: Should any adjustments be made to Liability Insurance expense:

a. For the 2026 projected test year?
b. For the 2027 projected test year?

No position at this time.

ISSUE 71: Should any adjustments be made to Injuries and Damages expense:

a. For the 2026 projected test year?
b. For the 2027 projected test year?

No position at this time.

ISSUE 72: What amount and amortization period for Rate Case Expense should be approved:

a. For the 2026 projected test year?
b. For the 2027 projected test year?

No position at this time.

ISSUE 73: What amount of uncollectible expense and bad debt rate should be approved:

a. For the 2026 projected test year?
b. For the 2027 projected test year?

No position at this time.

ISSUE 74: What expense accruals for end of life materials and supplies should be approved:

a. For the 2026 projected test year?
b. For the 2027 projected test year?

No position at this time.

ISSUE 75: What amount of O&M Expense should be approved:

a. For the 2026 projected test year?
b. For the 2027 projected test year?

No position at this time.

ISSUE 76: What amount of depreciation, amortization, and dismantlement expense should be approved: (Fallout Issue)

a. For the 2026 projected test year?
b. For the 2027 projected test year?

No position at this time.

ISSUE 77: What amount of (gain)/loss on disposal of utility property should be approved:

a. For the 2026 projected test year?
b. For the 2027 projected test year?

No position at this time.

ISSUE 78: What amount of Property Taxes should be approved:

a. For the 2026 projected test year?
b. For the 2027 projected test year?

No position at this time.

ISSUE 79: What amount of Taxes Other Than Income Taxes should be approved:

a. For the 2026 projected test year?
b. For the 2027 projected test year?

No position at this time.

ISSUE 80: What amount of Production Tax Credits should be approved and what is the proper accounting treatment:

a. For the 2026 projected test year?
b. For the 2027 projected test year?

No position at this time.

CONTESTED ISSUE 81: *Is it prudent for FPL to sell the ITCs to one or more third parties? If so, what is the appropriate discount rate associated with FPL's transfers of Investment Tax Credits and Production Tax Credits?*

ISSUE 82: What amount of the Investment Tax Credits, pursuant to the Inflation Reduction Act, should be approved and what is the proper accounting treatment:

a. For the 2026 projected test year?
b. For the 2027 projected test year?

No position at this time.

ISSUE 83: What amount of Income Tax expense should be approved:

a. For the 2026 projected test year?
b. For the 2027 projected test year?

No position at this time.

ISSUE 84: What amount of Total Operating Expenses should be approved: (Fallout Issue)

a. For the 2026 projected test year?
b. For the 2027 projected test year?

No position at this time.

ISSUE 85: What amount of Net Operating Income should be approved: (Fallout Issue)

a. For the 2026 projected test year?
b. For the 2027 projected test year?

No position at this time.

REVENUE REQUIREMENTS

ISSUE 86: What revenue expansion factor and net operating income multiplier, including the appropriate elements and rates, should be approved:

a. For the 2026 projected test year?
b. For the 2027 projected test year?

No position at this time.

ISSUE 87: What amount of annual operating revenue increase or decrease should be approved: (Fallout Issue)

a. For the 2026 projected test year?
b. For the 2027 projected test year?

No position at this time.

COST OF SERVICE AND RATE DESIGN ISSUES

ISSUE 88: Is FPL's proposed separation of costs and revenues between the wholesale and retail jurisdictions appropriate:

a. For the 2026 projected test year?
b. For the 2027 projected test year?

No position at this time.

ISSUE 89: What is the appropriate methodology to allocate production costs to the rate classes:

a. For the 2026 projected test year?
b. For the 2027 projected test year?

No position at this time.

ISSUE 90: What is the appropriate methodology to allocate transmission costs to the rate classes:

a. For the 2026 projected test year?
b. For the 2027 projected test year?

No position at this time.

ISSUE 91: What is the appropriate methodology to allocate distribution costs to the rate classes:

a. For the 2026 projected test year?
b. For the 2027 projected test year?

No position at this time.

CONTESTED ISSUE 92: *What is the appropriate methodology to allocate other costs to the rate classes that are not addressed in Issues 89 through 91?*

ISSUE 93: How should any change in revenue requirement approved by the Commission be allocated to the customer classes:

a. For the 2026 projected test year?
b. For the 2027 projected test year?

No position at this time.

ISSUE 94: What are the appropriate service charges (initial connection, reconnection, connection of existing service, field visit, and temporary/construction service) (Sheet Nos. 4.020-4.030):

a. For the 2026 projected test year?
b. For the 2027 projected test year?

No position at this time.

ISSUE 95: What are the appropriate base charges: (Fallout Issue)

a. For the 2026 projected test year?
b. For the 2027 projected test year?

No position at this time.

ISSUE 96: What are the appropriate demand charges: (Fallout Issue)

a. For the 2026 projected test year?
b. For the 2027 projected test year?

No position at this time.

ISSUE 97: What are the appropriate energy charges: (Fallout Issue)

a. For the 2026 projected test year?
b. For the 2027 projected test year?

No position at this time.

ISSUE 98: What are the appropriate charges for the Standby and Supplemental Services (SST-1, ISST-1) rate schedules (Sheet Nos. 8.750-8.765): (Fallout Issue)

a. For the 2026 projected test year?
b. For the 2027 projected test year?

No position at this time.

ISSUE 99: What are the appropriate charges for the Commercial Industrial Load Control (CILC) rate schedule (Sheet Nos. 8.650-8.659): (Fallout Issue)

a. For the 2026 projected test year?
b. For the 2027 projected test year?

No position at this time.

ISSUE 100: What is the appropriate credit and monthly administrative fee for the Commercial/Industrial Demand Reduction (CDR) Rider rate schedule (Sheet Nos. 8.680-8.685):

a. For the 2026 projected test year?
b. For the 2027 projected test year?

No position at this time.

ISSUE 101: What are the appropriate Lighting Service rate schedule charges: (Fallout Issue)

a. For the 2026 projected test year?
b. For the 2027 projected test year?

No position at this time.

ISSUE 102: What is the appropriate minimum monthly bill for Residential Service and General Service Non-Demand?

No position at this time.

ISSUE 103: Should the Commission approve the proposed tariff modifications for temporarily relocating facilities to accommodate existing customers' electrical installations and the associated disconnection and reconnection of service to enable such installations (Tariff Sheet No. 6.031, Section 4.7 and Tariff Sheet No. 6.040, Section 5.3)?

No position at this time.

ISSUE 104: Should the Commission approve, deny, or approve with modifications the proposed modification to the Contribution-in-Aid-of-Construction (CIAC) tariff (Sheet No. 6.199)?

No position at this time.

a. *Should the modifications apply only to nongovernmental Applicants?*

b. *Should an Applicant be required to pay 100 percent of the upfront cost if an Applicant has a total load of 15 MW or more, or requires new or upgraded facilities with a total estimated cost of $25 million or more?*

c. *What interest rate, if any, should FPL be required to pay on a refundable CIAC?*

ISSUE 105: Should the Commission approve, deny, or approve with modifications the proposed new Large Load Contract Service tariffs, LLCS-1 and LLCS-2 (Sheet Nos. 8.950-8.956) and LLCS Service Agreement (Sheet Nos. 9.960-9.983) and associated terms and conditions (e.g., minimum MW demand and load factor, contract term, minimum demand charge payments, credit support, early termination fees)?

As explained in detail in FEIA's Statement of Basic Position, FPL's proposed LLCS Tariffs, LLCS-1 and LLCS-2, subject large data center customers to excessive rates and overly burdensome and discriminatory contractual terms. In addition to being inconsistent with fundamental cost-causation principles, if approved in its current form, the LLCS Tariffs would significantly threaten Florida's ability to attract and retain data center investment. Thus, the Commission should only approve the proposed new LLCS Tariffs with the following modifications:

Set the All-In LLCS Rate, Including the IGC, at a Level Comparable to FPL's Proposed GSLD-3 Rate: The primary factor contributing to the excessive LLCS rate is FPL's introduction of a new rate element, the IGC, which is supposed to cover the cost of new battery storage buildout that would be required to satisfy the new LLCS load. FPL uses a revenue requirements model to justify the IGC that has two basic flaws. First, it takes the highest annual revenue requirement to serve expected LLCS load (the "peak" year) over a 20-year period and assumes that same revenue requirement for every year over the 20-year term even though revenue requirements are significantly lower in other years. This "peak year" approach results in recovery of revenue through the IGC that exceeds what would be produced under a levelized or time-weighted average, and thus overstates the revenue requirement relative to FPL's actual long-term costs.

Second, FPL's revenue requirements model is based on installing 6.1 gigawatts (GW) of battery capacity to serve 3 GW of projected LLCS load. Basing its revenue requirements on a 2:1 battery-to-load ratio effectively doubles the infrastructure assumed necessary to serve the data center load and inflates the capital cost basis used in the IGC calculations. This overspecification leads to significantly higher revenue requirement when compared to a more appropriately sized system.

After correcting the “peak year” and “overspecification” modelling flaws, FPL’s own revenue requirements model shows that the IGC should be lowered from \$28.07/kW/month to \$10.20/kW/month, which would bring the all-in LLCS-1 rate down from 10.16 cents/kWh to approximately 7.28 cents/kWh, which is in line with the electric rates in major data center markets in competitor states. In other words, FPL’s revenue requirements model, after adjustment to address the deficiencies described above, demonstrates that FPL can serve data centers at rates which are competitive with other states without burdening, or requiring subsidies from, the general body of ratepayers.

In the rebuttal testimony of FPL witness Cohen, FPL has attempted to address some but not all of FEIA’s concerns with respect to rates and charges. For example, FPL proposes to lower the IGC from \$28.07/kW/month to \$12.07/kW/month. However, FPL simultaneously proposes to effectively double the demand charge for an LLCS customer from \$7.01/kW to \$ \$14.08/kW, which continues to causes the rate to be overstated. FPL witness Cohen also proposes to reduce the minimum take-or-pay requirements for LLCS customers from 90% of contracted load to 70%. FPL’s proposals to reduce the ICG and lower the minimum take-or-pay requirements better align with cost of service and are constructive steps in the right direction. However, these adjustments only address parts of a broader proposed rate structure. The LLCS rate is still higher than the rates paid by other similarly situated customers and would impose disproportionate costs on low-risk, high-volume data center customers. To ensure that the LLCS rates are fair, cost-based, and non-discriminatory, the all-in LLCS rate should be set at a level comparable to FPL’s proposed GSLD-3 rate, reflecting data centers’ low cost-to-serve, high load factor, and credit strength.

- **Eliminate the Redundant ICG Performance Security for Creditworthy Customers:** The requirement that LLCS customers post upfront security amounting to 100% of expected IGC revenues over a 20-year contract is excessive and results in over-collateralization that is not commercially viable. Thus, the redundant IGC collateral requirement should be eliminated for customers who meet FPL’s stated creditworthiness requirements. If the customer executing the LLCS Service Agreement does not meet FPL’s creditworthiness standards, then the ICG Performance Security should be set at an amount reflecting FPL’s actual generation costs, not total IGC revenues.

- **Reduce the Minimum 20-Year Contract Term to 12 Years:** The proposed minimum 20-year LLCS Service Agreement term is unreasonably long as compared with industry standards and accepted market practice. The minimum contract term should be reduced from 20 years to a base of 12 years with two optional 5-year extensions at the customer’s discretion. This would provide FPL with planning certainty while preserving customer flexibility.

- **Engineering Acceptance Period:** Requiring LLCS customers to complete execution of the LLCS Service Agreement and other relevant FPL contracts within six months of accepting FPL's formal engineering study is neither practical nor commercially viable. The development of a data center involves the negotiation of numerous, complex, multi-billion dollar contracts which simply cannot be completed within such a compressed time period. The LLCS Service Agreement and other relevant FPL contracts should be executed within 18 months from acceptance of FPL's formal engineering study.

Without the above modifications, the LLCS Tariff would result in excessive rates and overly burdensome contractual terms that are contrary to industry norms and will stifle Florida's ability to attract data center investment, barring the state from achieving the significant economic benefits that data centers generate.

CONTESTED ISSUE 106: *Should the LLCS tariffs contain an Incremental Generation Charge? If yes, how should the Incremental Generation Charges for the LLCS-1 and LLCS-2 tariffs be derived and how often should they be updated?*

CONTESTED ISSUE 107: *Has FPL adequately insulated the general body of retail customers and the citizens of Florida from the impacts of any data center or other "hyperscaler" customers? If not, what measures should the Commission require FPL to undertake?*

CONTESTED ISSUE 108: *Should existing FPL customers that meet the size and load factor criteria after the LLCS effective date due to load additions or process improvements be grandfathered, and thus not be subject to the LLCS rate schedules?*

CONTESTED ISSUE 109: *Should the Commission order FPL to file a limited rate case proceeding in 2027 to recognize the revenues and costs to serve new Large Load Contract Service customers that have committed to take service from FPL in 2028 and 2029?*

ISSUE 110: Should the Commission approve, deny, or approve with modifications the proposed new Residential Electric Vehicle Charging Service Rider, RS-2EV (Sheet No. 8.215) and associated service agreement (Sheet Nos. 9.846-9.848) and close the existing Residential Electric Vehicle Charging Service pilot program, RS-1EV (Sheet No. 8.213) to new customers?

No position at this time.

ISSUE 111: Should the Commission approve, deny, or approve with modifications FPL's proposal to make the following riders or pilot programs permanent: Supplemental Power Services (Sheet No. 8.845), Solar Power Facilities (Sheet Nos. 8.939-8.940), Commercial Electric Vehicle Charging Services (Sheet Nos. 8.942-8.943), Electric

Vehicle Charging Infrastructure Rider to GSD-1EV (Sheet No. 8.106), Electric Vehicle Charging Infrastructure Rider to GSLD-1EV (Sheet No. 8.311), and Utility-owned Public Charging Electric Vehicles (Sheet No. 8.936)?

No position at this time.

ISSUE 112: Should FPL's proposal regarding investing in EV technology and software be approved, approved with modifications, or rejected?

No position at this time.

ISSUE 113: Should the Commission approve the proposed cancellation of the following tariffs currently closed to new customers? Curtailable Service (CS-3, CST-3) (Sheet Nos. 8.542-8.548); Existing Facility Economic Development Rider (Sheet No. 8.900); Business Incentive Rider (Sheet Nos. 8.901-8.904)?

No position at this time.

ISSUE 114: Should the Commission approve the proposal to close the Street Lighting (SL-1), Outdoor Service (OS-I/II), Outdoor Lighting (OL-1) to new customers and to cancel the tariffs by December 31, 2029?

No position at this time.

ISSUE 115: Should the Commission approve the proposed modifications to the Economic Development Rider (Sheet Nos. 8.800-8.801) and Large Economic Development Rider (Sheet Nos. 8.802-8.802.1)?

No position at this time.

ISSUE 116: Should the Commission approve tariffs reflecting Commission-approved rates and charges:

a. For the 2026 projected test year?
b. For the 2027 projected test year?

Not without modifying the LLCS Tariffs as described by FEIA in its Statement of Basic Position and in its position on Issue No. 105.

ISSUE 117: What are the effective dates of the Commission-approved rates and charges:

a. For the 2026 projected test year?
b. For the 2027 projected test year?

No position at this time.

OTHER ISSUES

ISSUE 118: Should the Commission approve, deny, or approve with modification FPL's requested Tax Adjustment Mechanism (TAM)? If the Commission approves the TAM with modifications, what modifications should be made?

No position at this time.

ISSUE 119: *With respect to costs that are recovered in base rates, is FPL prudently operating its nuclear fleet in Florida? If not, what action should the Commission take?*

CONTESTED ISSUE 120: *With respect to costs that are recovered in base rates, is FPL prudently operating its in-ground cooling systems? If not, what action should the Commission take?*

ISSUE 121: Should the Commission approve, deny, or approve with modification FPL's requested Solar Base Rate Adjustment mechanisms in 2028 and 2029? If the Commission approves the Solar Rate base Adjustment mechanisms in 2028 and 2029 with modifications, what modifications should be made?

No position at this time.

CONTESTED ISSUE 122: *Should the Commission require FPL to adopt a "make-ready" program for third-party electric vehicle charging stations, and if so under what terms?*

ISSUE 123: Should the Commission approve, deny, or approve with modifications FPL's proposed Storm Cost Recovery mechanism? If approved or modified, should FPL's requested storm surcharge cap increase from $4 to $5 be approved?

No position at this time.

CONTESTED ISSUE 124: *What storm damage reserve amount should be approved, if any?*

ISSUE 125: How should the Commission proceed, regarding Issues 18, 19, 30, 34, 70, 71, 92, 101, and 109 if there are changes to the Inflation Reduction Act (IRA) regarding investment tax credits (ITCs) and production tax credits (PTCs) during the pendency of this docket?

No position at this time.

ISSUE 126: Should the Commission approve, deny, or approve with modification FPL's proposed mechanism for addressing a change in tax law? If the Commission approves the proposed mechanism for addressing a change in tax law with modifications, what modifications should be made?

No position at this time.

ISSUE 127: How should the Commission consider FPL's performance pursuant to Sections 366.80-83 and 403.519, Florida Statutes, when establishing rates?

No position at this time.

CONTESTED ISSUE 127: *Can the Commission enforce FPL's commitment not to request any other permanent general base rate increases effective prior to January 1, 2030, as proposed in FPL's four-year plan?*

ISSUE 128: What considerations should the Commission give the affordability of customer bills and how does FPL's rate increase impact ratepayers in this proceeding?

No position at this time.

ISSUE 129: Should FPL be required to file, within 90 days after the date of the final order in this docket, a description of all entries or adjustments to its annual report, rate of return reports, and books and records which will be required as a result of the Commission's findings in this rate case?

No position at this time.

ISSUE 130: Should this docket be closed?

No position at this time.

V. STIPULATED ISSUES

No issues have been stipulated at this time.

VI. PENDING MOTIONS

FEIA does not have any pending motions at this time other than its Motion for Temporary Protective Order filed with FEIA's Request for Confidential Classification of Information Provided in Response to Florida Power & Light Company's First Set of Interrogatories (Nos. 1 and 7) [DN 04671-2025] on June 18, 2025.

VII. PENDING CONFIDENTIALITY REQUESTS OR CLAIMS

FEIA's Request for Confidential Classification of Information Provided in Response to Florida Power & Light Company's First Set of Interrogatories (Nos. 1 and 7) and Motion for Temporary Protective Order [DN 04671-2025] filed on June 18, 2025 is currently pending.

VIII. OBJECTIONS TO WITNESS QUALIFICATIONS AS AN EXPERT

FEIA has no objections to any witness qualifications as an expert at this time.

IX. SEQUESTRATION OF WITNESSES

FEIA does not request that the witnesses in this proceeding be sequestered.

X. COMPLIANCE WITH ORDER NO. PSC-2025-0075-PCO-EI

At this time, FEIA is not aware of any requirements in the Order Establishing Procedure, Order No. PSC-2025-0075-PCO-EI, with which it cannot comply.

Respectfully submitted this 18th day of July, 2025.

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by e-mail this 18th day of July, 2025 the following:

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