

BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION

In re: DOCKET NO. 20250011-EI
Petition for rate increase by
Florida Power & Light Company.

PROCEEDINGS: PREHEARING CONFERENCE
COMMISSIONERS
PARTICIPATING: CHAIRMAN MIKE LA ROSA
DATE: Friday, July 25, 2025
TIME: Commenced: 9:30 a.m.
Concluded: 11:30 a.m.
PLACE: Betty Easley Conference Center
Room 148
4075 Esplanade Way
Tallahassee, Florida
REPORTED BY: DEBRA R. KRICK
Court Reporter

PREMIER REPORTING
TALLAHASSEE, FLORIDA
(850) 894-0828

1 APPEARANCES:

2 JOHN BURNETT, MARIA MONCADA, CHRISTOPHER T.
3 WRIGHT, WILLIAM COX, JOEL BAKER and DAVID LEE, ESQUIRES,
4 700 Universe Boulevard, Juno Beach, FL 33408-0420;
5 KENNETH A. HOFFMAN, ESQUIRE, 134 West Jefferson Street,
6 Tallahassee, FL 32301-1713; appearing on behalf of
7 Florida Power & Light Company (FPL).

8 JON C. MOYLE, JR. and KAREN A. PUTNAL,
9 ESQUIRES, Moyle Law Firm, 118 North Gadsden Street,
10 Tallahassee, FL 32301; appearing on behalf of Florida
11 Industrial Users Group (FIPUG).

12 WALT TRIERWEILER, PUBLIC COUNSEL; PATRICIA A.
13 CHRISTENSEN, MARY A. WESSLING, OCTAVIO SIMOES-PONCE and
14 AUSTIN WATROUS, ESQUIRES, OFFICE OF PUBLIC COUNSEL, c/o
15 The Florida Legislature, 111 West Madison Street, Room
16 812, Tallahassee, FL 32399-1400, appearing on behalf of
17 the Citizens of the State of Florida (OPC).

18 JAMES W. BREW, LAURA W. BAKER and JOSEPH R.
19 BRISCAR, ESQUIRES, Stone Law Firm, 1025 Thomas Jefferson
20 Street NW, Suite 800 West Washington, DC 20007;
21 appearing on behalf of Florida Retail Federation (FRF).

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1 APPEARANCES CONTINUED:

2 BRADLEY MARSHALL and JORDAN LUEBKEMANN,
3 ESQUIRES, Earthjustice, 111 S. Martin Luther King Jr.
4 Boulevard, Tallahassee, FL 32301; DANIELLE McMANAMO,
5 ESQUIRE, Earthjustice, 4500 Biscayne Boulevard, Suite
6 201, Miami, FL 33137; appearing on behalf of Florida
7 Rising, Inc. (Florida Rising), League of United Latin
8 American Citizens of Florida (LULAC), and Environmental
9 Confederation of Southwest Florida, Inc. (ECOSWF).

10 STEPHANIE U. EATON, ESQUIRE, Spilman Thomas &
11 Battle, 110 Oakwood Drive, Suite 500, Winston-Salem, NC
12 27103; STEVEN W. LEE, ESQUIRE, Spilman Thomas & Battle,
13 1100 Bent Creek Boulevard, Suite 101, Mechanicsburg, PA
14 17050; appearing on behalf of Walmart (Walmart).

15 ROBERT SCHEFFEL WRIGHT and JOHN T. LAVIA, III,
16 ESQUIRES, Gardner, Bist, Bowden, Dee, LaVia, Wright,
17 Perry & Harper, P.A., 1300 Thomaswood Drive,
18 Tallahassee, Florida 32308; appearing on behalf of
19 Floridians Against Increased Rates, Inc. (FAIR).

20 FLOYD R. SELF and RUTH VAFEK, ESQUIRES, Berger
21 Singerman, LLP, 313 North Monroe Street, Suite 301,
22 Tallahassee, Florida 32301; appearing On behalf of
23 Americans for Affordable Clean Energy, Inc. (AACE),
24 Circle K Stores, Inc. (Circle K), RaceTrac, Inc.
25 (RaceTrac), and Wawa, Inc. (Wawa), (Fuel Retailers).

1 APPEARANCES CONTINUED:

2 ROBERT E. MONTEJO, ESQUIRE, Duane Morris, LLP,
3 201 South Biscayne Blvd., Suite 3400, Miami, Florida
4 33131-4325; appearing on behalf of Armstrong World
5 Industries (AWI).

6 WILLIAM C. GARNER ESQUIRE, Law Office of
7 William C. Garner, 3425 Bannerman Road, Unit 105, No.
8 414, Tallahassee, FL 32312; appearing on behalf of
9 Southern Alliance for Clean Energy (SACE).

10 ROBERT E. MONTEJO, ESQUIRE, Duane Morris, LLP,
11 201 South Biscayne Blvd., Suite 3400, Miami, Florida
12 33131-4325; appearing on behalf of Electrify America,
13 LLC (Electrify America).

14 NIKHIL VIJAYKAR and YONATAN MOSKOWITZ,
15 ESQUIRES, Keyes & Fox, LLP, 580 California Street, 12th
16 Floor, San Francisco, California 94104; appearing on
17 behalf of EVgo Services, LLC (EVgo.).

18 MAJOR LESLIE R. NEWTON, ASHLEY N. GEORGE,
19 THOMAS A. JERNIGAN, CAPTAIN MICHAEL A. RIVERA and THOMAS
20 A. JERNIGAN, 139 Barnes Drive, Suite 1, Tyndall Air
21 Force Base, FL 32403; appearing on behalf of Federal
22 Executive Agencies (FEA).

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1 APPEARANCES CONTINUED:

2 D. BRUCE MAY, KEVIN W. COX and KATHRYN ISTED,
3 ESQUIRES, Holland & Knight, LLP, 315 South Calhoun
4 Street, Suite 600, Tallahassee, Florida 32301; appearing
5 on behalf of Florida Energy for Innovation Association
6 (FEIA).

7 SHAW STILLER and TIMOTHY SPARKS, ESQUIRE, FPSC
8 General Counsel's Office, 2540 Shumard Oak Boulevard,
9 Tallahassee, FL 32399-0850, appearing on behalf of the
10 Florida Public Service Commission (Staff).

11 ADRIA HARPER, GENERAL COUNSEL; MARY ANNE
12 HELTON, DEPUTY GENERAL COUNSEL, Florida Public Service
13 Commission, 2540 Shumard Oak Boulevard, Tallahassee,
14 Florida 32399-0850, Advisor to the Florida Public
15 Service Commission.

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1 P R O C E E D I N G S

2 CHAIRMAN LA ROSA: All right. Let's go ahead
3 and grab our seats and we will get started here in
4 a few seconds. All right. I think we are ready to
5 go.

6 Good morning, everyone. Today is July 25th, a
7 little after 9:30 a.m., and I will go ahead and
8 call this Prehearing Conference to order.

9 Staff, will you go ahead and start us off and
10 please read the notice?

11 MR. STILLER: By notice published on July
12 16th, 2025, this time and place has been set for a
13 prehearing conference in Docket No. 20250011-EI,
14 Petition of Florida Power & Light Company for a
15 rate increase. The purpose of this prehearing is
16 set forth more fully in the notice.

17 CHAIRMAN LA ROSA: Excellent. Thank you.

18 So we will go ahead and take appearances. I
19 know we have got a lot of folks here with us today,
20 so I appreciate everybody being before us. A
21 little bit unorthodox in the numbers, so what I am
22 going to do in appearances, I am just going to call
23 out who it is, and then please just identify
24 yourself, and obviously introduce yourself, and
25 then we will just kind maybe of parlay that way as

1 we continue throughout the conference.

2 So let's go ahead and start with Florida Power
3 & Light.

4 MS. MONCADA: Good morning, Commissioner La
5 Rosa. Maria Moncada for Florida Power & Light
6 Company. I would also like to enter an appearance
7 for John Burnett, Christopher Wright, William Cox,
8 Joel Baker and David Lee.

9 Thank you.

10 CHAIRMAN LA ROSA: Excellent.

11 Office of Public Counsel.

12 MS. WESSLING: Good morning. This is Ali
13 Wessling with the Office of Public Counsel. I
14 would like to enter an appearance for Walt
15 Trierweiler, the Public Counsel, as well as
16 Patricia Christensen, Octavio Ponce and Austin
17 Watrous.

18 Thank you.

19 CHAIRMAN LA ROSA: Great.

20 LULAC.

21 MR. MARSHALL: Good morning, Mr. Chairman.
22 Bradley Marshall and Jordan Luebkekmann on behalf of
23 the League of United Latin American Citizens of
24 Florida, the Environmental Confederation of
25 Southwest Florida, and Florida Rising. And I would

1 also like to enter an appearance for Bianca
2 Blanshine and Danielle McManamon.

3 Thank you.

4 CHAIRMAN LA ROSA: Great. Thank you.

5 FIPUG.

6 MR. MOYLE: Good morning, Mr. Chairman. Jon
7 Moyle with the Moyle Law Firm on behalf of the
8 Florida Industrial Power Users Group, FIPUG. I
9 would also like to enter an appearance for Karen
10 Putnal with our firm.

11 CHAIRMAN LA ROSA: Great.

12 Florida Retail.

13 MR. BREW: Good morning, Mr. Chairman. For
14 the Florida Retail Federation, I am James Brew of
15 the firm of Stone Mattheis Xenopoulos & Brew. I
16 would also like to note an appearance for Laura
17 Baker and Joseph Briscar.

18 CHAIRMAN LA ROSA: Southern Alliance for Clean
19 Energy.

20 MR. GARNER: William Garner on behalf of the
21 Southern Alliance for Clean Energy.

22 CHAIRMAN LA ROSA: Thank you.

23 Electrify America. Yeah, one more time.

24 Thank you.

25 MR. MONTEJO: Robert Montejo from Duane

1 Morris.

2 CHAIRMAN LA ROSA: Great.

3 EVgo?

4 MR. MOSKOWITZ: This is Yonatan Moskowitz from
5 Keyes & Fox. I would also like to enter an
6 appearance for Nakhil Vijaykar on behalf of EVgo.

7 CHAIRMAN LA ROSA: All right. FEA I believe
8 they are dialed in, or maybe behind the screen
9 behind me. Federal Executive Agencies.

10 CAPTAIN RIVERA: Good morning, Commissioner.
11 This is Captain Michael A. Rivera for the Federal
12 Executive Agencies. I would also like to enter an
13 appearance for Major Ashley George, Major Leslie
14 Newton and Mr. Thomas Jernigan. Thank you.

15 CHAIRMAN LA ROSA: Great. Thank you.
16 Florida Energy for Innovation Association.

17 MR. MAY: Good morning, Mr. Chairman. I am
18 Bruce May with the law firm of Holland & Knight
19 representing the Florida Energy Innovation
20 Association. I would like to also make appearance
21 for my colleague Kathryn Isted and Kevin Cox.

22 CHAIRMAN LA ROSA: Great. Thank you.
23 Walmart.

24 MS. EATON: Good morning, Commissioner, Mr.
25 Chairman. Stephanie Eaton here on behalf of

1 Walmart from the law firm of Spilman, Thomas &
2 Battle. I would also like to enter an appearance
3 for Steven Lee.

4 Thank you.

5 CHAIRMAN LA ROSA: Great. Thank you.

6 FAIR.

7 MR. SCHEF WRIGHT: Thank you, Mr. Chairman.
8 Robert Scheffel Wright and John T. Lavia, III, from
9 the Gardner Bist law firm on behalf of Floridians
10 Against Increased Rates, Incorporated.

11 Thank you.

12 CHAIRMAN LA ROSA: Thank you.

13 Americans for Affordable Clean Energy.

14 MS. VAFEK: Good morning. Ruth Vafek, Berger
15 Singerman on behalf of the Americans for Affordable
16 Clean Energy, Circle K Stores, RaceTrac and Wawa.
17 I would also like to --

18 CHAIRMAN LA ROSA: I am sorry to make you
19 repeat all of that.

20 MS. VAFEK: Ruth Vafek with Berger Singerman
21 on behalf of the group known as the Fuel Retailers
22 consisting of Americans for Affordable Clean
23 Energy, Circle K Stores, RaceTrac and Wawa. And I
24 would also like to enter an appearance for Floyd
25 Self.

1 CHAIRMAN LA ROSA: Great. Thank you.
2 Armstrong World Industries.

3 MR. MONTEJO: Robert Montejo on behalf of the
4 law firm Duane Morris.

5 CHAIRMAN LA ROSA: Great. Thank you.
6 Let's go to our staff.

7 MR. STILLER: Good morning. Shaw Stiller on
8 behalf of Public Service Commission staff. I would
9 also like to enter an appearance for Timothy
10 Sparks.

11 MS. HELTON: And, Mr. Chairman, Mary Anne
12 Helton is here as your Advisor, along with your
13 General Counsel, Adria Harper.

14 CHAIRMAN LA ROSA: Great. Thank you.

15 So exactly what I was saying, right, we got a
16 lot of parties here today and, you know, we are
17 just going to have to do this a little bit
18 unorthodox, but as we move through issues, which
19 obviously we will get to here in a few seconds,
20 just maybe kind of raise your hand and, if you are
21 not already at a microphone, to get my attention
22 and we will get to that point and we will go
23 through a little bit slow.

24 Let's go ahead and move to preliminary
25 matters. Are there any that need to be addressed

1 today in The draft Prehearing Order?

2 MR. STILLER: Staff is not aware of any
3 preliminary matters that need to be addressed this
4 morning.

5 CHAIRMAN LA ROSA: Okay. Do any of the
6 parties have any preliminary matters? All right.

7 So seeing none, let's go through the Draft
8 Prehearing Order. I will identify the sections,
9 and if the parties, if you have an issue, obviously
10 just let me know if there is any corrections or
11 changes that ultimately need to be made. We may go
12 through a lot of this quickly, so just, you know,
13 make sure to certainly get my attention as we are
14 going through, but I will continue to look up.

15 So Section I, Case Background, any changes?

16 Seeing none, let's go to Conduct of
17 Proceedings?

18 Not seeing any, let's go to Jurisdiction.

19 Not seeing any. Procedure for Handling
20 Confidential Information. Staff, is there
21 something there we need to address?

22 MR. STILLER: Yes. When confidential
23 information is used in the hearing, parties must
24 have copies for the Commissioners, necessary staff
25 and the court reporter in red envelopes clearly

1 marked with the nature of the contents. Any party
2 wishing to examine the confidential material that
3 is not subject to an order granting confidentiality
4 shall be provided a copy in the same fashion as
5 provided to the Commissioners, subject to execution
6 of any appropriate protective agreement with the
7 owner of the material.

8 CHAIRMAN LA ROSA: Okay. Go ahead, OPC, let's
9 start there.

10 MS. WESSLING: This is just a question. Last
11 year, I know with the TECO hearing, we provided
12 essentially an accordion file that had dividers
13 with each of the exhibits in them, so that it was
14 just an easy way to keep that being of things.
15 That's not exactly the way it's described here, but
16 I just want to see if that's okay with the
17 Commission this time as well?

18 CHAIRMAN LA ROSA: So, staff, I will take your
19 opinion.

20 MS. HELTON: Mr. Chairman, I thought that
21 worked fine, as long as you have marked on the
22 actual tabs the number, and on the exhibit the
23 number, I think that worked really well, actually.

24 MS. WESSLING: Great. Thank you.

25 CHAIRMAN LA ROSA: Identify that it's

1 confidential, I presume?

2 MS. WESSLING: Correct.

3 CHAIRMAN LA ROSA: Okay. I will go to LULAC.

4 MR. MARSHALL: And a follow-up query as to how
5 many copies we are expecting to need, because we
6 need to start preparing that pretty soon.

7 CHAIRMAN LA ROSA: A lot.

8 MS. HELTON: Why don't we have Mr. Stiller
9 send out an email to that effect after today when
10 we can kind of count through and figure out what a
11 number that will work. Obviously, this is more
12 than we normally have.

13 MR. MARSHALL: Makes total sense. Appreciate
14 it. Thank you.

15 CHAIRMAN LA ROSA: Yeah, that's a good point,
16 and we will make sure we address it and communicate
17 it.

18 Yes?

19 MS. MONCADA: And what Mr. Stiller described,
20 as well as what it says on page four of the order,
21 it says that the red envelopes should be clearly
22 marked with the nature of the contents. Is an
23 exhibit number or something of that kind
24 sufficient, or -- I just want to make sure I
25 understand what nature of the contents we are

1 anticipating.

2 MS. HELTON: At least an exhibit number that's
3 on the CEL, but if you could use the short
4 description too, that -- I mean, the more
5 information you can give us, the easier it is to
6 work with.

7 MS. MONCADA: Thank you.

8 MR. MOYLE: Just a quick point of
9 clarification. This is applying to exhibits that I
10 think people will use on cross, but with respect to
11 exhibits that have been prefiled that have
12 confidential information, that's all going to be
13 handled in the current system that we have,
14 correct?

15 MS. HELTON: Our staff will have those here
16 for us to use if necessary.

17 MR. MOYLE: Okay. So no need to provide other
18 copies if you put it as --

19 MS. HELTON: If the confidential document that
20 you plan to use for cross-examination purposes was
21 prefiled as part of your prefiled testimony -- of
22 someone's prefiled testimony or prefiled exhibit,
23 we will have those copies ready to use --

24 MR. MOYLE: Okay.

25 MS. HELTON: -- but if you are planning to use

1 a confidential exhibit that you have identified as
2 part of the providing exhibits to everyone, then
3 you will be responsible for having that put
4 together in a form that we can easily identify it
5 as confidential, and the confidential information
6 is highlighted in yellow, so it's very clear that
7 what the confidential information is used, you are
8 using is so that it's not spoken allowed during the
9 hearing.

10 MR. MOYLE: Yeah, that's what I thought.

11 Thank you. I just wanted to confirm.

12 CHAIRMAN LA ROSA: Great. Thank you.

13 LULAC?

14 MR. MARSHALL: That brings up a follow-up
15 question. I am sorry.

16 So for confidential -- and this previews, you
17 know, I think on the comprehensive exhibit list for
18 staff's exhibits. For confidential exhibits that
19 are part of staff's comprehensive exhibit list, do
20 we need to bring the confidential paper copies for
21 those?

22 MS. HELTON: Bradley, you have asked me a
23 question I am not sure that I know the answer to.
24 Can we respond to that in the email this afternoon
25 as well? I am not sure how we are -- how we have

1 planned to do that.

2 MR. MARSHALL: Of course. Thank you.

3 CHAIRMAN LA ROSA: We will make sure we
4 address that.

5 Anything else? Okay. Excellent.

6 Let's move to Prefiled Testimony, Exhibits and
7 Witnesses, staff.

8 MR. STILLER: Staff suggests that witnesses'
9 summary of their testimony be no longer than three
10 minutes. For witnesses filed both direct and
11 rebuttal testimonies, staff recommends that he or
12 she receive three minutes for direct and three
13 minutes for rebuttal. These times will be combined
14 if the witness takes the stand only once to present
15 direct and rebuttal.

16 CHAIRMAN LA ROSA: Are the parties okay with
17 the time limits for the summaries? LULAC.

18 MR. MARSHALL: I mean, I think we would prefer
19 the five minutes that was in the Draft Prehearing
20 Order. There is a --

21 CHAIRMAN LA ROSA: Okay.

22 MS. WESSLING: We would echo that as well,
23 five minutes.

24 MR. MOYLE: As would FIPUG.

25 MR. BREW: And Florida Retail Federation.

1 CHAIRMAN LA ROSA: All right. It sounds like
2 a lot of you folks would like five minutes. Let's
3 go ahead and do that and, staff, we can change that
4 to five minutes.

5 All right. Anything else on that? All right,
6 straightforward, I believe.

7 Order of the Witnesses. Are there any
8 witnesses that can be stipulated?

9 MS. MONCADA: Florida Power & Light will
10 continue to work with the parties, and we will
11 advise as soon as we know if there are any
12 witnesses for which we have no cross-examination
13 and can be stipulated, so long as no other party
14 has questions for them.

15 MR. MAY: Mr. Chairman, FEIA also would
16 continue to work with the parties to see if there
17 is a consensus where we could stipulate to some of
18 our witnesses as well.

19 CHAIRMAN LA ROSA: Okay. All right. It seems
20 like a consensus.

21 MR. SCHEF WRIGHT: Yes, sir.

22 CHAIRMAN LA ROSA: All right. Well, I
23 certainly would encourage --

24 CAPTAIN RIVERA: Commissioner --

25 CHAIRMAN LA ROSA: Go ahead. I am sorry.

1 FEA.

2 CAPTAIN RIVERA: I am sorry. This is Captain
3 Mike Rivera. We started -- we emailed the parties
4 starting yesterday regarding witness order, and I
5 believe most of the parties did not object to FEA
6 witness -- for the 22nd, and we will continue to
7 work with the -- cross-examination and --

8 CHAIRMAN LA ROSA: Yeah, I'm having -- we are
9 having a hard time hearing you in the hearing room,
10 and I hate to ask you to repeat that, but can you
11 repeat that, because I was unclear on the days or
12 times, or really the gist of what you are trying to
13 get, you know, pointed to.

14 CAPTAIN RIVERA: Yes, sir. This is Captain
15 Mike Rivera, and we started working with the
16 parties yesterday regarding witness order, and I
17 believe that no party objected to our witnesses
18 going on the 22nd, and we will continue to work
19 with the parties to --

20 CHAIRMAN LA ROSA: I am having a hard time
21 hearing. I heard no parties have an objection, and
22 I am not sure what it was to.

23 MR. MOYLE: Can I -- we had some conversations
24 amongst the attorneys, I think, you know, given the
25 fact that Florida Power & Light has its case in

1 chief to go first, I think essentially what was
2 being asked was if we have flexibility with respect
3 to bringing witnesses, they have a day that they
4 would like to bring their witness. FIPUG is
5 inclined to tell our witnesses the second week is
6 when you will be coming onboard. So I think it's
7 essentially working out times for witnesses amongst
8 the lawyers to be professional and make
9 accommodation for witnesses who have conflicts and
10 other things like that.

11 CHAIRMAN LA ROSA: All right. Are there any
12 other parties that have -- I am going to say, a
13 similar, so my understanding, FIPUG, FEA have
14 issues with witnesses, if I understood correct, the
15 request was to appear at a certain time, or a
16 schedule?

17 MR. MOYLE: The second week is essentially
18 what I am asking for.

19 CHAIRMAN LA ROSA: Okay. So then let me go
20 left to right, and then we will address, because it
21 sounds like there is more to it.

22 MR. MOSKOWITZ: Thank you, Mr. Chairman.
23 Yonatan Moskowitz for EVgo.

24 We also have a similar request that we would
25 like to work with other parties to accommodate

1 travel for our witnesses and give them more of a
2 date certain. And, you know, I don't know if you
3 want to talk about when specific witnesses go now
4 and issue, you know, a order today or -- about
5 that, or if you want us to continue talking and
6 come to staff to talk about that later, but to the
7 extent you are asking for specific information
8 requests, EVgo's witnesses would also prefer to go
9 in the second week.

10 CHAIRMAN LA ROSA: When you say a time, do you
11 mean a window of time, or what -- just --

12 MR. MOSKOWITZ: A window, yeah. Monday or
13 Tuesday of the second week, for example, if EV, you
14 know, is when EVgo witnesses would like to go, but
15 if, you know, the windows have to be a little
16 broader to accommodate other attorneys, I just -- I
17 don't know how you want to handle those kind of
18 requests, or if you want attorneys to work amongst
19 ourselves and come to the Commission with -- staff
20 with a proposed plan on how to move witnesses
21 around, or give them assurances as to when they can
22 come.

23 CHAIRMAN LA ROSA: Sure, I will be clear on
24 that in just a second --

25 MR. MOSKOWITZ: Great.

1 CHAIRMAN LA ROSA: -- I want to hear from
2 everybody --

3 MR. MOSKOWITZ: Thank you.

4 CHAIRMAN LA ROSA: -- and I will address the
5 questions.

6 I don't know where we left off. Walmart.

7 MS. EATON: Yes, I think we would try to
8 request that both of our witnesses go the week of
9 August 18th.

10 CHAIRMAN LA ROSA: Okay.

11 MR. BREW: For FRF, we also have a witness
12 coming from out of town. I don't have specific
13 dates yet, but we will work with the other parties
14 to try to coordinate things.

15 CHAIRMAN LA ROSA: Okay. LULAC.

16 MR. MARSHALL: Basically ditto that. We are
17 looking at the beginning of the second week, that
18 would make sense --

19 CHAIRMAN LA ROSA: Okay.

20 MR. MARSHALL: -- and will work with the other
21 parties to come to an agreement.

22 CHAIRMAN LA ROSA: Okay.

23 MS. WESSLING: And OPC, we do have seven
24 expert witnesses who will be coming to town. One
25 of them does have a conflict with the 18th, 19th

1 and 20th, which is the Monday, Tuesday, Wednesday
2 of the second week, so again, we are happy to work
3 with all the parties as well to come up with a
4 schedule that works for everyone, but that is one
5 window of time for one of our witnesses that I know
6 would be a conflict.

7 CHAIRMAN LA ROSA: Okay.

8 MS. WESSLING: And I know the rest would
9 prefer a time certain as well.

10 CHAIRMAN LA ROSA: Okay. Mr. Schef.

11 MR. SCHEF WRIGHT: Thank you, Mr. Chairman.

12 Our witnesses can be available pretty much any
13 time. We would like for know in advance, one is
14 coming from out of town. The second week sounds
15 good to me, and would work for us.

16 This is collegial. We always do this, and the
17 attorneys get together and we make it work subject
18 to your approval, but we can make this work, and we
19 will.

20 Thank you.

21 CHAIRMAN LA ROSA: No, I appreciate that. I
22 have got some folks standing, so...

23 MR. MONTEJO: Thank you, Robert Montejo on
24 behalf of Electrify America.

25 I am just echoing everything else that my

1 colleagues here are saying. We would like a date
2 certain because we also have witnesses coming from
3 out of town.

4 CHAIRMAN LA ROSA: Okay.

5 MS. VAFEK: Ruth Vafek on behalf of the Fuel
6 Retailers. Our witness, David Fialkov is
7 unavailable the first week of the hearing but can
8 be available any time the second week, so it sounds
9 like we are in alignment with many of the other
10 intervenors.

11 CHAIRMAN LA ROSA: Okay. All right. So let
12 me kind of address this and just kind of think and
13 talk at the same time here.

14 Obviously, this is a comprehensive case.
15 There is some complexities to this. I want to run
16 an efficient and effective hearing. We have
17 obviously scheduled time for this hearing. I don't
18 know that we will need all the time allotted, but
19 we might, and, frankly, maybe we need more time
20 than that.

21 Obviously, scheduling certain witnesses to
22 come on certain days, there is a lot of parties
23 that are here, it is incredibly difficult, if not
24 maybe next to impossible to satisfy everybody and
25 make things work. Clearly, you know, I imagine

1 most witnesses, if not all, you know, for the most
2 part are from out of town. I understand that, and
3 that's part of this process.

4 I don't want to, what I am going to say, for
5 lack of a better term, delay parts of the hearing
6 because we are trying to get to certain windows, or
7 to certain elements. I don't think that's
8 efficient. And frankly, I don't think that's
9 effective.

10 I am not going to rule right now on this. I
11 am going to consult with staff on the best way to
12 operate and work within, but at the end of the day,
13 I will strongly, strongly encourage you all to work
14 with each other, and I appreciate the sentiment,
15 because that was from everybody, so that we can
16 come up with a schedule that is congenial, for the
17 most part, and that we can, again, operate under
18 that effective and efficient manner.

19 So I understand the situation, for sure. And
20 I just will encourage to please, please communicate
21 to each other and try to work something out. But I
22 will talk with staff and we will set something in
23 the final order, in the Prehearing Order.

24 Yes.

25 MS. WESSLING: Sorry. This is just an idea to

1 throw out there, but if there is the possibility of
2 maybe another informal meeting, even if it's just
3 virtual, where we can all get on the call and map
4 things out? I don't know if that's practical, or
5 if maybe email is better, but that's maybe an
6 option.

7 CHAIRMAN LA ROSA: Okay. And I will -- go
8 ahead, Shaw.

9 MR. STILLER: Well, I mean, we have been very
10 efficient in communicating by email, and it's kind
11 of hard to get this many people to coordinate on a
12 time to get together.

13 The one thing I would suggest, Mr. Chair, is
14 that along with dates of availability if you are
15 going to supply, please include in that hard dates
16 of nonavailability. Only one was mentioned so far,
17 but if you have got a witness who is leaving the
18 country, has a nonrefundable, whatever, please note
19 that also, as well as preferred dates. That will
20 give us all the information to work with the Chair.

21 CHAIRMAN LA ROSA: And how about direct and
22 rebuttal testimony, if that's planned to be taken
23 up together, would that help the planning process?

24 MS. MONCADA: FPL is willing to consider some
25 of the witnesses appearing for direct and rebuttal

1 together. I don't have a finite list of which
2 witnesses that would be, but we are thinking about
3 it. And I understand if -- as long as all the
4 parties agree, and there is no objection, we will
5 provide a list of which witness can do both at
6 once.

7 CHAIRMAN LA ROSA: Okay. All right. Fair
8 enough?

9 MR. STILLER: And just one other thing on
10 stipulated witnesses. When the parties -- if the
11 parties do reach agreement on stipulated witnesses,
12 please let staff know as soon as you can so we can
13 check with every Commissioner's office to make sure
14 they don't have any questions, and only when I get
15 back with you with that confirmation will the
16 witness be formally excused.

17 CHAIRMAN LA ROSA: Go ahead, LULAC.

18 MR. MARSHALL: On that question, we did -- we
19 didn't receive any discovery or see any positions
20 -- you know, we saw some quizzical positions about
21 -- regarding our standing. I was wondering if
22 parties had questions for our standing witnesses
23 Ms. Corugedo and Ms. Ayech?

24 MS. MONCADA: Mr. Chairman, FPL has no
25 questions for any of the parties regarding

1 standing.

2 MR. MOYLE: Nor does FIPUG.

3 CHAIRMAN LA ROSA: Okay. Anybody else?

4 MR. SCHEF WRIGHT: Nor does FAIR. Thank you.

5 MR. MAY: The same goes for FEIA.

6 MR. BREW: And the same for FRF.

7 MR. MOSKOWITZ: And EVgo.

8 MS. EATON: And Walmart.

9 MS. WESSLING: And OPC has no position --

10 CAPTAIN RIVERA: Same for FEA.

11 CHAIRMAN LA ROSA: Go ahead, FEA.

12 CAPTAIN RIVERA: The same for FEA. No
13 objection.

14 CHAIRMAN LA ROSA: Okay. I am sorry, OPC, I
15 didn't mean to cut you off.

16 MS. WESSLING: We have no position on standing
17 on any of the other parties.

18 CHAIRMAN LA ROSA: Okay.

19 MR. GARNER: SACE also agrees with the
20 other -- the positions of the other parties on
21 this.

22 CHAIRMAN LA ROSA: Excellent. Okay. I think
23 it's safe to move to Basic Positions.

24 MS. MONCADA: One more thing on Order of
25 Witnesses.

1 CHAIRMAN LA ROSA: Yes.

2 MS. MONCADA: I know that we are going to work
3 all of that out, and we have every intension of
4 extending all of the professional courtesies that
5 are necessary to make work what we need to on --
6 with respect to appearance of witnesses. I just
7 wanted to add one more thing, which is that FPL
8 will be changing the order of its witnesses
9 altogether.

10 In the prehearing statement, we provided a
11 certain order of the witnesses, but it wasn't the
12 -- it was really the order in which the witness
13 testimonies were filed, but not the order in which
14 we intend for them to appear at the hearing, so
15 that will be part of what -- the communications
16 with the parties.

17 CHAIRMAN LA ROSA: Okay. Yeah, let's move to
18 Basic Positions. We're good, staff.

19 MR. STILLER: As noted in the Order
20 Establishing Procedure, a party who takes no
21 position on an issue by the time of the Prehearing
22 Conference, or by such later time as may be
23 permitted by the Prehearing Officer, waives its
24 opportunity to conduct cross-examination on the
25 issue, as well as file a post-hearing brief on the

1 issue.

2 Staff notes that several of the parties have
3 not taken positions on certain issues in their
4 Prehearing Statements.

5 Staff also notes that due to a cyber attack on
6 a Microsoft platform last weekend, certain
7 discovery responses were delayed and parties may
8 not have been able to finalize their positions due
9 to those delayed responses.

10 CHAIRMAN LA ROSA: Okay. Obviously that --
11 that's a unforeseen issue that caused delay for
12 discovery responses. I would allow the parties to
13 submit changes to basic positions in writing by
14 close of Tuesday, which is July 29th.

15 Any questions on that?

16 MR. SCHEF WRIGHT: Thank you.

17 CHAIRMAN LA ROSA: Excellent.

18 MR. MOYLE: Yeah, thank you. And that
19 includes, you know, basic positions and issues as
20 well?

21 CHAIRMAN LA ROSA: Yes.

22 MR. MOYLE: Yeah.

23 CHAIRMAN LA ROSA: Let's move now to issues
24 and positions.

25 Let's proceed through the issues as they

1 appear in the Prehearing Statements and the Draft
2 Prehearing Order. Let's speak up if you have any
3 proposed changes to the language of the uncontested
4 issues. We are going to address the contested
5 issues as we come across them in the list, or in a
6 list that I have in my notes here. I will allow
7 the parties to present their arguments and may
8 reserve my rulings on these issues until I issue
9 the Prehearing Order.

10 Again, I will go slow. I know that there are
11 some folks here that are sitting behind the
12 microphones. Good to go, let's go -- let's start
13 with legal issues, and let's start with Issues 1
14 through 5, any changes? Not seeing any movement.

15 Let's go to Issue 6, which is contested. I
16 understand OPC is -- would you like to be heard on
17 this?

18 MS. WESSLING: Yes, thank you, Mr. Chair.

19 This is an OPC requested issue. There are
20 four different Supreme Court cases listed here.
21 One of those, I believe, is probably not moot, but
22 for the other three, which would be A, B and C, and
23 someone can correct me if I am wrong, but for those
24 cases, our position is just that this doesn't need
25 to be an extensive portion of anyone's brief. This

1 is just something that I think is important to
2 inform the landscape of the decisions that need to
3 be made in this case. They may or may not have any
4 impact on things as we go forward, but I just think
5 that there are various aspects of these different
6 cases that could impact ultimately the revenue
7 requirements and the decisions that the Commission
8 needs to make in this case, so we just ask that
9 this be included.

10 Again, I would be surprised if our position
11 changed even from what's here in a post-hearing
12 brief, but I just think it's something to include
13 in just the general awareness about things that
14 could impact this case.

15 CHAIRMAN LA ROSA: Okay. FPL, any response to
16 that?

17 MS. MONCADA: Yes, FPL has a response.

18 The issues that are provided in the Prehearing
19 Order, and that we all responded to in the
20 Prehearing Statement, are issues that will be
21 decided by the Commission, and you all will vote
22 yes or no or somewhere in between on these issues.

23 I -- I just -- I have no way of -- I can't
24 only fathom what you would vote on in terms of what
25 the impact of Florida Supreme Court appeals that

1 are pending would be. There is nothing for really
2 the Commission to decide about a pending issue, nor
3 do I think it is wise for the Commission to even
4 pontificate and bind a future commission about an
5 issue when it hasn't even seen what the order from
6 the Florida Supreme Court would say.

7 CHAIRMAN LA ROSA: Thank you.

8 Any other parties?

9 MR. SCHEF WRIGHT: Thank you, Mr. Chairman.

10 I am going to agree with my colleagues at both
11 end. FAIR's position is you can't do any -- you
12 can't apply law that doesn't exist yet. Our
13 position is simply that really this is a procedural
14 question, and that if something -- if this court
15 issues an opinion, an order, that clarifies the law
16 or sets law on an issue that's pending in this
17 case, I think you prob -- I think the Commission
18 would probably be obligated to follow that law.
19 And if that were to occur, I think the parties
20 should be given an opportunity to brief and argue
21 in some appropriate way that can be decided at the
22 time that that occurs. It might have to be by
23 motion of a party, you know, notice of supplemental
24 authority, the Supreme Court order, we believe this
25 affects such and such issue in such and such way.

1 CHAIRMAN LA ROSA: Understood.

2 MS. MONCADA: If that were to occur, that
3 would be a different set of circumstances and,
4 certainly, would take that up as it arises, but not
5 as -- not the way that the issue is framed today.

6 CHAIRMAN LA ROSA: Staff?

7 MR. STILLER: I agree -- staff agrees that
8 there is really nothing for the Commission to vote
9 on, but it is also an important placeholder. The
10 disagreement between the parties seems to be
11 whether it's an issue or just a statement.

12 These cases, if decided, will impact, I think
13 everyone is in agreement on that. And if they are
14 not decided, they won't impact. I think we are in
15 agreement on that. So that whether the issue is in
16 or out, the Commission will be briefed on any case
17 that is decided.

18 CHAIRMAN LA ROSA: All right. Let's move to
19 Test Periods and Forecasting. So let's go to
20 Issues 7 through 11. Any changes?

21 Okay. Seeing none. Let's go to Quality of
22 Service, Issue 12 specifically. Any changes?

23 All right. Not seeing any, let's move to
24 Depreciation and Dismantlement Studies, that's 13
25 through 19. 13 through 19.

1 Seeing no changes. We are on a roll. Let's
2 see if this sticks. Let's move to Rate Base.
3 Specifically, let's kind of break this down. Let's
4 go Issues 20 through 35. I know that 36 is
5 contested, but let's go 20 through 35. Any changes
6 within those issues?

7 Okay, not seeing any, let's go to 36,
8 specifically is a contested issue. OPC, would you
9 like to be heard?

10 MS. WESSLING: Yes. Thank you, Mr. Chair.

11 This is an issue that we have testimony
12 regarding, specifically in our witness Mr.
13 Schultz's testimony on pages 101 and 103, we have a
14 position and argument on this very issue and,
15 therefore, we think this issue is more appropriate
16 to be included.

17 MS. MONCADA: Having seen OPC's position in
18 the Prehearing Statement, I have a better idea of
19 what it's getting at. My original objection to
20 this issue was that, frankly, I had no idea what it
21 was talking about.

22 I still would -- I still believe it is not
23 neutrally worded, and would suggest that the
24 wording of the issue be changed because it, as
25 worded, it assumes that costs were improperly

1 recorded above the line, and I think there should
2 be a Commission determination about whether costs
3 are properly or improperly determined -- I am sorry
4 recorded above the line. Therefore, I would
5 suggest that the issue be rephrased to say: What
6 action, if any, should the Commission take to
7 adjust the depreciation reserve for costs
8 determined by the Commission to have been
9 improperly recorded above the line, and keep the
10 rest of the issue.

11 CHAIRMAN LA ROSA: Okay. Understood the
12 recommendation.

13 Any other -- anybody else? Let me go to staff
14 on this.

15 MR. STILLER: Staff did not oppose the
16 inclusion of this issue, and does not oppose the
17 amended language as suggested by Power & Light.

18 CHAIRMAN LA ROSA: Okay. I am going to -- we
19 will chat more about this. I am going to take this
20 under advisement, but understood the discussion and
21 argument.

22 Okay. Let's move to Cost of Capital -- I am
23 sorry. Excuse me. Excuse me. Let me back up, 37
24 through 41. I don't want to skip those issues.
25 Any changes to those issues, 37 through 41?

1 Okay. Seeing none, let's go to Cost of
2 Capital, 42 through 50. 42 through 50.

3 Not seeing any movement, let's go to Net
4 Operating Income. We can break this down, because
5 81 is contested.

6 51 through 80. 51 through 80. The first half
7 of them.

8 Not seeing any changes, then let's go to 81.
9 Is this no longer contested, or is there wording
10 change suggested to it?

11 MS. MONCADA: Thank you. It is no longer
12 contested so long as the first sentence of Issue
13 81, we are allowed to add the word PTC in front
14 of -- PTCs and ITCs to the issue to make clear that
15 we are getting a ruling about the prudence of
16 transferring Investment Tax Credits or Production
17 Tax Credits.

18 CHAIRMAN LA ROSA: Anyone else? FIPUG?

19 MR. MOYLE: Yeah. FIPUG proposed this issue,
20 and has had informal conversations with the
21 company. We are fine with that change.

22 CHAIRMAN LA ROSA: Okay. Any other parties?

23 Okay. I will take that under advisement.

24 Let's move to the second half of Net Operating
25 Income, 82 through 85, the last few. 82 through

1 85, any changes in those issues?

2 Okay. Not seeing any, let's move to Revenue
3 Requirements, specifically 86 and 87.

4 Seeing no changes, let's move to Cost of
5 Service and Rate Design issues, and let's talk
6 about the first few that I believe are uncontested.

7 88 through 91, are there any changes? 88
8 through 91?

9 92, 104 and 106 and 109 are contested, is
10 that -- so let's talk about those. It's my
11 understanding that 92 is no longer contested but I
12 want to verify.

13 MS. MONCADA: Confirmed. Yes. Thank you.

14 CHAIRMAN LA ROSA: Okay. OPC, that's correct?

15 MS. WESSLING: I don't think that was our
16 issue, but that is my understanding.

17 CHAIRMAN LA ROSA: Okay. Does anybody have
18 any concerns? Okay.

19 MR. MOYLE: That was FIPUG's issue --

20 CHAIRMAN LA ROSA: Okay.

21 MR. MOYLE: -- and we have got it worked out,
22 so we are good to go on that, I think.

23 CHAIRMAN LA ROSA: Okay. Then can we then
24 move to 104, 104 the same way, not contested?

25 MS. WESSLING: I believe this was a --

1 CHAIRMAN LA ROSA: FIPUG issue?

2 MS. WESSLING: -- FIPUG issue.

3 MR. MOYLE: Right.

4 So FIPUG had originally proposed a number of
5 issues. And when we had the conference to discuss
6 issues, the idea came up of saying, well, what if
7 we put these issues as A, B and C under Issue 104.

8 I made the point that these issues were ones
9 that I thought warranted attention. They are
10 policy issues, and under the Chapter 120 of the
11 APA, you know, we are deciding disputed issues of
12 fact. I think we may have disputed issues with
13 respect to something like what is the interest
14 rate.

15 But anyway, just at a high level, I am only
16 going to say this once, but -- because we have a
17 few issues, but I think it's a better practice --
18 you know, you can't get into the minutiae because
19 there are a lot of issues, but to the extent that
20 there are policy issues that are important that
21 they regulated the public needs to have a good
22 clear answer on, I think it's important that they
23 be set out as an issue. And so that -- that was
24 the impetus behind what is now showing up as Issues
25 A, B and C.

1 B is one that, after further discussion and
2 consideration, we can let go of. But the A -- A
3 and C, A is related -- if I can take them both at
4 the same time and just describe them to you, or do
5 them one at a time, whatever your preference is.

6 The A is: Should governmental entities be
7 treated differently than every other customer that
8 FPL serves? And then the issue under C is: With
9 respect to these monies that are provided in
10 advance, first of all is should -- is if interest
11 going to be paid on them? And secondly, if so, at
12 what rate?

13 So those are the issues. And I can tell you,
14 with respect to the governmental question, I don't
15 know that there is a great argument to say, well,
16 we should treat, you know, government different. I
17 mean, they are a customer. FPL has a wide variety
18 of customers. Some governments are run very well,
19 some are not. The idea that FPL puts forward,
20 well, this is to protect the general body of
21 ratepayers.

22 Sometimes governments gets into financial
23 trouble. I remember Miami actually had to file
24 bankruptcy many, many years ago. I just don't
25 think that there is a great reason as to why you

1 should discriminate in a way that government gets a
2 free pass.

3 So that's a policy issue that we think should
4 be considered. And then the other is the interest
5 rate question.

6 There are deposits that customers provide that
7 they get interest on, this is under a new context,
8 a new construct where the company is asking for a
9 bunch of additional money up front, and, you know,
10 FIPUG has concerns about that. We think it's not
11 needed in the CIAC because that's really something
12 that's worked well for a long time, you know, if
13 it's not broken.

14 So our initial -- our main position we
15 shouldn't make any changes. But if you are going
16 to make a change and require clients of mine to put
17 up a bunch of money, we ought to get a fair rate of
18 interest on it, and so that is what the Issue C is
19 framed up.

20 We have said that we should get compensated at
21 FPL's rated average cost of capital. I have had
22 conversations with the company, and they have said,
23 we will pay interest on it, but it will be at three
24 percent, I believe. That was part of their filing.

25 I think the question now on that issue has

1 come down to what's the proper interest rate to
2 provide interest on? So it's going to -- it's a
3 lot of money, and I think that's an issue that
4 warrants consideration of the Commission.

5 CHAIRMAN LA ROSA: FPL.

6 MS. MONCADA: We provided positions on the
7 subparts. We are fine. I apologize for not having
8 identified in advance that we withdraw our
9 objections on A and C.

10 CHAIRMAN LA ROSA: Okay. Any other parties?
11 All right.

12 MR. MOYLE: So just so we are clear, we are
13 backing off of B, but thank you -- thank you,
14 counsel, for that concession.

15 MS. MONCADA: No problem.

16 I did just want to make sure we are arguing
17 inclusion of the issues and not the issues
18 themselves for purposes of the prehearing
19 conference? I don't think this should get into an
20 argument about the merits of the issues.

21 CHAIRMAN LA ROSA: Yeah, no, understood.
22 Okay. So that's 104.

23 MR. STILLER: Mr. Chair, could I ask for a
24 clarification on if we are drop -- are you -- is
25 FIPUG dropping or withdrawing B, and we are going

1 to reletter A and C as A and B?

2 MR. MOYLE: That makes sense to me.

3 MR. STILLER: Thank you.

4 CHAIRMAN LA ROSA: Okay. So that's for 104 --
5 thank you for that question -- for clarification.
6 So that's 104.

7 106 and 109, this is related to the large load
8 tariff. Is that issue also no longer contested.

9 MR. MOYLE: My understanding is 106 has been
10 agreed to, the incremental generation charge issue.

11 CHAIRMAN LA ROSA: Okay. FPL, is that
12 correct?

13 MS. MONCADA: That is correct.

14 CHAIRMAN LA ROSA: All right. Then 107
15 through 109?

16 MS. MONCADA: Those remain contested.

17 MR. MAY: From the FEIA's perspective, we
18 think those issues, 107 through 109, are subsumed
19 within 105 and it's unnecessary.

20 CHAIRMAN LA ROSA: Okay. Thank you for that.
21 OPC?

22 MS. WESSLING: If we could just be heard on
23 Issue 107, please.

24 This is an OPC issue that we have put forward.
25 We have various concerns, and I am not trying to

1 get into the merits, as Ms. Moncada just discussed,
2 but we have concerns, including things like water
3 and curtailment, and whatnot, that we think deserve
4 to be heard and addressed through this independent
5 issue, 107, and that's -- we will, of course,
6 update our position by no later than Tuesday at
7 5:00 on this, but that's our position on why this
8 is important to be included as an issue.

9 CHAIRMAN LA ROSA: Okay. LULAC?

10 MR. MARSHALL: We support the inclusion of
11 Issue 107 for all of the reasons that Ms. Wessling
12 said.

13 CHAIRMAN LA ROSA: Okay. Any of other
14 parties?

15 MS. MONCADA: FPL objects to the inclusion of
16 107. It has expanded the scope of what the
17 Commission is considering for purposes of this case
18 to corollary water issues, and I use the word
19 corollary loosely. I don't even know what the
20 water issues are that Ms. Wessling just referenced.

21 But if we look at the wording of the issue, it
22 asked about insulation of the general body of
23 retail customers, and goes on to then specifically
24 identify, and the citizens of the state -- I am
25 sorry, and the citizens of Florida. That goes

1 beyond the scope of what this commission is
2 considering in this case, and for that reason, FPL
3 thinks it is an improper issue.

4 And once you remove the words and the citizens
5 of Florida, we do think it is, like Mr. May said,
6 subsumed within Issue 105.

7 CHAIRMAN LA ROSA: Okay. OPC first.

8 MS. WESSLING: If I could just briefly be
9 heard on that specific argument. It's our position
10 that Chapter 366.01, the very first statute in
11 Chapter 366, addresses public interest and the
12 protection of the public welfare. And we believe
13 that the Commission's -- that it's the Commission's
14 ultimate responsibility is to protect both of those
15 things, and to that end, we believe that this issue
16 is important to be able to allow the Commission to
17 address those impacts that can and do impact
18 citizens beyond just Florida Power & Light's
19 customers.

20 And I would also note, as Mr. Marshall
21 mentioned at an issue ID meeting, I believe there
22 are several data center witnesses who have put
23 forth arguments stating why these data center
24 investments and what they testify to are good for
25 the entire state of Florida, not just FPL's

1 customers.

2 So we think that, in fairness, that this issue
3 should be included, and that it's appropriate to
4 have this here for the Commission's consideration.

5 CHAIRMAN LA ROSA: LULAC.

6 MR. MARSHALL: Ms. Wessling previewed my
7 argument, is that there has been a lot of testimony
8 about ancillary benefits of data centers to the
9 state and the citizens of the state and the
10 counties that have really have nothing to do with
11 ratemaking -- direct ratemaking principles, cost of
12 service, you know, the normal ratemaking questions.

13 And it seems to me if -- we have not moved to
14 strike that. We think that's, you know, proper
15 testimony for you to consider, but at least then we
16 should be able to cross on those issues questions,
17 and this issue sort of gets at those questions, so
18 that's why we support its inclusion.

19 CHAIRMAN LA ROSA: Okay. Any other parties?
20 Okay. I will take all of this under advisement.

21 All right. Is there any other item or issue
22 within the Cost of Service and Rate Design that I
23 may have missed?

24 MR. MOYLE: We have the 108. We have the
25 grandfather issue.

1 CHAIRMAN LA ROSA: Okay. You also have 109.

2 MR. MOYLE: 109, right.

3 CHAIRMAN LA ROSA: Okay.

4 MR. MOYLE: And they are two separate issues
5 if that's --

6 CHAIRMAN LA ROSA: Yeah, let's talk about 108.

7 MR. MOYLE: Okay. So I will preface it by
8 saying that the arguments that were just made on
9 107, a lot of them, you know, can apply to 108.
10 The subsumed issue, you know, you can subsume the
11 whole case by saying, should FPL's rates and tariff
12 provisions be approved as filed? And, you know --
13 I mean, so there is place where lines need to be
14 drawn, and FIPUG is proposing issues that we
15 believe are important to our customers. We don't
16 want to have uncertainty.

17 This data center issue, the large load
18 contract service is a new issue. Things are
19 changing. They filed changes to their tariff in
20 the rebuttal testimony. So it's a very ripe issue.
21 It's a robust issue. You have a new party here
22 that has data centers. I think the Commission is
23 better off being, you know, well-informed about
24 this tariff. But my client has concerns of -- with
25 respect to, well, are we going to get caught up in

1 this?

2 You know, in grandfathering, you know from
3 your days of serving as a member of the
4 Legislature, that's a policy tool that can be used.
5 You can grandfather certain people in, and say, we
6 are not going to apply this to people that have
7 been in these businesses. That's not the intent.
8 This is, you know, a prospective moving forward.

9 So the question that we would like to have
10 addressed specifically is should a grandfathering
11 provision be included? It's not the exact wording
12 of it. You have the wording in front of you, but I
13 am making the arguments as to why we believe this
14 is a relevant, pertinent and important issue for my
15 client and for others, so that they will understand
16 we have a lot of business in Florida. They want to
17 know, hey, am I going to get caught up in this
18 tariff if you approve it?

19 Going in, we don't even think it needs to be
20 approved. We think you have tariffs that can
21 handle it. So we are initially opposed to even
22 doing this tariff, but if you are going to do it,
23 we want to be protected, and we think the
24 grandfathering provision would provide that
25 protection.

1 CHAIRMAN LA ROSA: FPL, any response to that?

2 MS. MONCADA: Thank you. Yes.

3 Issue 105 asks whether the Commission should
4 approve, deny or approve with modifications the
5 large load contracts service tariffs and the
6 associated agreements. And we believe that issue
7 captures everything that Mr. Moyle has addressed,
8 and this goes for 108 and 109.

9 And as he noted, we have new parties in this
10 case that are specific -- have specific requests or
11 positions on large load, the large load tariff.
12 There are many parties here, there are a lot of
13 various positions, and if we had an issue for --
14 the wish list of every person who has -- who wants
15 their issue considered, it would become a very long
16 list. I think No. 105 captures everything.

17 And, Mr. Moyle, we also added 106 to capture
18 other specific items that he wanted addressed for
19 large load tariffs. Between 105 and 106, we think
20 those are sufficient for everyone to address their
21 position.

22 CHAIRMAN LA ROSA: Okay. OPC?

23 MS. WESSLING: I just wanted to note that we
24 support the inclusion of Issues 108 and 109.

25 CHAIRMAN LA ROSA: Walmart?

1 MS. EATON: Walmart supports the inclusion of
2 Issues 108 and 109.

3 MR. BREW: Commissioner, if FPL will stipulate
4 that there are no existing customer loads that
5 would fall under those tariffs, we would agree to
6 drop the issue.

7 CHAIRMAN LA ROSA: Okay. Anything else on --
8 we are on, I know we talked 108 and 109. Do we
9 need to --

10 MR. BREW: This is as to 108.

11 CHAIRMAN LA ROSA: Okay. I don't necessarily
12 need a response unless you would like to respond to
13 that.

14 I am going to go, then, to 109. Do we need to
15 address 109?

16 MR. MOYLE: It's a different factual issue. I
17 think the factual context provides value, so I
18 would just like to spend a minute on it.

19 CHAIRMAN LA ROSA: Sure.

20 MR. MOYLE: And I will pick up with the point
21 that counsel for FPL made about, well, you would
22 have -- you have a plethora of issues if you didn't
23 have some limitations on it. Well, here we are at
24 the prehearing conference, I don't think -- I don't
25 think there is an unmanageable number of large load

1 contract service issues that are out there. We
2 have three or four that we are talking about, and I
3 think it would be incumbent on parties to make good
4 arguments as to why there are important issues.

5 The stipulation that was suggested by the
6 Retail Federation, I think the evidence will
7 suggest that. And so Issue 109, because FPL is
8 going to say, well, we are not really expecting
9 load coming in in 2026 and '27 of these data
10 centers. The question becomes, they are proposing
11 a four-year deal, you know, what do we do when we
12 get them?

13 And rather than trying to make that judgment
14 now, we think that it should be made closer to a
15 point in time when you have a real fish on the
16 line, and there is a data center that is here
17 that's trying to get 50, 75, 100 megawatts, that
18 you make that determination at that point in time,
19 because you will have better information. You will
20 have better facts.

21 And the Commission has -- and there is a
22 statutory provision for limited proceedings that
23 allows those to take place. You should let us
24 argue this issue and make some of the arguments I
25 am making now to allow you to potentially say, you

1 know what, that's right, if we don't have any real
2 fact cases here with data centers coming in, we
3 should make a decision subsequently with better
4 information and have a limited proceeding.

5 So that's the argument for including that
6 issue.

7 CHAIRMAN LA ROSA: Understand.

8 FPL, would you like to respond?

9 MS. MONCADA: It's the same as 108. I won't
10 take the Commission's time on it.

11 CHAIRMAN LA ROSA: Understood.

12 Any other parties?

13 MR. MAY: The only thing we would add is that
14 I think, as Mr. Moyle just went through his
15 arguments, we think that the issue is structured in
16 a way to state a position more so than to state an
17 issue. He certainly has the opportunity, we
18 believe, to make those arguments under 105.

19 MR. MOYLE: Can I just respond to that
20 briefly?

21 CHAIRMAN LA ROSA: Sure.

22 MR. MOYLE: Part of the reason, candidly, that
23 issues are being sought is that over the years
24 there have been arguments that a subsumed issue has
25 been put out a lot. There is a risk if you say,

1 oh, it's going to be addressed in this issue. As a
2 party, you can argue that, you can put that in the
3 issue and argue it and say, oh, well, wait a
4 minute, you know, you should do a limited
5 proceeding. But with the staff recommendation
6 comes out, most of the time it's addressed, but
7 sometimes not every issue that, you know, is said,
8 oh, it's subsumed, you can argue it there, gets
9 addressed. So if it's not addressed, then you are
10 kind of stuck, because you don't have -- you don't
11 have the direction that you are seeking with
12 respect to issues that you believe are important.
13 So thank you for that.

14 CHAIRMAN LA ROSA: I understand.

15 Yes.

16 MR. BREW: FRF agrees with FIPUG on this one.
17 The issue gets to do you have sufficient facts to
18 make a determination regarding potential loads
19 outside the test years that you don't actually have
20 any information on in this record.

21 So to the extent that you get to a decision
22 point where you may have facts upon which a
23 rational determination can be made, I think he has
24 got a point, that that would be the time for a
25 limited proceeding.

1 CHAIRMAN LA ROSA: Walmart?

2 MS. EATON: We agree, and don't believe that
3 these last two Issues, 108 and 109, are necessarily
4 subsumed in the actual language of 105, and
5 actually would appreciate the Commission and staff
6 recommendation that addresses these issues
7 squarely.

8 Thank you.

9 CHAIRMAN LA ROSA: Okay. Walt -- Mr.
10 Trierweiler.

11 MR. TRIERWEILER: Chairman, we strongly
12 support our colleagues support for 109. Simply
13 approving a tariff without any other information in
14 front of this body would be like approving nine
15 100- to 200-megawatt land-based aircraft carriers
16 to be placed in communities that we don't know
17 where you are going to put them yet, how big they
18 are, the impacts. You just simply don't have any
19 of the data in front of you by design.

20 So it would only be prudent so that we can
21 address the questions when we are asked later, as
22 appointed persons who represent the customers and
23 the citizens of the state of Florida, that when we
24 move forward, we move forward with facts and
25 information and data regarding the tremendous

1 asymmetrical and completely unique impacts that
2 these giant loads you are going to have on these
3 communities, and you simply don't have the facts.

4 But you do have an amazing group of very
5 talented attorneys, staff experts, to help you make
6 the right decisions for the state of Florida moving
7 forward, and to learn the lessons that the other
8 states have come to learn in the two or three years
9 since they employed data centers so that we can
10 move forward positively, and cooperatively, and
11 collegially, and to do it better than it's been
12 done.

13 But right now, we simply lack the information.
14 109 is designed to give you the venue and the
15 opportunity to get our feet underneath this and to
16 make great decisions. And that's why we support
17 109.

18 CHAIRMAN LA ROSA: Okay. Any other parties?
19 Yes, sir.

20 MR. SCHEF WRIGHT: Briefly. I will just say
21 that FAIR supports the inclusion of these issues,
22 thank you.

23 CHAIRMAN LA ROSA: Okay. All right. There is
24 a lot going on, obviously, with those issues as
25 they, certainly, have some interconnection. I will

1 take all of this under advisement, and we will, of
2 course, make a decision at a later point.

3 I don't want to leave this section without
4 making sure that 110 through 117 still stayed
5 uncontested and no changes, so 110 through 117?

6 Okay. So seeing no changes there, let's move
7 to other issues. I want to come to 125 last. I
8 will go a little bit out of order as we get to
9 that, but let's talk about Issues 119 and 120. I
10 believe those are contested.

11 OPC?

12 MS. WESSLING: Yes. Thank you, Mr. Chair.

13 The argument that I will make is for both of
14 these issues, it's the same.

15 Essentially, the reason for each of these is
16 due to the fact that there are certain nuclear O&M
17 expenses in base rates that could be impacted by
18 these particular issues, and we anticipate that
19 there will be evidence adduced at the hearing
20 regarding those issues, and, therefore, we ask that
21 they be included.

22 CHAIRMAN LA ROSA: Okay. Any other parties
23 have any? FPL?

24 MS. MONCADA: FPL, for both of them.

25 The reason these are contested is because FPL

1 lacks fair notice. Even with what Ms. Wessling has
2 said, which, thank you, Ms. Wessling, it's the
3 first time I have heard even that aspect of these
4 issues, I don't know what costs they are referring
5 to. We haven't been given fair notice if you all
6 have an objection to something in our O&M expenses
7 that can be addressed in the issues related to O&M
8 expenses, but I see this issue, and I don't know
9 what they are asking for disallowance of, and
10 that's what these issues are about. They are about
11 whether, you know, if there is a tariff that's
12 being proposed, are you going to approve it if
13 there are costs that FPL has put forward, should
14 they be allowed or disallowed? And the company
15 does not have fair notice in is 19 or 120 regarding
16 what the costs are, or the activities that they are
17 asking the Court to consider imprudent,
18 unreasonable or that they be disallowed.

19 CHAIRMAN LA ROSA: OPC?

20 MS. WESSLING: If I could just respond.

21 I mean, we, like I said, anticipate that there
22 will be evidence at the hearing about this. I
23 don't think there is any notice issue. We have to
24 provide all of our cross-examination exhibits very
25 soon, and, you know, we just need to see what

1 happens at the hearing.

2 But to the extent that these issues involve
3 nuclear O&M that is included in base rates, and we
4 anticipate that there will be some testimony about
5 that at the hearing, potentially through
6 cross-examination, we think these issues are
7 appropriate.

8 MR. BREW: FRF agrees with OPC on this.
9 Everything that's in the rate filing and MFRs is
10 fair game, whether a party wants to pursue it on
11 cross-examination, you need have an issue to
12 address it.

13 CHAIRMAN LA ROSA: Any other parties, and then
14 I will come back to you, FPL, any other parties?

15 MR. MOYLE: FIPUG agrees with OPC. I mean,
16 the issue is framed up, you know, how are they
17 doing running their nuclear power plants? It seems
18 a fair question.

19 CHAIRMAN LA ROSA: Okay. FPL CAD.

20 MS. MONCADA: Sure. So Ms. Wessling is saying
21 that they might potentially ask questions about it
22 on cross-examination of our witnesses, but as often
23 has been stated at prehearing conferences and at
24 other meetings amongst the parties, it is FPL who
25 bears the burden of proof. And this is a good

1 example of a situation where if we bear the burden
2 of proof but we have to wait to see if the
3 intervenors might ask a question in discovery, it
4 becomes unfair to the company.

5 CHAIRMAN LA ROSA: Okay. Yes, OPC?

6 MS. WESSLING: If I could just briefly be
7 heard.

8 The company has already prefiled their MFRs
9 and their testimony. They have put forth, and I
10 expect, obviously, all of that will be entered into
11 the record. And if what OP -- excuse me, if what
12 FPL presents to the Commission on those issues is
13 sufficient to meet their burden, then it's
14 sufficient to meet their burden regardless of
15 whether other intervenors have questions about
16 that. So that's -- whether FPL meets their burden
17 is always the case.

18 CHAIRMAN LA ROSA: Okay.

19 MS. MONCADA: One more thing on Issue 120.

20 CHAIRMAN LA ROSA: Yes.

21 MS. MONCADA: It refers to base costs that are
22 related to FPL's operation of its in-ground cooling
23 systems. I would like some clarity on what they
24 are referring to with in-ground cooling systems,
25 but to the extent they are talking about the

1 cooling canal system for our Turkey Point plant,
2 those are not recovered in base rates.

3 CHAIRMAN LA ROSA: OPC, is there a response to
4 that?

5 MS. WESSLING: It's my understanding that
6 there are certain base rate elements of that
7 cooling system, and that's why we have put forward
8 the issue.

9 CHAIRMAN LA ROSA: All right. So 119, 120, I
10 am going to take under advisement. I appreciate
11 the discussion.

12 122.

13 MR. MOSKOWITZ: Mr. Chairman.

14 CHAIRMAN LA ROSA: Yes.

15 MR. MOSKOWITZ: EVgo proposed that issue. My
16 understanding is that FPL is the only party that
17 contested the inclusion of the issue.

18 So EVgo proposed the issue to discuss topics
19 that are raised by witnesses EVgo has brought to
20 the case. The -- you know, we have argued that a
21 make-ready program is the best use of FPL's limited
22 funds to support EV deployment in FPL territory.

23 Part of our testimony referenced the CEVCS
24 tariff. I don't want to object on behalf of FPL,
25 but my understanding is their argument that this

1 should not be included is because it's subsumed in
2 Issue 111, 111, that talks about the CEVCS tariff
3 and asked whether it should be approved, denied or
4 approved with modifications.

5 EVgo proposed this issue because we do not
6 believe that those goes are broad enough. For
7 example, the Commission could approve the CEVCF
8 tariff completely and still decide that the
9 make-ready program is a good idea to invest on
10 behalf of FPL. So that's why the issue is
11 proposed, and I turn it over to FPL.

12 CHAIRMAN LA ROSA: Sure.

13 FPL?

14 MS. MONCADA: Yes. Mr. Moskowitz is correct.
15 Yes.

16 If they want to discuss their make-ready
17 program as an alternative to what is being proposed
18 in Issue 111, or as a modification as the issue is
19 phrased to the tariffs that we have proposed, we
20 would have no objection with that. But as Mr.
21 Moskowitz is -- just stated expressly, they think,
22 hey, even if the Commission grants those tariffs,
23 you should adopt a make-ready program.

24 The make-ready program is a program that was
25 brought to this case affirmatively by EVgo. And

1 just to echo the argument that I made about the
2 prior contested issues, this is FPL's case. This
3 is the projects and the activities and the tariffs
4 that FPL has brought forward. 122 is about a
5 program that EVgo is presenting.

6 So is it proper as an isolated issue in a case
7 about what FPL's revenue requirements and programs
8 should be? It I don't think so, but even if the
9 Commission were to say, yes, we are going to
10 include it as an issue, I think it should be very
11 clear that, because it's EVgo's proposal, that they
12 bear the burden of proof on it.

13 CHAIRMAN LA ROSA: EVgo?

14 MR. MOSKOWITZ: I think we have said all we
15 need to on the issue, and we are happy to leave it
16 in your hands.

17 CHAIRMAN LA ROSA: Okay. Thank you for that.
18 Let's move -- and I will take that under
19 advisement.

20 Let's move to 124. I believe Issue 124 is
21 also contested. OPC is that your issue?

22 MS. WESSLING: Yes, Mr. Chair.

23 Essentially, we believe this is an appropriate
24 issue as it is. This isn't about the mechanism.
25 This is about the storm damage reserve amount,

1 which, obviously, we believe should remain the
2 same, but we believe this is appropriate. I
3 believe we have testimony regarding this particular
4 issue, and we think this is definitely an important
5 thing that needs to be considered independently.

6 CHAIRMAN LA ROSA: Any other party have any
7 discussion on that before I to go FPL?

8 FPL?

9 MS. MONCADA: Sure.

10 Issue 123 asked whether the Commission should
11 approve our --

12 CHAIRMAN LA ROSA: 124.

13 MS. MONCADA: Sure. If I go back --

14 CHAIRMAN LA ROSA: Oh, sorry --

15 MS. MONCADA: -- the reason --

16 CHAIRMAN LA ROSA: -- I am sorry.

17 MS. MONCADA: -- the reason why I object to
18 124, or contest 124, is because Issue 123 already
19 asks whether the Commission should approve, deny or
20 approve with modification FPL's proposed storm
21 costs recovery mechanism. That mechanism has many
22 components to it, one of which is the amount of the
23 storm reserve. If OPC or any other party wanted to
24 say that the storm reserve amount is too high or
25 too low, that is precisely what a modification to

1 our proposal would do. So for that reason, we
2 think it's already addressed in 123.

3 Thank you.

4 CHAIRMAN LA ROSA: Thank you.

5 MR. SCHEF WRIGHT: Mr. Chairman, the storm
6 reserve amount has been a specific issue in many
7 cases going back to at least to 2006. I think it's
8 an appropriate issue.

9 CHAIRMAN LA ROSA: Okay. All right. Well,
10 thank -- FPL?

11 MS. MONCADA: Sure.

12 I don't believe it has been separated as an
13 issue even when the storm cost recovery mechanism
14 is being proposed, but that's it. That's all we
15 have on this one.

16 CHAIRMAN LA ROSA: No, I understood. I will
17 take that under advisement as well.

18 127, is that no longer contested?

19 MS. MONCADA: Correct.

20 CHAIRMAN LA ROSA: Okay. So we are good with
21 127.

22 Are there any other issues -- I do want to go
23 to 125, but are there any other issues besides
24 that? Yes, sir, LULAC?

25 MR. MARSHALL: Just a clarification to which

1 Issue 127 you were referring to, because there is
2 two Issue 127s. One was contested. One was not.

3 MR. STILLER: And if I can --

4 CHAIRMAN LA ROSA: Yeah, please.

5 MR. STILLER: -- make a clarification on that.
6 That reference was to the second listed 127. And
7 to prevent any future confusion on the two 127s,
8 staff would like to propose that currently first
9 listed Issue 127 that begins, how should the
10 Commission consider FPL's performance? Let's
11 number that 127 capital letter A. And then the
12 second Issue 127, which begins, can the Commission
13 enforce, staff would suggest that that be numbered
14 127 capital letter B. No parentheses just a letter
15 following the numbers.

16 MS. MONCADA: FPL does not contest either 127A
17 or 127B.

18 CHAIRMAN LA ROSA: Okay. That's good for
19 clarification.

20 Staff, can I go to you -- I am going to say
21 what I believe is now 127B. It's my understanding
22 that recent legislation, the One Big Beautiful
23 Bill, and how it relates to this proceeding,
24 several parties have listed different issues that
25 they believe are affected by this, and I want to be

1 sure that we are clear on this issue and how we
2 address this in the hearing.

3 MR. STILLER: Yes, Mr. Chair.

4 The One Big Beautiful Bill Act was signed into
5 law on July 4th, 2025. The President subsequently
6 signed an executive order regarding implementation
7 of that legislation on July 7th, 2025.

8 Staff believes, and I can represent that the
9 parties agree, that the law and the executive order
10 are relevant to the Commission's decision in this
11 docket, and I believe we are in agreement that
12 those two should be placed in the record when they
13 exist, and that is a reference -- I will get to
14 that in a minute.

15 The parties differ as to whether and how the
16 Big Beautiful Act and the executive order affect
17 the request in this docket. Issue 125 was crafted
18 to allow the parties to address this matter.
19 However, because of the timing of the act's
20 passage, there is only one short mention of the act
21 in the prefiled rebuttal testimony of Florida Power
22 & Light. Intervenors have not had an opportunity
23 to address these matters in prefiled testimony.

24 The parties have explored FPL's position on
25 the applicability and affects of these changes to

1 this docket in rebuttal depositions over the past
2 two weeks in depositions, in particular two
3 witnesses.

4 Given these circumstances, staff believes that
5 an acceptable approach to this situation is to
6 allow FPL to present live testimony from witnesses
7 who have already prefiled testimony limited to the
8 issues of whether and how the recent legislation
9 and implementing executive order affect the rate
10 request. Staff further recommends that the
11 Commission allow the parties to cross-examine these
12 witnesses.

13 The intervening parties should also be
14 provided an opportunity to present live witness
15 testimony on this issue subject to the same
16 conditions applicable to Florida Power & Light.

17 Staff believes that Issue 125 as drafted in
18 the Prehearing Statement accurately captures all
19 related issues that may be affected by the One Big
20 Beautiful Act and the implementing executive order,
21 and that is staff's proposal for consideration this
22 morning.

23 CHAIRMAN LA ROSA: Okay. Let's go to FPL, and
24 then I would definitely like to hear from the other
25 parties.

1 MS. MONCADA: May I have just two or three
2 minutes to confer with my client?

3 CHAIRMAN LA ROSA: Yeah, so I am going -- yes.
4 And what I am going to suggest is that if that
5 needs to happen, let's take a quick break, and
6 let's come back to this. I know this is obviously
7 breaking, and then we will kind of hear from the
8 parties from there, but let's take a five-minute
9 break.

10 MS. MONCADA: That's all we need. Thank you.

11 CHAIRMAN LA ROSA: Great. Thank you.

12 (Brief recess.)

13 CHAIRMAN LA ROSA: Okay. So one more minute.
14 I see some discussions, so I will encourage that.

15 (Brief recess.)

16 CHAIRMAN LA ROSA: All right. So I see
17 everyone is sitting back down, so maybe there has
18 some productive discussions. I appreciate and
19 happy to give the extra time as needed.

20 Who shall I go to for a summary of what was
21 discussed?

22 MS. MONCADA: It was a productive discussion.
23 Thank you for giving us the time. And I will not
24 take the credit for the idea, so if Mr. Marshall
25 wants to present the plan on behalf of everyone, we

1 have all agreed.

2 CHAIRMAN LA ROSA: It seems like he has been
3 close chosen.

4 MR. MARSHALL: I hope I get this right, so
5 feel free to chime in.

6 CHAIRMAN LA ROSA: Plenty of microphones
7 around you.

8 MR. MARSHALL: I think the idea is to
9 stipulate certain factual exhibits that have
10 already been produced in discovery into the record
11 that establish the facts of what's on the ground,
12 and also to stipulate in, you know, whenever the
13 treasury guidance comes out, it's due August 18th
14 into the record, and make it available for, as a
15 post-hearing briefing issue. It's going to be --
16 and we see it as essentially a legal issue, and if
17 we have the underlying facts in the record, then we
18 do not see the need for live testimony.

19 Of course, it is incredibly difficult to
20 predict how the law is going to change, and so that
21 could be change, and, you know, I do see that there
22 could be some new facts that might need to be
23 entered into the record, but we don't see that at
24 this time, and therefore, I think collectively
25 agree there is no need to plan for live testimony

1 at this time.

2 CHAIRMAN LA ROSA: Okay.

3 MR. MARSHALL: Did I get that right?

4 CHAIRMAN LA ROSA: OPC?

5 MS. WESSLING: Yes, definitely. And
6 specifically, I believe our discussion was about
7 entering and agreeing to enter, I think it's OPC
8 Interrogatory 383, I forget which set, it's either
9 21 or 22, and having that be the exhibit that's
10 entered, because we asked a lot of questions about
11 the impacts of OBBB and the executive order there,
12 so -- and FPL responded to those, so that's the
13 consensus understanding, is that that exhibit would
14 be entered into the record. There would be no
15 additional live testimony on those issues from any
16 party, and then all of those issues would be ripe
17 for briefing in 125.

18 CHAIRMAN LA ROSA: Okay. All the parties,
19 does that sound like what was discussed? Is there
20 any issues with that?

21 I will go to FPL.

22 MS. MONCADA: We agree.

23 CHAIRMAN LA ROSA: Okay. Staff?

24 MR. STILLER: That appears to be fine with the
25 last caveat of Mr. Marshall, that we -- things are

1 changing rapidly with respect to this issue, and if
2 something does change, we will have to get back to
3 this one real quick.

4 CHAIRMAN LA ROSA: Okay. All right. So then
5 I think we have got a plan for Issue 125. And
6 obviously, we will address it in the Prehearing
7 Order.

8 Does anything else from this section -- did I
9 miss anything, right, did I miss anything in other
10 issues? We kind of skipped and jumped around in
11 there?

12 Okay. Not seeing any, then let's go to the
13 Exhibit List.

14 MR. STILLER: Yes. Staff has prepared a
15 Comprehensive Exhibit List, which includes all
16 prefiled exhibits and also includes those exhibits
17 staff wishes to include in the record. We have
18 given out copies this morning and will circulate an
19 updated draft list and check with the parties prior
20 to the hearing to determine if there are any
21 objections to the Comprehensive Exhibit List or any
22 of staff's exhibits being entered into the record.

23 CHAIRMAN LA ROSA: Okay. Then let's move to
24 any proposed stipulations.

25 MR. STILLER: And as noted earlier, Mr. Chair,

1 there are no proposed stipulations at this point.
2 Although, it appears that we are working towards
3 one on standing. And staff would suggest that all
4 parties consider offering any additional
5 stipulations at this time.

6 CHAIRMAN LA ROSA: Okay. That's fair.

7 Then there is a pending motion, staff?

8 MR. STILLER: Yes, OPC yesterday filed a
9 motion for official recognition, and a request for
10 oral argument. Of course, no party has had time to
11 file a written response, and I believe Florida
12 Power & Light wishes to take their time and file a
13 written response, so I don't believe that motion is
14 ripe for consideration this morning.

15 CHAIRMAN LA ROSA: Okay. OP -- or FPL?

16 MS. MONCADA: That is correct. I am loath to
17 overpaper this case more than it is, but I
18 unfortunately did not -- that was a travel day for
19 me yesterday. I did not have a fair opportunity to
20 be prepared to argue it this morning.

21 CHAIRMAN LA ROSA: Okay. OPC?

22 MS. WESSLING: That's perfectly fine with us.
23 I encourage, you know, everyone having the full
24 amount of time to respond to motions, and I wasn't
25 intending for it to actually be heard today. I

1 just wanted to -- it's well in advance of the
2 deadline for official recognition, but I figured
3 that since there were such voluminous exhibits,
4 that I wanted to give everyone as much notice as
5 possible, but I am perfectly fine with waiting.

6 And then I would just add that there may be
7 one or two more items that we will be seeking
8 official recognition of. I haven't nailed that
9 down yet, but I just wanted to let everyone know
10 that there might be another motion coming along
11 those lines, but it won't be as many as the
12 original motion. And I will obviously seek
13 everyone's position and whatnot on that as soon as
14 I am able to.

15 CHAIRMAN LA ROSA: Okay. All right. I will
16 wait, then, to receive that response.

17 MS. MONCADA: Thank you.

18 MS. EATON: I have one question about
19 documents that are -- that the Commission does
20 allow for official recognition at the appropriate
21 time. Would those documents also be included in
22 Case Center with all the other testimony and
23 exhibits?

24 CHAIRMAN LA ROSA: That's a good question.

25 MS. HELTON: I think that is right. There is

1 a section on matters officially recognized under I,
2 so that is the intent for them, is to put those
3 there.

4 MS. EATON: Okay. Thank you.

5 CHAIRMAN LA ROSA: All right. Then we will go
6 ahead and wait for that and the others that were --
7 seem to be coming.

8 Let's move, then, to pending or
9 confidentiality motions, staff?

10 MR. STILLER: Yes. The pending
11 confidentiality requests are listed in the Draft
12 Prehearing Order. Staff will do its best to resolve
13 pending confidentiality prior to the hearing.

14 CHAIRMAN LA ROSA: Okay. Then let's move to
15 Post-Hearing Procedures.

16 MR. STILLER: If certain issues are stipulated
17 and the parties agree to waive briefs, the
18 Commission may make a bench decision for those
19 portions of the proceeding.

20 If there are any issues to be briefed, staff
21 recommends post-hearing briefs be no longer than
22 100 pages, including attachments.

23 CHAIRMAN LA ROSA: OPC?

24 MS. WESSLING: OPC would like to be heard on a
25 couple of items. I will start with the

1 post-hearing brief.

2 We would ask that we be allowed to have 150
3 pages for briefing. There are -- everyone knows
4 how many issues are in this case, and I think many
5 of them are going to require extensive legal
6 analysis and arguments on a part of OPC and several
7 other parties. I think 150 -- 150 pages is a much
8 more realistic number to be able to incorporate all
9 of the arguments that we have, and that others
10 have. So we respectfully ask that the Commission
11 consider 150 pages.

12 I would also note that's the amount of the --
13 that was allowed in the 2016 case, 150-page
14 post-hearing brief, and I just think, you know,
15 this is the biggest case I think that the PSC
16 handles, and I think 150 is appropriate, and we
17 humbly request that.

18 CHAIRMAN LA ROSA: All right. Any other
19 parties have any -- LULAC?

20 MR. MARSHALL: Just briefly that we would --
21 we support OPC's request. I was just looking at
22 our prehearing statement. Just laying out a basic
23 position on each issue took 52 pages, so actually
24 explaining, you know, going through the record,
25 evidence and making arguments is going to take

1 obviously substantially more than that, so we
2 support OPC's request.

3 CHAIRMAN LA ROSA: Understood.

4 MR. BREW: FRF supports 150 pages for the
5 brief.

6 CHAIRMAN LA ROSA: Okay. Walmart?

7 MS. EATON: We support it as well.

8 CHAIRMAN LA ROSA: Okay.

9 MR. SCHEF WRIGHT: Thank you, FAIR supports
10 150 pages.

11 CHAIRMAN LA ROSA: I wasn't intending to go
12 down the list, but go ahead, FIPUG.

13 MR. MOYLE: I think FIPUG does not intend to
14 get to that number, but OPC represents all the
15 consumers, and they got a lot of issues, I think
16 you should grant them their request.

17 CHAIRMAN LA ROSA: All right.

18 MR. MAY: FEIA does not intend to exceed 100
19 pages, but if OPC needs 150 pages to make its case,
20 that's fine with us.

21 CHAIRMAN LA ROSA: Okay.

22 MR. MOSKOWITZ: EVgo will also aim for
23 brevity, but we do not oppose 150 pages.

24 CHAIRMAN LA ROSA: Okay. All right. Well,
25 FPL do you have any --

1 MS. MONCADA: No, I would also ask for
2 additional pages. I might not have been as bold as
3 Ms. Wessling and asked for 150, but I am glad that
4 she was bold this morning.

5 CHAIRMAN LA ROSA: Okay. We will certainly
6 address it and we will come up with the right
7 number, so thank y'all.

8 Staff, is there anything else that we have to
9 discuss relating to the post-hearing procedures?

10 MR. STILLER: I will just note that as set
11 forth in the Order Establishing Procedures, briefs
12 are due on September 12th.

13 CHAIRMAN LA ROSA: OPC? And your microphone
14 is off.

15 MS. WESSLING: Sorry. I had a couple of
16 questions, and I very well could have missed it in
17 the Prehearing Order. I have not had a chance to
18 fully review it. But have we already discussed the
19 opening statements amounts, the length of time for
20 opening statements?

21 MR. STILLER: We have not.

22 MS. WESSLING: Okay. If I could, unless
23 someone else wants to go first, we would request a
24 minimum of 10 minutes for OPC. I did go back to
25 the 2016 order and just for, if this is helpful

1 information, I believe FPL was given 20 minutes,
2 OPC was given 10 minutes, and the other intervenors
3 were given five minutes in 2016.

4 I don't -- I am not going to speak for FPL or
5 the other intervenors on how much time they would
6 like, but we certainly would like a minimum of 10
7 minutes if that's possible. And then we would also
8 like to be heard after this issue regarding the
9 exhibit deadline.

10 CHAIRMAN LA ROSA: We are going to get to
11 opening statements here in a second, but anything
12 related to post-hearing procedures, September 12th
13 date, that's what it is. Go ahead and --

14 MR. MARSHALL: Just an inquiry on when we can,
15 you know -- I am anticipating a two-week, full
16 two-week hearing -- on when we would get the
17 transcripts to make sure we have enough time to
18 incorporate the transcripts into the briefing. I
19 know that was an issue last year in TECO, so I just
20 wanted to raise it now to see if we have an
21 expectation.

22 MS. HELTON: The issue in TECO was highly
23 irregular, and we do not anticipate having the same
24 issue thanks to our wonderful Ms. Krick, so let me
25 just put that out there.

1 I don't know, have we requested -- let us talk
2 to the Clerk's Office about what is a reasonable
3 turnaround time, and to Ms. Krick about what is a
4 reasonable turnaround time.

5 CHAIRMAN LA ROSA: Okay. And we will address
6 that.

7 Let's move, then, to opening statements, or to
8 rulings, staff.

9 MR. SCHEF WRIGHT: Mr. Chairman --

10 CHAIRMAN LA ROSA: Yes, sir.

11 MR. SCHEF WRIGHT: -- very briefly on the
12 brief filing date. I didn't hear Mr. Marshall ask
13 for a specific date. I might off as an interim
14 compromise that we push the filing date to Monday,
15 September 15, as opposed to Friday, September 12th.
16 It takes away my weekend, but it would help us all
17 out, I think. Just a suggestion. Thank you.

18 CHAIRMAN LA ROSA: No, I appreciate the input,
19 and we will consider that.

20 Let's move to Rulings, staff, and opening
21 statements.

22 MR. STILLER: It's staff's recommendation that
23 the Prehearing Officer make a ruling that opening
24 statements not exceed five minutes per party. I
25 believe you have already heard some opposition to

1 that from Public Counsel.

2 CHAIRMAN LA ROSA: Is there any opposition
3 other than from OPC on the five-minute opening
4 statement?

5 MS. MONCADA: FPL, as the petitioner, would
6 ask that it have more time than all of the other
7 parties since we do have to address issues, and
8 there are, I don't know -- I don't know how many of
9 y'all there are, there is, I think, 11 or so. We
10 would ask for more time.

11 CHAIRMAN LA ROSA: Okay. LULAC?

12 MR. MARSHALL: And we would just request that
13 we be given however much time OPC is given, I think
14 we engage in even more issues than OPC does in this
15 case, so we would request that whatever OPC is
16 given that we are also given that.

17 CHAIRMAN LA ROSA: Okay. FIPUG?

18 MR. MOYLE: FIPUG would also request that the
19 time be extended, you know, it's a big, big case.
20 There is a lot of issues. There is a lot of
21 complex issues, and I think, you know, it's a good
22 opportunity for parties to present a big picture
23 scenario to the issues of importance to the
24 parties. I don't want to feel like you are racing
25 through a comment, so I would similarly echo the

1 views of others to say 10 minutes is probably more
2 appropriate given the magnitude of the case, and
3 all the issues and all the points that are out
4 there.

5 CHAIRMAN LA ROSA: Understood.

6 Mr. Wright?

7 MR. SCHEF WRIGHT: Thank you. I support the
8 broad request for more time. I wouldn't intend to
9 take it all, but I think 10 minutes per party, with
10 extra for FPL and OPC and probably LULAC Rising
11 ECOSWF given the number of issues they are
12 addressing would be appropriate. We would be fine
13 with 10 minutes for FAIR certainly, and I think FPL
14 and OPC, at a minimum, deserve extra time.

15 Thank you.

16 CHAIRMAN LA ROSA: Understood.

17 Okay. Let's move to other matters. I think
18 that was understood. Are there any other matters
19 that need to be addressed while we are here in
20 prehearing? Let's start with OPC, if you don't
21 mind ladies first, and then we will go from there.

22 MS. WESSLING: And we may have an overlap
23 here, but the current deadline for the production
24 of all of the cross-examination exhibits is next
25 Thursday, the 31st.

1 And I can assure you that I can -- speaking
2 for OPC, we have been racing and working very hard
3 towards making sure that we can meet that deadline,
4 but there is a lot of discovery that we are
5 reviewing and trying to edit and now compare
6 against the CEL that we got yesterday, and
7 additionally, there is, through no fault of their
8 own, but there is other discovery that remains
9 outstanding due to those technical issues that have
10 already been discussed. And I just think there are
11 quite a few factors that are coming into play here
12 that, although, it may have looked like a realistic
13 timeline when everything was said, I think the
14 facts on the ground have changed enough that more
15 time would certainly be helpful to -- I can speak
16 for OPC, and I don't know about the others, but I
17 would ask that potentially that be extended by
18 maybe through Monday, the following Monday, close
19 of business.

20 There is still a week between then and the
21 beginning of the hearing to upload the exhibits.
22 Although, I am sure -- I know that that's a lot of
23 work too, but I just respectfully asking that we be
24 given some more time to produce all of these
25 exhibits, especially since we don't even have some

1 in our hands as I speak.

2 CHAIRMAN LA ROSA: I am looking at a calendar
3 as you speak, too. So you are suggesting the 4th?

4 MS. HELTON: Mr. Chairman can I ask a
5 question? If it were moved to Monday, could you
6 get them to us by nine o'clock in the morning on
7 Monday? The problem is that we have a limited
8 number of people that have the ability to upload
9 these, and we have learned the hard way that if we
10 do not upload them into the system and give them
11 time to, I don't know what the right technical term
12 is, but populate the system, it's not going to help
13 us any.

14 MS. WESSLING: Would maybe noon on Monday be
15 an alternative? I mean --

16 MS. HELTON: Can we maybe talk about this
17 off-line?

18 CHAIRMAN LA ROSA: Yeah. I am not going to
19 make a decision on this this second, but I do want
20 to hear everyone's parties -- or positions, and I
21 do want to make sure that staff is capable of doing
22 and turning things around, but we are talking about
23 August 4th, right?

24 MS. WESSLING: Yes.

25 CHAIRMAN LA ROSA: Okay. Okay. Besides that,

1 that was -- okay, that was an issue. Let's go,
2 then, to LULAC.

3 MR. MARSHALL: That's pretty much our issue.
4 Well, one we wanted to confirm that we don't need
5 to provide exhibits that are on staff's
6 comprehensive exhibit list, get confirmation on
7 that.

8 Two, is really ask for as many hours on
9 Monday, August 4th, as we can being, knowing that
10 -- I know our staff are going to be working hard to
11 compile everything properly and get them all
12 uploaded. They have told me that they need two
13 days to do that on our end to get it to you, and
14 so, you know, we still have discovery coming in,
15 and, you know, as of now, my staff deadline to me
16 is basically this coming Tuesday. And so if we can
17 get to that Monday, and as many hours as we can get
18 on that Monday, we would really appreciate it.

19 I think those are the two main issues that I
20 had -- oh, yes. Thank you. I had a third issue,
21 too.

22 We wanted clarity on the provision of
23 impeachment exhibits, and specifically deposition
24 transcripts. We obviously do not intend to use
25 deposition transcripts during the hearing. Those

1 are used for impeachment purposes. This was an
2 issue last year in the TECO case that was resolved
3 off-line, and that we just brought live copies of
4 the transcripts and, therefore, did not need to
5 provide them. I know others have concerns about
6 providing the transcripts as an exhibit into Case
7 Center. I wanted to raise that issue as well.

8 MS. HELTON: I think the Order Establishing
9 Procedure says that if you are using a deposition
10 exhibit for impeachment purposes only, then you do
11 not need to provide that exhibit to us as part of
12 the provision of exhibits that the --

13 MR. MARSHALL: That's what I wish the Order
14 Establishing Procedure said. That is not language
15 in there.

16 MS. HELTON: Huh?

17 MR. MARSHALL: Unless I completely missed it.
18 I thought it was -- it included -- including --
19 specifically included deposition transcripts for
20 impeachment as an exhibit that had to be provided
21 by next Thursday.

22 MS. HELTON: That was -- well, if it did, that
23 was not the intent.

24 MR. MARSHALL: Okay. So if we can just get an
25 understanding, then, that we do not need to provide

1 those as exhibits business next Thursday, that
2 would be --

3 MS. HELTON: Correct.

4 MR. MARSHALL: That would be great. Thank
5 you.

6 CHAIRMAN LA ROSA: We will address that.
7 Sure.

8 MR. STILLER: That is correct. And I also
9 just checked with our uploading gurus, and they can
10 accept and upload materials for Case Center prior
11 to the deadline as long as they are received in the
12 order. So for instance, if you get your first 50
13 cross-examination exhibits done, you could send
14 those to us early, that would really, really help a
15 lot.

16 MR. MARSHALL: We are happy to do that and
17 accommodate to try to ease that process, especially
18 if that gets us a few more ours your hours on that
19 Monday, August 4th.

20 MR. SCHEF WRIGHT: Just to clarify, that's in
21 order per party. So OPC's is 1 through 275, FAIR
22 is 1 through 25, et cetera, is that right? In
23 order per party?

24 MR. STILLER: They are nodding, so the answer
25 is yes.

1 MR. SCHEF WRIGHT: Thank you.

2 CHAIRMAN LA ROSA: All right. Any other
3 matters that need to be addressed in the
4 prehearing?

5 MS. MONCADA: Just very small -- oh, I am
6 sorry.

7 MR. MOYLE: Go ahead, Maria.

8 MS. MONCADA: I heard Mr. Marshall say that
9 discovery is still coming in, and I want to -- in
10 case it hadn't been clear, thank you to all of the
11 parties, including staff, for giving us the extra
12 time when we suffered the Microsoft issue over the
13 weekend. We have now, as of yesterday afternoon,
14 completed our discovery production. In the event
15 that anyone believes there is still discovery
16 coming in, we have completed it. Thank you,
17 everyone, for the time to do that.

18 CHAIRMAN LA ROSA: FIPUG?

19 MR. MOYLE: There was an issue that came up in
20 the TECO case that we had a discussion about, and
21 it was brought up by, I believe, by you, Mr.
22 Chairman, towards the end.

23 I am a big believer in being able to argue
24 your case and, you know, opening arguments, that's
25 why we would like to have the same amount as

1 everybody else, 10 minutes. But I think you had
2 said, are the parties willing to provide closing
3 statements, and there was some discussion about it.
4 I know FIPUG said we think that would be a good
5 idea. Some others said, well, you know, we haven't
6 really prepared closing statements.

7 But in my mind, I just wanted to raise that,
8 because if there is an opportunity to provide
9 closing statements, we would like to do it, but
10 people would be on notice if that was raised at a
11 point now, as compared to -- I think it was brought
12 up during the hearing, toward the end, when we were
13 in the TECO case, if my memory serves me correctly.

14 So, you know, we would just raise that for
15 your consideration as to whether an opportunity to
16 present closing statements would be provided. It
17 wouldn't be mandatory. You didn't have to do it.
18 But it could be option additional. I have been in
19 other proceedings where a judge would say, you
20 know, I give everybody, you know, five, 10 minutes
21 to go ahead and tell us what you think the evidence
22 established. I think it may help the trier of
23 disputed facts in making their decision.

24 CHAIRMAN LA ROSA: I would say unlikely for
25 this case, but I will -- we will make sure we

1 address that specifically to give you -- that
2 everyone has a solid answer, but highly unlikely.

3 MR. MOYLE: That's fair. Thank you.

4 CHAIRMAN LA ROSA: Any other matters?

5 Okay. All right. Not seeing any. Again, I
6 want to thank everybody for their time today, and I
7 know there is a lot happening behind the scenes,
8 and a lot of discussion. I will continue to
9 encourage that discussion especially when it comes
10 to the scheduling side. As I stated in the
11 opening, I really do want to run an effective and
12 efficient hearing.

13 My intentions are that we will start at a
14 certain time, end at a certain time. I will try to
15 give you as much notice as possible. I believe we
16 are noticed to start at 9:00 a.m. the first -- day
17 one, is that correct?

18 MS. HELTON: I think it's 1:00 p.m.

19 CHAIRMAN LA ROSA: 1:00 p.m. Okay. Well, I
20 am glad I checked.

21 At that point, I will tell -- I will relay
22 what the next couple of days, based on where we are
23 at. I would love to give you a hard schedule, but
24 I don't think this is the type of case that would
25 lend towards that.

1 We will have a lunch break. I will try to
2 target the 12 o'clock, noon lunchtime. And I will
3 not try to go late into the night, but I don't want
4 to promise that across the board if there are, you
5 know, evenings that we are in a position and we
6 have to, we will. But again, I will try to be as
7 transparent as I possibly can and try to predict
8 the scheduling as we are moving through, so -- OPC?

9 MS. WESSLING: Yes, just one quick question,
10 and maybe this is something that could be addressed
11 in a follow-up email, but would we be safe in
12 letting our witnesses know that they don't need to
13 plan for the first week? I mean, just --

14 CHAIRMAN LA ROSA: I am not ready to answer
15 that today. My hope with what I opened with and
16 what I just said, is that there is going to be some
17 kinked cooperation, and hopefully make the decision
18 easier. It's very, very difficult, as I am trying
19 to schedule and trying to make things work, to
20 really even put anything together. But we will
21 address that and make sure that it's clearly
22 communicated as soon as we come up with a decision.
23 Okay.

24 MR. STILLER: And, Mr. Chair, just one thing
25 as a reminder to the parties. Immediately

1 following this is Case Center training, speaking of
2 making the hearing go more efficiently. This would
3 help a lot if you could stick around for a few
4 minutes, and Ms. Nancy is going to give us a
5 refresher and training on our computer document
6 system.

7 CHAIRMAN LA ROSA: I am sure everyone is
8 stoked and excited for that.

9 All right. Again, thank you all for your
10 cooperation, and seeing no further business before
11 us, this Prehearing is adjourned. Thank you.

12 (Proceedings concluded.)
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1 CERTIFICATE OF REPORTER

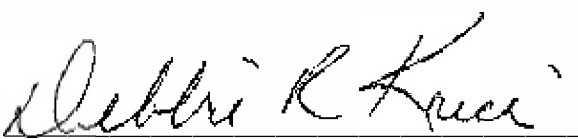
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5 I, DEBRA KRICK, Court Reporter, do hereby
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8 IT IS FURTHER CERTIFIED that I
9 stenographically reported the said proceedings; that the
10 same has been transcribed under my direct supervision;
11 and that this transcript constitutes a true
12 transcription of my notes of said proceedings.

13 I FURTHER CERTIFY that I am not a relative,
14 employee, attorney or counsel of any of the parties, nor
15 am I a relative or employee of any of the parties'
16 attorney or counsel connected with the action, nor am I
17 financially interested in the action.

18 DATED this 7th day of August, 2025.
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