

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for rate increase by Florida) DOCKET NO. 20250011-EI
Power & Light Company.)
) DATED: September 29, 2025

**THE FLORIDA RETAIL FEDERATION'S NOTICE OF INTENT TO SEEK AND
MOTION FOR OFFICIAL RECOGNITION**

Pursuant to Rule 28-106.213(6), Florida Administrative Code ("F.A.C."), sections 90.201-90.203 and 120.569(2)(i), Florida Statutes, and the Order Establishing Procedure, Order No. PSC-2025-0075-PCO-EI, as modified by the First Order Revising Order Establishing Procedure, Order No. PSC-2025-0323-PCO-EI, the Florida Retail Federation ("FRF") hereby moves for official recognition of the following orders, which are included hereto as Exhibits A through D:

- Order No. PSC-05-0495-PCO-EI, Order Granting Intervention
- Order No. PSC-09-0217-PCO-EI, Order Granting Petition to Intervene
- Order No. PSC-16-0181-PCO-EI, Order Granting Florida Retail Federation's Petition to Intervene
- Order No. PSC-2021-0134-PCO-EI, Order Granting Florida Retail Federation's Petition to Intervene

1. A party to an administrative proceeding may move for official recognition of certain documents pursuant to the provisions governing judicial notice in sections 90.201-203, Florida Statutes. *See* Rule 28-106.213(6), F.A.C.

2. Section IV, paragraph H of the Order Establishing Procedure takes official recognition of a variety of documents, including final orders issued by Florida governmental entities. Final orders are written final decisions resulting from certain administrative proceedings, including decisions affecting substantial interests under section 120.569, Florida Statutes. *See* section

120.52(7), Florida Statutes (definition of “Final order”). Orders granting intervention are not final orders; therefore, it is necessary for FRF to seek their official recognition.

3. Section 90.202(5), Florida Statutes permits judicial notice of “[o]fficial acts of the legislative, executive, and judicial departments of the United States or of any state, territory, or jurisdiction of the United States.” The Florida Public Service Commission is an arm of the legislative branch. *See* section 350.001, Florida Statutes. Therefore, orders granting intervention issued by the Florida Public Service Commission are within the purview of section 90.202(5), Florida Statutes. Accordingly, FRF respectfully requests official recognition of Exhibits A through D attached hereto.

4. Pursuant to the notice requirements in section IV, paragraph H of the Order Establishing Procedure, section 120.569(2)(i), Florida Statutes, and Rule 28-106.213(6), F.A.C, FRF hereby provides notice to the parties of record of FRF’s intent to seek official recognition. Additionally, pursuant to Rule 28-106.204(3), FRF has conferred with the other parties of record and is authorized to represent that Walmart, Inc., the Fuel Retailers, the Florida Industrial Power Users Group, the Florida Energy for Innovation Association, EVgo, Armstrong World Industries, Inc., Commission Staff, the Southern Alliance for Clean Energy, Electrify America, LLC, and Florida Power & Light Company take no position. The Federal Executive Agencies supports the motion. The Office of Public Counsel takes no position at this time but reserves the right to respond. Florida Rising, League of United Latin American Citizens, and Environmental Confederation of Southwest Florida (“FEL”) reserves the right to respond. FRF reached out to by email on September 26, 2025, but did not receive a response from Floridians Against Increased Rates.

WHEREFORE, the Florida Retail Federation respectfully requests that the Commission take official recognition of the following documents, attached hereto as Exhibits A through D:

- Order No. PSC-05-0495-PCO-E1, Order Granting Intervention
- Order No. PSC-09-0217-PCO-EI, Order Granting Petition to Intervene
- Order No. PSC-16-0181-PCO-EI, Order Granting Florida Retail Federation's Petition to Intervene
- Order No. PSC-2021-0134-PCO-EI, Order Granting Florida Retail Federation's Petition to Intervene

Respectfully submitted,

/s/ James W. Brew

James W. Brew

Laura Wynn Baker

Joseph R. Briscar

Sarah B. Newman

Stone Mattheis Xenopoulos & Brew, PC

1025 Thomas Jefferson St, NW

Suite 800 West

Washington, D.C. 20007

(202) 342-0800 (phone)

(202) 342-0807 (fax)

jbrew@smxblaw.com

lwb@smxblaw.com

jrb@smxblaw.com

sbn@smxblaw.com

Attorneys for the Florida Retail Federation

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by electronic mail on this 29th day of September, 2025, to the following:

Office of Public Counsel
Walt Trierweiler/ Mary A. Wessling / Patricia
A. Christensen/ Octavio Ponce/ Austin A.
Watrous
c/o The Florida Legislature
111 W. Madison Street, Suite 812
Tallahassee FL 32399
Trierweiler.walt@leg.state.fl.us
wessling.mary@leg.state.fl.us
christensen.patty@leg.state.fl.us
ponce.octavio@leg.state.fl.us
watrous.austin@leg.state.fl.us

Florida Rising, Inc./ League of United Latin
American Citizens of Florida/ Environmental
Confederation of Southwest Florida, Inc.
Earthjustice
Danielle McManamon
4500 Briscayne Boulevard, Suite 201
Miami, FL 33137
dmcmanamon@earthjustice.org

Floridians Against Increased Rates, Inc.
Gardner, Bist, Bowden, Dee, LaVia, Wright,
Perry & Harper, P.A.
Robert Scheffel Wright/ John T. LaVia, III
1300 Thomaswood Drive
Tallahassee, FL 32308
schef@gbwlegal.com
jlavia@gbwlegal.com

Florida Energy for Innovation Association
Holland & Knight LLP
D. Bruce May/ Kevin W. Cox/ Kathryn Isted
315 South Calhoun St., Suite 600
Tallahassee, FL 32301
bruce.may@hklaw.com
kevin.cox@hklaw.com
kathryn.isted@hklaw.com

Florida Power & Light Company
John T. Burnett/ Maria Jose Moncada/
Christopher T. Wright / William P. Cox/ Joel
T. Baker
700 Universe Boulevard
Juno Beach FL 33408-0420
maria.moncada@fpl.com
john.t.burnett@fpl.com
christopher.wright@fpl.com
will.p.cox@fpl.com
joel.baker@fpl.com

Florida Industrial Power Users Group
Moyle Law Firm, P.A.
Jon C. Moyle, Jr./ Karen A. Putnal
118 North Gadsden Street
Tallahassee FL 32301
jmoyle@moylelaw.com
mqualls@moylelaw.com
kputnal@moylelaw.com

EVgo Services, LLC
Keyes & Fox LLP
Nikhil Vijaykar
Yonatan Moskowitz
580 California Street, 12th Floor
San Francisco CA 94104
nvijaykar@keyesfox.com
ymoskowitz@keyesfox.com

Americans for Affordable Clean Energy, Inc./
Circle K Stores, Inc./ RaceTrac, Inc./ WaWa,
Inc.
Berger Singerman, LLP
Floyd R. Self/ Ruth Vafek
313 North Monroe Street, Suite 301
Tallahassee, FL 32301
fself@bergersingerman.com
rvafek@bergersingerman.com

Walmart Inc.
Spilman Thomas & Battle, PLLC
Stephanie U. Eaton
110 Oakwood Drive, Suite 500
Winston-Salem NC 27103
seaton@spilmanlaw.com

Office of the General Counsel
S. Stiller/ T. Sparks
2540 Shumard Oak Boulevard
Tallahassee FL 32399
sstiller@psc.state.fl.us
tsparks@psc.state.fl.us
discovery-gcl@psc.state.fl.us

Electrify America, LLC
Stephen Bright/Jigar J. Shah
1950 Opportunity Way, Suite 1500
Reston VA 20190
Steve.Bright@electrifyamerica.com
Jigar.Shah@electrifyamerica.com

Armstrong World Industries, Inc.
Duane Morris LLP
Alexander W. Judd
100 Pearl Street, 13th Floor
Hartford, CT 06103
AJudd@duanemorris.com

Florida Power & Light Company
Kenneth A. Hoffman
134 West Jefferson Street
Tallahassee FL 32301-1713
ken.hoffman@fpl.com

Walmart Inc.
Spilman Thomas & Battle, PLLC
Steven W. Lee
1100 Bent Creek Boulevard, Suite 101
Mechanicsburg PA 17050
slee@spilmanlaw.com

Electrify America, LLC/Armstrong World
Industries, Inc.
Duane Morris LLP
Robert E. Montejo
201 S. Biscayne Boulevard, Suite 3400
Miami, FL 33131-4325
REMontejo@duanemorris.com

EVgo Services, LLC
Katelyn Lee/ Lindsey Stegall
1661 E Franklin Avenue
El Segundo, CA 90245
Katelyn.Lee@evgo.com
Lindsey.Stegall@evgo.com

Southern Alliance for Clean Energy
Law Office of William C. Garner, PLLC
William C. Garner
3425 Bannerman Road
Tallahassee FL 32312
bgarner@wcglawoffice.com

/s/ Laura W. Baker

EXHIBIT A

BEFORE THE PUBLIC SERVICE COMMISSION

In re: Petition for rate increase by Florida
Power & Light Company.

DOCKET NO. 050045-EI

In re: 2005 comprehensive depreciation study
by Florida Power & Light Company.

DOCKET NO. 050188-EI

ORDER NO. PSC-05-0495-PCO-EI

ISSUED: May 5, 2005

ORDER GRANTING INTERVENTION

On April 4, 2005, the Florida Retail Federation (FRF) filed a Petition to Intervene in this proceeding. FRF supports its petition for intervention by stating that is an established association with more than 10,000 members in Florida, many of whom are retail customers of Florida Power & Light (FPL). Therefore, FRF asserts that it may be substantially affected by any action the Commission takes in this docket. On April 11, 2005, FPL filed a response to FRF's petition to intervene stating that it had no objection to FRF's participation in this docket.

Upon consideration of FRF's Petition to Intervene, it appears that its substantial interests may be affected by this proceeding. FPL did not express opposition to FRF's request to intervene, and the time for doing so has elapsed. Therefore, the Petition to Intervene shall be granted. Pursuant to Rule 25-22.039, Florida Administrative Code, FRF takes the case as it finds it.

Therefore, it is

ORDERED by the Florida Public Service Commission that the Petition to Intervene filed by the Florida Retail Federation is hereby granted. It is further

ORDERED that all parties to this proceeding shall furnish copies of all testimony, exhibits, pleadings and other documents which may hereinafter be filed in this proceeding, to:


Robert Scheffel Wright, Attorney at Law
John T. LaVia, III, Attorney at Law
Landers & Parsons, P.A.
310 West College Avenue
Tallahassee, Florida 32301
850) 681-0311 Telephone
(850) 224-5595 Facsimile

DOCUMENT NUMBER-DATE

04407 MAY-5 05

FPSC-COMMISSION CLERK

By ORDER of the Florida Public Service Commission this 5th day of May, 2005.


BLANCA S. BAYÓ, Director
Division of the Commission Clerk
and Administrative Services

(S E A L)

JLS

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing or judicial review will be granted or result in the relief sought.

Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

Any party adversely affected by this order, which is preliminary, procedural or intermediate in nature, may request: (1) reconsideration within 10 days pursuant to Rule 25-22.0376, Florida Administrative Code; or (2) judicial review by the Florida Supreme Court, in the case of an electric, gas or telephone utility, or the First District Court of Appeal, in the case of a water or wastewater utility. A motion for reconsideration shall be filed with the Director, Division of the Commission Clerk and Administrative Services, in the form prescribed by Rule 25-22.060, Florida Administrative Code. Judicial review of a preliminary, procedural or intermediate ruling or order is available if review of the final action will not provide an adequate remedy. Such review may be requested from the appropriate court, as described above, pursuant to Rule 9.100, Florida Rules of Appellate Procedure.

EXHIBIT B

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for increase in rates by Florida
Power & Light Company.

DOCKET NO. 080677-EI
ORDER NO. PSC-09-0217-PCO-EI
ISSUED: April 9, 2009

ORDER GRANTING PETITION TO INTERVENE

On November 17, 2008, Florida Power & Light Company (FPL) filed a test year letter, as required by Rule 25-6.140, Florida Administrative Code (F.A.C.), notifying this Commission of its intent to file a petition in the Spring of 2009 for an increase in rates effective January 1, 2010. Pursuant to the provisions of Chapter 366, Florida Statutes (F.S.), and Rules 25-6.0425 and 25-6.043, F.A.C., FPL filed the petition for an increase in rates on March 18, 2009.

Petition for Intervention

By petition dated March 23, 2009, the Florida Retail Federation (FRF) requested permission to intervene in this proceeding. FRF states that it is an association of over 9,000 members, many of whom are FPL retail customers. FRF contends that many of its members' substantial interests will be directly affected by this Commission's decisions regarding FPL's retail electric rates. FRF asserts that the interests it seeks to protect are of sufficient immediacy to warrant intervention, and that its members' interests in having the Commission set rates for FPL that are fair, just, reasonable, and not unduly discriminatory are interests that this rate proceeding is designed to protect. No party has filed an objection to FRF's Petition, and the time for doing so has expired.

Standards for Intervention

Pursuant to Rule 25-22.039, F.A.C., persons, other than the original parties to a pending proceeding, who have a substantial interest in the proceeding, and who desire to become parties may petition for leave to intervene. Petitions for leave to intervene must be filed at least five (5) days before the final hearing, conform with Rule 28-106.201(2), F.A.C., and include allegations sufficient to demonstrate that the intervenor is entitled to participate in the proceeding as a matter of constitutional or statutory right or pursuant to Commission rule, or that the substantial interests of the intervenor are subject to determination or will be affected through the proceeding. Intervenors take the case as they find it.

To have standing, the intervenor must meet the two-prong standing test set forth in AgriCo Chemical Company v. Department of Environmental Regulation, 406 So. 2d 478, 482 (Fla. 2nd DCA 1981). The intervenor must show that (1) he will suffer injury in fact which is of sufficient immediacy to entitle him to a Section 120.57, F.S., hearing, and (2) this substantial injury is of a type or nature which the proceeding is designed to protect. The first aspect of the test deals with the degree of injury. The second deals with the nature of the injury. The "injury in fact" must be both real and immediate and not speculative or conjectural. International Jai-

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FPSC-COMMISSION CLERK

Alai Players Assn. v. Florida Pari-Mutuel Commission, 561 So. 2d 1224, 1225-26 (Fla. 3rd DCA 1990). See also, Village Park Mobile Home Assn., Inc. v. State Dept. of Business Regulation, 506 So. 2d 426, 434 (Fla. 1st DCA 1987), rev. den., 513 So. 2d 1063 (Fla. 1987) (speculation on the possible occurrence of injurious events is too remote).

Further, the test for associational standing was established in Florida Home Builders v. Dept. of Labor and Employment Security, 412 So. 2d 351 (Fla. 1982), and Farmworker Rights Organization, Inc. v. Dept. of Health and Rehabilitative Services, 417 So. 2d 753 (Fla. 1st DCA 1982), which is also based on the basic standing principles established in Agrico. Associational standing may be found where: (1) the association demonstrates that a substantial number of an association's members may be substantially affected by the Commission's decision in a docket; (2) the subject matter of the proceeding is within the association's general scope of interest and activity; and (3) the relief requested is of a type appropriate for the association to receive on behalf of its members.

Analysis & Ruling

It appears that FRF meets the two-prong standing test in Agrico as well as the three-prong associational standing test established in Florida Home Builders. FRF asserts that it is an association of over 9,000 members, many of whom are FPL ratepayers. FRF contends that these members' substantial interests will be affected by this Commission's decision to increase FPL's rates. FRF further states that this is the type of proceeding designed to protect its members' interests. Therefore, FRF's members meet the two-prong standing test of Agrico.

With respect to the first prong of the associational standing test, FRF asserts that its members are customers of FPL and that its members' substantial interests will be directly affected by the Commission's decision to change FPL's rates. With respect to the second prong of the associational standing test, the subject matter of the proceeding appears to be within FRF's general scope of interest and activity. FRF is an association which represents its members' interests, and many of its members are retail electricity customers who purchase power from FPL. Accordingly, FRF's members' interests will be directly affected by the rates this Commission approves for FPL. As for the third prong of the associational standing test, FRF is seeking intervention in this docket to represent the interests of its members in seeking the lowest rates consistent with governing law and policy. Therefore, FRF appears to be in a position to request the Commission to grant relief on behalf of its members.

Because FRF meets the two-prong standing test established in Agrico as well as the three-prong associational standing test established in Florida Home Builders, FRF's petition for intervention shall be granted. Pursuant to Rule 25-22.039, F.A.C., FRF takes the case as it finds it.

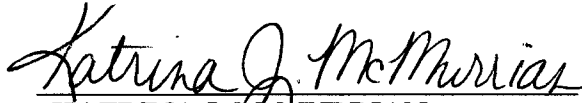
Based on the foregoing, it is

ORDERED by Commissioner Katrina J. McMurrian, as Prehearing Officer, that the Petition to Intervene filed by the Florida Retail Federation is hereby granted as set forth in the body of this Order. It is further

ORDERED that all parties to this proceeding shall furnish copies of all testimony, exhibits, pleadings and other documents which may hereinafter be filed in this proceeding to:

Robert Scheffel Wright, Attorney at Law
John T. LaVia, III, Attorney at Law
Young van Assenderp, P.A.
225 South Adams Street, Suite 200
Tallahassee, Florida 32301
Phone (850) 222-7206
Fax (850) 561-6834

By ORDER of Commissioner Katrina J. McMurrian, as Prehearing Officer, this 9th
day of April, 2009.


KATRINA J. McMURRIAN
Commissioner and Prehearing Officer

(S E A L)

ARW

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing or judicial review will be granted or result in the relief sought.

Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

Any party adversely affected by this order, which is preliminary, procedural or intermediate in nature, may request: (1) reconsideration within 10 days pursuant to Rule 25-22.0376, Florida Administrative Code; or (2) judicial review by the Florida Supreme Court, in the case of an electric, gas or telephone utility, or the First District Court of Appeal, in the case of a water or wastewater utility. A motion for reconsideration shall be filed with the Office of Commission Clerk, in the form prescribed by Rule 25-22.0376, Florida Administrative Code. Judicial review of a preliminary, procedural or intermediate ruling or order is available if review of the final action will not provide an adequate remedy. Such review may be requested from the appropriate court, as described above, pursuant to Rule 9.100, Florida Rules of Appellate Procedure.

EXHIBIT C

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for rate increase by Florida
Power & Light Company.

DOCKET NO. 160021-EI
ORDER NO. PSC-16-0181-PCO-EI
ISSUED: May 4, 2016

ORDER GRANTING FLORIDA RETAIL
FEDERATION'S PETITION TO INTERVENE

On January 15, 2016, Florida Power & Light Company (FPL) filed a test year letter, as required by Rule 25-6.140, Florida Administrative Code (F.A.C.), notifying this Commission of its intent to file a petition between March 15 and March 31, 2016, for an increase in rates effective 2017. Pursuant to the provisions of Chapter 366, Florida Statutes (F.S.), and Rules 25-6.0425 and 25-6.043, F.A.C., FPL filed its Minimum Filing Requirements and testimony on March 15, 2016. The hearing for the FPL rate case is scheduled on August 22 through September 2, 2016.

Petition for Intervention

By petition dated April 26, 2016, the Florida Retail Federation (FRF) filed its Petition to Intervene (Petition). FRF states that it is an association with more than 8,000 members many of whom are retail customers of FPL. FRF asserts that its interests are of the type that this proceeding is designed to protect since this proceeding is to evaluate FPL's request for a rate increase phased in over a four year period and determine if it has merit. Therefore, the purpose of the hearing coincides with FRF's substantial interests, which is to ensure that the rates its members pay for electrical service from FPL are just and reasonable.

Standards for Intervention

Pursuant to Rule 25-22.039, F.A.C.,

Persons, other than the original parties to a pending proceeding, who have a substantial interest in the proceeding, and who desire to become parties may petition the presiding officer for leave to intervene. Petitions for leave to intervene must be filed at least five (5) days before the final hearing, must conform with Uniform subsection 28-106.201(2), F.A.C., and must include allegations sufficient to demonstrate that the intervenor is entitled to participate in the proceeding as a matter of constitutional or statutory right or pursuant to Commission rule, or that the substantial interests of the intervenor are subject to determination or will be affected through the proceeding....

To have standing, the intervenor must meet the two-prong standing test set forth in Agrico Chemical Company v. Department of Environmental Regulation, 406 So. 2d 478, 482 (Fla. 2nd DCA 1981). The intervenor must show that (1) he will suffer injury in fact which is of

sufficient immediacy to entitle him to a Section 120.57, F.S., hearing, and (2) this substantial injury is of a type or nature which the proceeding is designed to protect. The first prong of the test addresses the degree of injury. The second addresses the nature of the injury. The “injury in fact” must be both real and immediate and not speculative or conjectural. International Jai-Alai Players Assn. v. Florida Pari-Mutuel Commission, 561 So. 2d 1224, 1225-26 (Fla. 3rd DCA 1990). See also, Village Park Mobile Home Assn., Inc. v. State Dept. of Business Regulation, 506 So. 2d 426, 434 (Fla. 1st DCA 1987), rev. den., 513 So. 2d 1063 (Fla. 1987) (speculation on the possible occurrence of injurious events is too remote).

The test for associational standing was established in Florida Home Builders v. Dept. of Labor and Employment Security, 412 So. 2d 351 (Fla. 1982), and Farmworker Rights Organization, Inc. v. Dept. of Health and Rehabilitative Services, 417 So. 2d 753 (Fla. 1st DCA 1982), which is also based on the basic standing principles established in Agrico. Associational standing may be found where: (1) the association demonstrates that a substantial number of an association’s members may be substantially affected by the Commission’s decision in a docket; (2) the subject matter of the proceeding is within the association’s general scope of interest and activity; and (3) the relief requested is of a type appropriate for the association to receive on behalf of its members.

Analysis & Ruling

Based upon a review of the materials provided by FRF, it appears that FRF meets the two-prong standing test in Agrico as well as the three-prong associational standing test established in Florida Home Builders. FRF’s members’ substantial interests are affected since increases in the cost of electricity directly affect their electric bills. This proceeding is to determine the just and reasonable electric rates to be charged by FPL. Therefore, FRF’s members meet the two-prong standing test of Agrico.

With respect to the first prong of the associational standing test, FRF asserts that a substantial number of its members are located in FPL’s service area and receive retail electric service from FPL, for which they are charged FPL’s applicable service rates. Accordingly, FRF states that its members will be substantially affected by this Commission’s determination in this rate proceeding. With respect to the second prong of the associational standing test, the subject matter of the proceeding appears to be within FRF’s general scope of interest and activity. FRF is an association which acts as an advocate on behalf of its members on several social and economic issues, including electric utility rates. As for the third prong of the associational standing test, FRF seeks intervention in this docket to represent the interests of its members, as FPL retail customers, in seeking reliable service and the lowest rates possible. The relief requested by FRF is of a type appropriate for an association to obtain on behalf of its members.

Because FRF meets the two-prong standing test established in Agrico as well as the three-prong associational standing test established in Florida Home Builders, FRF’s petition for intervention shall be granted. Pursuant to Rule 25-22.039, F.A.C., FRF takes the case as it finds it.

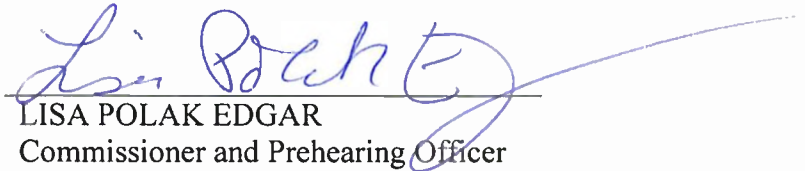
Based on the foregoing, it is

ORDERED by Commissioner Lisa Polak Edgar, as Prehearing Officer, that the Petition to Intervene filed by the Florida Retail Federation is hereby granted as set forth in the body of this Order. It is further

ORDERED that all parties to this proceeding shall furnish copies of all testimony, exhibits, pleadings and other documents which may hereinafter be filed in this proceeding to:

Robert Scheffel Wright
John T. LaVia, III
Gardner, Bist, Bowden, Bush, Dee, LaVia & Wright, P.A.
1300 Thomaswood Drive
Tallahassee, Florida 32308
(850) 222-4082
schef@gbwlegal.com
jlavia@gbwlegal.com

By ORDER of Commissioner Lisa Polak Edgar, as Prehearing Officer, this 4th day
of May, 2016.


LISA POLAK EDGAR
Commissioner and Prehearing Officer
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399
(850) 413-6770
www.floridapsc.com

Copies furnished: A copy of this document is provided to the parties of record at the time of issuance and, if applicable, interested persons.

SBr

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing or judicial review will be granted or result in the relief sought.

Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

Any party adversely affected by this order, which is preliminary, procedural or intermediate in nature, may request: (1) reconsideration within 10 days pursuant to Rule 25-22.0376, Florida Administrative Code; or (2) judicial review by the Florida Supreme Court, in the case of an electric, gas or telephone utility, or the First District Court of Appeal, in the case of a water or wastewater utility. A motion for reconsideration shall be filed with the Office of Commission Clerk, in the form prescribed by Rule 25-22.0376, Florida Administrative Code. Judicial review of a preliminary, procedural or intermediate ruling or order is available if review of the final action will not provide an adequate remedy. Such review may be requested from the appropriate court, as described above, pursuant to Rule 9.100, Florida Rules of Appellate Procedure.

EXHIBIT D

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for rate increase by Florida
Power & Light Company.

DOCKET NO. 20210015-EI
ORDER NO. PSC-2021-0134-PCO-EI
ISSUED: April 16, 2021

ORDER GRANTING FLORIDA RETAIL
FEDERATION'S PETITION TO INTERVENE

On March 12, 2021, Florida Power & Light Company (FPL) filed a petition, minimum filing requirements, and testimony for a base rate increase effective January 2022. As part of its request, FPL is seeking to consolidate its rates with those of Gulf Power Company (Gulf), which was recently acquired by FPL's parent company. Pursuant to Order No. PSC-2021-0116-PCO-EI, issued March 24, 2021, the hearing for the FPL rate case is scheduled on August 16 through August 27, 2021.

Petition for Intervention

On March 10, 2021, the Florida Retail Federation (FRF) filed its Petition to Intervene (Petition). FRF states that it is an association with more than 8,000 members, many of whom are retail customers of FPL and the former Gulf Power Company (Gulf Power). FRF asserts that its interests are of the type that this proceeding is designed to protect since this proceeding is to evaluate FPL's request for a rate increase phased in over a four year period and determine if it has merit. Further, this case will decide whether to allow FPL and Gulf Power to consolidate the base rates and rate schedules of the two companies as well as how any rate transition mechanism should be fashioned for migrating Gulf Power customers. Therefore, the purpose of the hearing coincides with FRF's substantial interests, which are to ensure that its members receive reliable electric service from FPL and Gulf Power and that the rates they pay are just and reasonable. FRF represents that FPL, the Office of Public Counsel and Florida Industrial Power Users' Group do not object to its Petition and the League of United Latin American Citizens of Florida, the Environmental Confederation of Southwest Florida, Inc., and Florida Rising take no position. Consistent with this representation, no written objections to FRF's Petition have been filed and the time for doing so has expired.

Standard for Intervention

Pursuant to Rule 28-106.205, F.A.C., persons, other than the original parties to a pending proceeding, who have a substantial interest in the proceeding and who desire to become parties may move for leave to intervene. Motions for leave to intervene must be filed at least twenty (20) days before the final hearing, must comply with Rule 28-106.204(3), F.A.C., and must include allegations sufficient to demonstrate that the intervenor is entitled to participate in the proceeding as a matter of constitutional or statutory right or pursuant to Commission Rule, or that the substantial interests of the intervenor are subject to determination or will be affected through the proceeding. Intervenors take the case as they find it.

To have standing, the intervenor must meet the three-prong standing test set forth in Florida Home Builders Association v. Department of Labor and Employment Security, 412 So. 2d 351, 353-54 (Fla. 1982), and Farmworker Rights Organization, Inc. v. Department of Health and Rehabilitative Services, 417 So. 2d 753, 754 (Fla. 1st DCA 1982), which is based on the basic standing principles established in Agrico Chemical Company v. Department of Environmental Regulation, 406 So. 2d 478, 481-82 (Fla. 2d DCA 1981).¹ Associational standing may be found where: (1) the association demonstrates that a substantial number of an association's members may be substantially affected by the Commission's decision in a docket; (2) the subject matter of the proceeding is within the association's general scope of interest and activity; and (3) the relief requested is of a type appropriate for the association to receive on behalf of its members. Fla. Home Builders, 412 So. 2d at 353-54; Farmworker Rights Org., 417 So. 2d at 754.

Analysis & Ruling

Based upon a review of the materials provided by FRF, it appears that FRF meets the associational standing test established in Florida Home Builders. With respect to the first prong of the associational standing test, FRF asserts that a substantial number of its members are located in FPL's and Gulf's service areas and receive retail electric service from FPL and Gulf, for which they are charged FPL's/Gulf's applicable service rates. Accordingly, FRF states that its members will be substantially affected by this Commission's determination in this rate and base rate consolidation proceeding. With respect to the second prong of the associational standing test, the subject matter of the proceeding appears to be within FRF's general scope of interest and activity. FRF is an association which acts as an advocate on behalf of its members on several social and economic issues, including electric utility rates. As for the third prong of the associational standing test, FRF seeks intervention in this docket to represent the interests of its members, as FPL and Gulf customers, in seeking reliable service and the lowest rates possible. The relief requested by FRF is of a type appropriate for an association to obtain on behalf of its members.

Because FRF meets the three-prong associational standing test established in Florida Home Builders, FRF's petition for intervention shall be granted. Pursuant to Rule 28-106.205, F.A.C., FRF takes the case as it finds it.

Based on the foregoing, it is

¹ Under Agrico, the intervenor must show that (1) he will suffer injury in fact which is of sufficient immediacy to entitle him to a Section 120.57, F.S., hearing, and (2) the substantial injury is of a type or nature which the proceeding is designed to protect. The first aspect of the test deals with the degree of injury. The second deals with the nature of the injury. 406 So. 2d 478 at 482. The "injury in fact" must be both real and immediate and not speculative or conjectural. International Jai-Alai Players Assn. v. Florida Pari-Mutuel Commission, 561 So. 2d 1224, 1225-26 (Fla. 3d DCA 1990). See also: Village Park Mobile Home Assn., Inc. v. State Dept. of Business Regulation, 506 So. 2d 426, 434 (Fla. 1st DCA 1987), rev. den., 513 So. 2d 1063 (Fla. 1987) (speculation on the possible occurrence of injurious events is too remote).

ORDERED by Chairman Gary F. Clark, as Prehearing Officer, that the Petition to Intervene filed by the Florida Retail Federation is hereby granted as set forth in the body of this Order. It is further

ORDERED that the Florida Retail Federation takes the case as it finds it. It is further

ORDERED that all parties to this proceeding shall furnish copies of all testimony, exhibits, pleadings and other documents which may hereinafter be filed in this proceeding to:

James W. Brew
Laura Wynn Baker
Joseph R. Briscar
Stone Mattheis Xenopoulos & Brew, PC
1025 Thomas Jefferson Street, NW
Suite 800 West
Washington, D.C. 20007
(202) 342-0800 (phone)
(202) 342-0807 (fax)
jbrew@smxblaw.com
lwb@smxblaw.com
jrb@smxblaw.com

By ORDER of Chairman Gary F. Clark, as Prehearing Officer, this 16th day of April, 2021.



GARY F. CLARK
Chairman and Prehearing Officer
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399
(850) 413-6770
www.floridapsc.com

Copies furnished: A copy of this document is provided to the parties of record at the time of issuance and, if applicable, interested persons.

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing or judicial review will be granted or result in the relief sought.

Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

Any party adversely affected by this order, which is preliminary, procedural or intermediate in nature, may request: (1) reconsideration within 10 days pursuant to Rule 25-22.0376, Florida Administrative Code; or (2) judicial review by the Florida Supreme Court, in the case of an electric, gas or telephone utility, or the First District Court of Appeal, in the case of a water or wastewater utility. A motion for reconsideration shall be filed with the Office of Commission Clerk, in the form prescribed by Rule 25-22.0376, Florida Administrative Code. Judicial review of a preliminary, procedural or intermediate ruling or order is available if review of the final action will not provide an adequate remedy. Such review may be requested from the appropriate court, as described above, pursuant to Rule 9.100, Florida Rules of Appellate Procedure.