

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for Rate Increase by Florida
Power & Light Company

Docket No. 20250011-EI

FUEL RETAILERS' POST-HEARING BRIEF

Pursuant to Rules 28-106.215 and 28-106.307, Florida Administrative Code, Commission Order Nos. PSC-2025-0075-PCO-EI, PSC-2025-0304-PCO-EI, PSC-2025-0323-PCO-EI, and PSC-2025-0345-PCO-EI, and the Prehearing Officer's direction at the conclusion of the evidentiary hearing, Intervenor Americans for Affordable Clean Energy, Inc. ("AACE"), Circle K Stores, Inc. ("Circle K"), RaceTrac Inc. ("RaceTrac"), and Wawa, Inc. ("Wawa") (hereinafter, collectively, "Fuel Retailers"), hereby submit their joint Post-Hearing Brief in this matter.

I. Introduction

The Fuel Intervenor sought intervention in this matter for two principal reasons. First, the individual fuel retailer companies that are members of AACE are electric retail customers of FPL, so any decision on future rates will impact them. Second, Florida Power and Light Company ("FPL") made several proposals regarding electric vehicle ("EV") charging services and tariffs that directly and indirectly impact those Fuel Retailers who now or in the future may offer EV charging services to the public. Fialkov, Direct Testimony at 6, L. 4 through 7, L. 5 TR. 4193-4194.

The Fuel Retailers ultimately joined in the Joint Motion for Approval of the 2025 Stipulation and Settlement Agreement (the "Proposed Settlement Agreement") filed on August 20, 2025, by FPL, and which was joined by multiple other parties, because the Proposed Settlement

Agreement substantially and materially addressed the issues of concern and importance to the Fuel Retailers. But more importantly, the Fuel Retailers believe that the overall terms of the Proposed Settlement Agreement are in the public interest for all of FPL's customers and not just the signatory parties, and therefore it should be approved.

For the reasons stated herein and in the Post Hearing Brief of FPL, which the Fuel Retailers adopt and incorporate herein as stated below, the Fuel Retailers believe there is competent substantial evidence of record supporting the approval of the Proposed Settlement Agreement and that it is in the public interest. Overall, the Fuel Retailers adopt the post hearing brief of FPL, including the FPL Introduction and Summary, but on a few select issues the Fuel Retailers will provide some additional supporting information, as is indicated below.

II. STANDARD OF REVIEW

The Fuel Retailers adopt the FPL position on the Standard of Review that governs these proceedings, and specifically the standard of review for a settlement agreement not executed by all the parties.

III. THE PROPOSED SETTLEMENT IS IN THE PUBLIC INTEREST

The Fuel Retailers adopt the FPL legal argument and analysis on why the Proposed Settlement Agreement is in the public interest as follows.

A. Overview of the Proposed Settlement.

Fuel Retailers Position: Adopt FPL Position.

B. Major Elements of the Proposed Settlement Agreement.

ISSUE 1:

Fuel Retailers Position: Adopt FPL Position.

ISSUE 2:

Fuel Retailers Position: Adopt FPL Position.

ISSUE 3:

Fuel Retailers Position: Adopt FPL Position.

ISSUE 4:

Fuel Retailers Position: Adopt FPL Position.

ISSUE 5:

Fuel Retailers Position: Adopt FPL Position.

ISSUE 6:

Fuel Retailers Position: Adopt FPL Position.

ISSUE 7:

Fuel Retailers Position: Adopt FPL Position.

ISSUE 8:

Fuel Retailers Position: Adopt FPL Position.

ISSUE 9: Electric Vehicle Charging Programs

Fuel Retailers Position: The Fuel Retailers completely agree and support the compromises made by the settlement parties on the EV issues, and adopt the FPL Position.

To further support and reinforce the FPL brief on the EV charging issues, the Fuel Retailers note that some of the individual Fuel Retailers are already taking service under the Electric Vehicle Charging Infrastructure Rider (GSD-1EV) and the Electric Vehicle Charging Infrastructure Rider (GSLD-1EV) that will now be made permanent. Fialkov, Direct Testimony at 19, L. 10-19, TR. 4206. In addition, FPL will add a new third demand delimiter tariff service, the GSLD-2EV Tariff, Sheet No. 8.413, for customers exceeding 2,000 kW demand. These services will allow the Fuel

Retailers to continue to offer EV charging services to the traveling public. These tariff filings should be approved.

Moreover, the establishment of the Make-Ready program is a significant positive benefit for the traveling public, including FPL's ratepayers, that will further build on the different but still valuable Make-Ready program the Commission approved last year for Duke Energy Florida. Walters, Direct Testimony at 13, L. 14, through 15, L. 2, TR. 4089-4091 (Docket No. 20240025, PSC-2024-0472-AS-EI, November 12, 2024). The EV charging market is a highly competitive business, and it is far better for FPL to support EV charging through a make-ready tariff that supports private investment in EV charging rather than for FPL to invest in public charging stations at ratepayer expense. Fialkov, Direct Testimony 13, L. through 14, l. 14, TR. 4200-4201. A make-ready program is superior to continued FPL investment in EV chargers, which under the Proposed Settlement Agreement, FPL will not expand beyond the currently approved EV chargers:

Through make-ready programs, utilities are fully leveraging private market investment and expertise to deploy a robust charging network that serves drivers' needs. By incentivizing more third-party investments in charging infrastructure, make-ready programs increase electrification to generate benefits, such as a downward pressure on rates for all of the utility's customers regardless of whether they drive or ride EVs.

Walters, Direct Testimony at 19, L. 1-5, TR. 4095. Moreover, the fuel retail industry

is a diverse, well-capitalized, sophisticated, and evolving industry that is already strategically positioned to meet the needs of EV drivers, particularly those traveling on the Interstate System. The industry caters to the entire traveling public, including the local population's fueling and grocery staple needs. Fuel retailers are well positioned to deliver the amenities that EV charging customers need and are constantly innovating to ensure their offerings meet evolving customer needs.

Fialkov, Direct Testimony at 16, L. 10-17, TR. 4203.

But the real benefit of this make-ready program is that *it costs ratepayers nothing* – under the Proposed Settlement Agreement, the increased rates for FPL's EV public chargers will increase

more than what FPL originally proposed in its filed case. This will help to ensure that if the Commission approves the Proposed Settlement Agreement, the costs of the FPL Make-Ready program will ultimately be recovered through the rates FPL charges for use of its public chargers in addition to also recovering the full costs of the FPL EV public charging program. *See* FPL witness Oliver's Exhibit TO-10 filed with his direct settlement testimony on September 3, 2025. This is a real win-win scenario for FPL's ratepayers, and far superior to what FPL originally proposed. The Proposed Settlement Agreement on the EV charging issues should be approved.

ISSUE 10:

Fuel Retailers Position: Adopt FPL Position.

ISSUE 11:

Fuel Retailers Position: Adopt FPL Position.**ISSUE 12:**

Fuel Retailers Position: Adopt FPL Position.

ISSUE 13:

Fuel Retailers Position: Adopt FPL Position.

ISSUE 14:

Fuel Retailers Position: Adopt FPL Position.

ISSUE 15:

Fuel Retailers Position: Adopt FPL Position.

ISSUE 16:

Fuel Retailers Position: Adopt FPL Position.

ISSUE 17:

Fuel Retailers Position: Adopt FPL Position.

ISSUE 18:

Fuel Retailers Position: Adopt FPL Position.

ISSUE 19:

Fuel Retailers Position: Adopt FPL Position.

ISSUE 20:

Fuel Retailers Position: Adopt FPL Position.

ISSUE 21:

Fuel Retailers Position: Adopt FPL Position.

ISSUE 22:

Fuel Retailers Position: Adopt FPL Position.

ISSUE 23:

Fuel Retailers Position: Adopt FPL Position.

ISSUE 24:

Fuel Retailers Position: Adopt FPL Position.

ISSUE 25:

Fuel Retailers Position: Adopt FPL Position.

ISSUE 26:

Fuel Retailers Position: Adopt FPL Position.

C. Legal Issues

ISSUE 1: Standing to Intervene.

Fuel Retailers Position: No party challenged the standing of AACE, Wawa, RaceTrac, or Circle K, and each of these parties meets the applicable standing requirements for an association (AACE) that represents FPL customers, or as individual electric service customers of FPL (Wawa, RaceTrac, and Circle K), each of whom are also member of AACE. The Fuel Retailers' Petition to Intervene in this docket filed on June 9, 2025, sufficiently establishes the legal standing of each of the Fuel Retailers, and Order No. PSC-2025-0221-PCO-EI accepted such pleading statements subject to an objection, which has not been raised by any party in this docket. Moreover, the

prefiled Direct Testimony of the Fuel Retailers' witness, Mr. David Fialkov provides further testimonial evidence supporting the intervention of each of the four Fuel Retailers, thus meeting the standing requirements of Florida law. Fialkov, Direct Testimony at 1, L. 5 through 4, L. 6, TR. 4188-4191. Accordingly, there is no basis for denial of intervention and party status for AACE, Wawa, RaceTrac, and Circle K, and the Commission should confirm such standing in its final order in this docket.

ISSUE 2:

Fuel Retailers Position: Adopt FPL Position.

ISSUE 3:

Fuel Retailers Position: Adopt FPL Position.

ISSUE 4:

Fuel Retailers Position: Adopt FPL Position.

ISSUE 5:

Fuel Retailers Position: Adopt FPL Position.

ISSUE 6:

Fuel Retailers Position: Adopt FPL Position.

ISSUE 7:

Fuel Retailers Position: Adopt FPL Position.

D. Factors the Commission Must Consider Pursuant to FAIR

ISSUE 1:

Fuel Retailers Position: Adopt FPL Position.

ISSUE 2:

Fuel Retailers Position: Adopt FPL Position.

ISSUE 3:

Fuel Retailers Position: Adopt FPL Position.

ISSUE 4:

Fuel Retailers Position: Adopt FPL Position.

E. Discretionary Factors that the Commission May Consider Pursuant to FAIR

ISSUE 1:

Fuel Retailers Position: Adopt FPL Position.

ISSUE 2:

Fuel Retailers Position: Adopt FPL Position.

ISSUE 3:

Fuel Retailers Position: Adopt FPL Position.

ISSUE 4:

Fuel Retailers Position: Adopt FPL Position.

ISSUE 5:

Fuel Retailers Position: Adopt FPL Position.

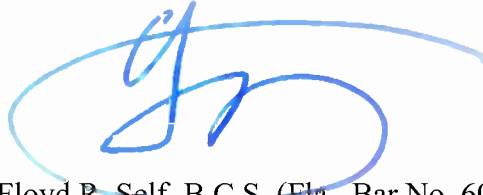
IV. CONCLUSION

The Proposed Settlement Agreement is a compromise and settlement among most but not all parties. Based upon the foregoing, the information provided by FPL and the other settlement parties, and the evidence of record in this matter, the Proposed Settlement Agreement meets the public interest standard and it is in the best interests of all of the FPL ratepayers, including those who did not sign on to the Proposed Settlement Agreement. The Proposed Settlement Agreement is supported by competent substantial evidence of record, and represents a far, far better outcome

than FPL's original case and also a better total case resolution than has been proposed by the non-signatory parties. Accordingly, the Commission should approve the Proposed Settlement Agreement.

Dated this 10th day of November 2025.

Respectfully submitted,

A handwritten signature in blue ink, appearing to be 'F. Self', enclosed within a large, loopy blue oval stroke.

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of foregoing has been served by electronic mail to the following on this 11th day of November 2024:

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