Christopher T. Wright
Assistant General Counsel
Florida Power & Light Company
700 Universe Blvd (LAW/JB)
Juno Beach, FL 33408-0420
Phone: (561) 691-7144
E-mail: Christopher.Wright@fpl.com
Florida Authorized House Counsel;
Admitted in Pennsylvania

February 13, 2026

VIA ELECTRONIC FILING

Mr. Adam J. Teitzman
Commission Clerk
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

Re: Docket No. 20250011-EI
In re: Petition for Rate Increase by Florida Power & Light Company –
FPL Response to Non-Settling Parties' Motion for Reconsideration

Dear Mr. Teitzman:

Enclosed for filing in the above-referenced matter, please find Florida Power & Light Company's Response in opposition to the Joint Motion for Reconsideration filed by the Office of Public Counsel, Florida Rising, Inc., LULAC Florida, Inc., Environmental Confederation of Southwest Florida, Inc., and Floridians Against Increased Rates, Inc., seeking reconsideration of Commission Order No. PSC-2026-0022-S-EI.

Copies of this filing are being electronically served on all parties of record as reflected in the attached Certificate of Service

If you or your staff have any questions regarding this filing, please contact me at (561) 691-7144.

Respectfully submitted,

/s/ Christopher T. Wright
Christopher T. Wright
Fla. Auth. House Counsel No. 1007055

Enclosures

cc: Kenneth A. Hoffman, Vice President, Regulatory Affairs
Certificate of Service

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for Rate Increase by Florida Power & Light Company	Docket No. 20250011-EI Filed: February 13, 2026

FLORIDA POWER & LIGHT COMPANY'S RESPONSE IN OPPOSITION TO THE JOINT MOTION OF OPC, FEL, AND FAIR FOR RECONSIDERATION OF THE COMMISSION'S FINAL ORDER

Florida Power & Light Company ("FPL"), pursuant to Rule 25-22.060(3), Florida Administrative Code, hereby submits this Response in opposition to the Joint Motion ("Motion") of the Office of Public Counsel ("OPC"), Florida Rising, Inc., LULAC Florida, Inc., Environmental Confederation of Southwest Florida, Inc. ("FEL"), and Floridians Against Increased Rates, Inc. (collectively, herein referred to as the "Non-Settling Parties" or "NSPs") requesting the Florida Public Service Commission ("Commission") reconsider Order No. PSC-2026-0022-S-EI (the "Final Order"), which approved the Stipulation and Settlement Agreement filed in the above-referenced docket on August 20, 2025 (the "2025 Settlement Agreement").

Reconsideration is extraordinary and narrow, and the burden is on the movant to identify a specific point of fact or law the Commission overlooked in the record. Here, the NSPs fail to identify any point of fact or law that was overlooked or that the Commission failed to consider in rendering its Final Order and finding that the 2025 Settlement Agreement, when taken as a whole, is in the public interest and results in rates that are fair, just, and reasonable. Moreover, even assuming, *arguendo*, that their request met the standard required for reconsideration, which it does not, the NSPs' arguments are wholly without merit, inappropriately attempt to rewrite the reconsideration standard and convert Rule 25-22.060 into an open-ended "do-over" mechanism – contrary to law and administrative finality, and would not result in a material change to the Final Order's outcome. For these reasons, as further explained below, the NSPs' request for

reconsideration of the Final Order fails the legal threshold required to warrant reconsideration and, therefore, the NSPs' request for reconsideration should be denied and the well-reasoned Final Order should be affirmed. In further support, FPL states as follows.

I. BACKGROUND

1. On February 28, 2025, FPL petitioned the Commission for approval of a fully forecasted four-year rate plan to run from January 1, 2026 through December 31, 2029.

2. The parties submitted multiple rounds of testimony and FPL responded to a total of 4,093 discovery requests, including subparts and discovery requests with multiple embedded questions, as well as depositions of each FPL witness, with most being deposed multiple times.

3. Following these extensive efforts, on August 20, 2025, FPL, Florida Industrial Power Users Group, Florida Retail Federation, Florida Energy for Innovation Association, Inc., Walmart Inc., EVgo Services, LLC, Electrify America, LLC, Federal Executive Agencies, Armstrong World Industries, Inc., SACE, and Americans for Affordable Clean Energy, Inc., Circle K Stores, Inc., RaceTrac Inc., and Wawa, Inc. (hereinafter, collectively referred to as the "Signatories") filed a Joint Motion for approval of the 2025 Settlement Agreement as full and complete resolution of all matters pending in Docket No. 20250011-EI in accordance with Section 120.57(4), Florida Statutes. Each element of the 2025 Settlement Agreement is part of a comprehensive agreement that reflects a carefully balanced compromise of many differing and competing positions by parties representing a broad range of interests and customers.

4. In Order No. PSC-2025-0345-PCO-EI issued on September 12, 2025, the Prehearing Officer, among other things, established 29 major elements of the 2025 Settlement Agreement that were appropriate for Commission consideration in this docket and governed the hearing and post-hearing events in this docket. The Prehearing Officer also noted that no parties

objected to these 29 major elements of the 2025 Settlement Agreement, and that other proposed arguments and issues were properly subsumed in and could be addressed under one or more of the major elements of the 2025 Settlement Agreement.[1]

5. The Commission held evidentiary hearings on October 6-10 and 13-16, 2025, which included both a full hearing on FPL's original as-filed four-year rate plan and a full hearing on the 2025 Settlement Agreement. At the hearing, the testimony of 52 witnesses and 862 exhibits were admitted into the record. During the hearings, parties' witnesses were subject to extensive cross examination on both FPL's original as-filed four-year rate plan and the four-year rate plan under the 2025 Settlement Agreement, which resulted in a hearing transcript over 5,200 pages.

6. On November 10, 2025, multiple parties filed voluminous post-hearing briefs summarizing their respective positions and arguments for the Commission's consideration. On November 14, 2025, Commission Staff issued a Summary and Analysis providing a detailed summary of the record evidence and arguments of the parties on each of the major elements of the 2025 Settlement Agreement and legal issues that were before the Commission.[2]

7. The Commission conducted a Special Agenda Conference on November 20, 2025, to consider the 2025 Settlement Agreement. At that Special Agenda Conference, the Commissioners unanimously voted to approve the 2025 Settlement Agreement.

8. On January 22, 2026, the Commission issued the Final Order memorializing the Commissioners vote, detailing the major elements of the 2025 Settlement Agreement, and

[1] In the Final Order, major elements numbered 3 and 4 (2026 Base Rate Adjustments and 2027 Base Rate Adjustments) were consolidated into a single element, which resulted a total of twenty-eight major elements of the 2025 Settlement Agreement.

[2] *See* Document No. 15095-2025 in Docket No. 20250011-EI.

providing reasoned explanation as to why the 2025 Settlement Agreement is in the public interest and results in rates that are fair, just, and reasonable.

9. Throughout this process, the NSPs had a full and fair opportunity – thousands of discovery responses, multiple depositions, significant cross-examination on both the original as-filed case and the 2025 Settlement Agreement, and detailed briefing – to litigate their issues. Notwithstanding, on February 6, 2026, the NSPs filed their request for reconsideration of the Final Order, alleging that the Commission overlooked or failed to consider six legal or factual elements that the NSPs claim warrant reconsideration.

10. FPL herein files this Response to the NSPs' request for reconsideration of the Final Order. For the reasons explained below, the NSPs' Motion fails to meet the legal threshold required for reconsideration and, therefore, their request for reconsideration of the Final Order must be denied.

II. LEGAL STANDARD FOR RECONSIDERATION

11. Pursuant to Rule 25-22.060(1)(a), Florida Administrative Code, "Any party to a proceeding who is adversely affected by an order of the Commission may file a motion for reconsideration of that order." However, reconsideration is not a vehicle to reweigh evidence, raise new theories, or supplement the record.

12. The Commission has explained the well-established standard for reconsideration as follows:

> The appropriate standard of review for reconsideration of a Commission order is whether the motion identifies a point of fact or law that we overlooked or failed to consider in rendering the order under review. *See Stewart Bonded Warehouse, Inc. v. Bevis*, 294 So. 2d 315 (Fla. 1974); *Diamond Cab Co. v. King*, 146 So. 2d 889 (Fla. 1962); and *Pingree v. Quaintance*, 394 So. 2d 162 (Fla. 1st DCA 1981). It is not appropriate to reargue matters that have already been

> considered. *Sherwood v. State*, 111 So. 2d 96 (Fla. 3d DCA 1959); citing *State ex. rel. Jaytex Realty Co. v. Green*, 105 So. 2d 817 (Fla. 1st DCA 1958). Furthermore, a motion for reconsideration should not be granted "based upon an arbitrary feeling that a mistake may have been made, but should be based upon specific factual matters set forth in the record and susceptible to review." *Stewart Bonded Warehouse, Inc.*, 294 So. 2d at 317.

In re: Petition for rate increase by Florida City Gas, Docket No. 20220069-GU, Order No. PSC-2023-0299-FOF-GU at 3, 2023 FLA. PUC LEXIS 290 (FPSC Oct. 2, 2023).[3]

13. Thus, the "mere fact that a party disagrees with the order is not a basis for rearguing the case" and "reweighing the evidence is not a sufficient rationale for granting reconsideration." *In re: Petition for arbitration of amendment to interconnection agreements with certain competitive local exchange carriers and commercial mobile radio service providers in Florida by Verizon Florida Inc.*, Docket No. 040156-TP, Order No. PSC-06-0078-FOF-TP, 2006 Fla. PUC LEXIS 51 at *3 (FPSC Feb. 3, 2006) (citing *Diamond Cab*, 146 So. 2d 889 and *Jaytex Realty Co.*, 105 So. 2d 817).

14. A request for reconsideration must "be based upon specific factual matters set forth in the record and susceptible to review." *In re: Petition by BellSouth Telecommunications, Inc. for arbitration of certain issues in interconnection agreement with Supra Telecommunications and Information Systems, Inc.*, Docket No. 001305-TP, Order No. PSC-02-0878-FOF-TP, 2002 Fla. PUC LEXIS 622 at *24 (FPSC July 1, 2022) (quoting *Stewart Bonded*, 294 So. 2d at 317). Consistent with the legal requirement that the request for reconsideration must be grounded in the record evidence, the Commission has explained that "[a] motion for reconsideration is not an appropriate vehicle … to introduce new evidence…." *In Re: Application for Amendment of*

[3] *See also In re: Application for certificate to provide wastewater service in Charlotte County, by Environmental Utilities, LLC*, Docket No. 20200226-SU, Order No. PSC-2021-0240-FOF-SU at 2, (FPSC July 1, 2021) (same); *In re: Petition for rate increase by Florida Power & Light Company*, Docket No. 20210015-EI, Order No. PSC-2021-0364-FOF-EI at 2 (FPSC Sept. 17, 2021) (same).

Certificates Nos. 298-W and 248-S in Lake County by JJ's Mobile Homes, Inc., Order No. PSC-94-1563-PCO-WS, Docket Nos. 921237-WS and 940264-WS (FPSC Dec. 15, 1994) (emphasis added).

15. Further, a motion for reconsideration is not a vehicle to raise new arguments or issues not previously raised by the moving party. *In Re: Application for rate increase in Flagler County by Palm Coast Utility Corporation*, Docket No. 951056-WS, Order No. PSC-97-0388-FOF-WS, 1997 Fla. PUC LEXIS 402 at *25 (FPSC Apr. 7, 1997) (citing *Diamond Cab*).[4] A party that raises an argument or issue for the first time in a motion for reconsideration has not identified anything that the Commission overlooked or failed to consider in rendering its decision.[5]

[4] The NSPs' reliance on *Citizens of State v. Clark*, 373 So. 3d 1128 (Fla. 2023) for the proposition that new arguments can be raised for the first time on reconsideration is not only misplaced, but also a mischaracterization of the Court's holding. In *Clark*, alleged legal errors appeared for the first time in the Commission's final order. Specifically, the OPC filed a motion for reconsideration asserting that reconsideration was warranted because the Commission overlooked that consideration of mitigating factors was not authorized by law. Notably, this request by OPC was a classic example of reconsideration due to the Commission overlooking a point of law in its final order. Nonetheless, the OPC subsequently withdrew its motion for reconsideration and filed an appeal. On appeal, the Court concluded that OPC failed to properly preserve its issues for appeal when a claimed legal error appeared for the first time in a Commission's final order and OPC filed a motion for reconsideration and then voluntarily "withdrew the motion without giving the Commission a fair opportunity to correct the alleged errors raised in the motion." *Clark*, at 1132. The Court concluded that OPC's conduct failed to properly preserve the claimed legal error for appeal. *Id*. Failing to preserve a legal argument that the final order overlooked a point of law is materially different than a party's ability to use a motion for reconsideration to raise for the first time a new factual argument or issue that was not previously considered by the Commission – one is overlooked and ripe for reconsideration and the other is not.

[5] *See In re: Request for arbitration concerning complaint of American Communication Services of Jacksonville, Inc. d/b/a e.spire Communications, Inc. and ACSI Local Switched Services, Inc. d/b/a e.spire Communications, Inc. against BellSouth Telecommunications, Inc. regarding reciprocal compensation for traffic terminated to internet service providers*, Docket No. 981008-TP, Order No. PSC-99-1453-FOF-TP, 1999 Fla. PUC LEXIS 1143 at *23 (FPSC July 26, 1999) (having raised an argument for the first time in a motion for reconsideration, the party had "not identified anything that [the Commission] overlooked or failed to consider in rendering [its] decision"); *In re: Petition for arbitration of certain terms and conditions of an interconnection agreement with Verizon Florida, LLC by Bright House Networks Information Services (Florida), LLC*, Docket No. 090501-TP, Order No. PSC-11-0141-FOF-TP, 2011 Fla. PUC LEXIS 110 at *9 (FPSC Mar. 1, 2011) (a new argument cannot be raised for the first time as a grounds for reconsideration).

III. THE NSPs FAILED TO MEET THE LEGAL STANDARD FOR RECONSIDERATION

16. In their Motion, the NSPs make six arguments they claim warrant reconsideration of the Final Order:

A. The lack of validity of and lack of competent, substantial evidence to support FPL's stochastic loss of load probability ("LOLP") methodology used to justify certain generation rate base additions in this case;

B. The Final Order incorrectly stated that no party submitted prefiled testimony on FPL's Florida Energy Efficiency and Conservation Act ("FEECA") performance;

C. The Final Order's statements regarding cost of service overlook the Commission's legal obligation "to the extent practicable, [to] consider the cost of providing service to [each customer] class," per Section 366.06(1), Florida Statutes;

D. New information that was generated after the record was closed shows that FPL's Reserve Surplus Amortization Mechanism ("RSAM") account balance at the end of 2025 was higher than the Commission estimated and relied on in its Final Order;

E. New information generated after the record was closed shows that FPL earned a return on equity ("ROE") of 11.7% as of the end of November 2025; and

F. The Final Order goes beyond the deliberation and discussion by the Commission at the November 20, 2025 Special Agenda Conference where it voted to approve the 2025 Settlement Agreement.

Three of the NSPs' claims are pure reargument (A - stochastic LOLP, B - cost of service, and F - deliberations); two improperly depend entirely on extra record information (D - RSAM, and E - ROE); and one (C - FEECA) is at most an immaterial drafting point.

17. As explained below, each of the allegations put forth by the NSPs fail to meet the legal threshold required to trigger reconsideration before this Commission and, therefore, the NSPs' Motion should be denied. Moreover, even assuming, *arguendo*, that their request met the standard required for reconsideration, which it does not, the NSPs' arguments are legally defective and factually wrong.

A. Stochastic LOLP Methodology

18. The NSPs claim that reconsideration of the stochastic LOLP methodology is warranted because: (i) FEL spent 70 pages of its post-hearing brief arguing whether there was competent substantial evidence to support the stochastic LOLP methodology; (ii) OPC also challenged the stochastic LOLP methodology; (iii) FAIR supported OPC's position on the stochastic LOLP methodology; and (iv) the Commission only mentioned the stochastic LOLP methodology in the context of future Solar and Battery Base Rate Adjustment ("SoBRA") approvals and how the Commission would not be bound to use that methodology in those SoBRA proceedings.[6] The NSPs' argument regarding the stochastic LOLP methodology is misplaced, without merit, and fails to meet the threshold required for reconsideration by this Commission.

19. A 70-page brief does not convert a rejected argument into an "overlooked" point. Although the NSPs opposed the stochastic LOLP methodology in the as-filed case, they have identified no overlooked record fact – they only identify disagreement.

[6] *See* NSPs Motion, p. 4.

20. The NSPs say they are not rearguing their points in opposition to the stochastic LOLP methodology, but then argue that, according to them, the stochastic LOLP testimony was repudiated and unsupported[7] and that the Final Order ignores the NSPs' testimony, exhibits, and briefings on the validity of the stochastic LOLP methodology.[8] These claims by the NSPs are nothing more than an to attempt reargue and reweigh the evidence regarding the stochastic LOLP methodology. As explained above, requests to reargue or reweigh the evidence are not sufficient rationale for granting reconsideration.

21. The Final Order specifically references challenges made by the NSPs to the stochastic LOLP methodology, noting criticism of the analytical methodology, the inputs to the analysis, the operation of the model used, and the variability of outputs as compared to existing empirical data.[9] *See* Final Order, p. 43. That is the opposite of "overlooked." Thus, the NSPs are not actually challenging that the Final Order overlooked their evidence – they are instead unhappy that the Commission did not accept the NSPs' evidence and arguments regarding the stochastic LOLP methodology. The mere fact that a party disagrees with the order is not a basis for rearguing the case.

22. Further, the NSPs' request for reconsideration of the stochastic LOLP analysis demonstrates a clear misunderstanding of the Commission's legal standard for the review of settlement agreements. In *Floridians Against Increased Rates, Inc. v. Clark*, 371 So. 3d 905 (Fla. 2023) (hereinafter "*FAIR*"), the Court explained that the Commission does two things when it reviews a settlement agreement: first, the Commission makes factual findings based on the

[7] *See* NSPs Motion, p. 5.

[8] *See* NSPs Motion, p. 6.

[9] These arguments were made *ad nauseum* in the NSPs post-hearing briefs. *See* FEL Br., pp. 5-6, 27-73; OPC Br., pp. 15-27.

evidence presented by the parties; and second, the Commission decides whether the settlement agreement, in light of its findings of fact, is in the public interest and results in rates that are fair, just, and reasonable. *Id.* at 910. The Court affirmed that "while the Commission need not 'resolve every issue independently' in its final order when it is reviewing a settlement agreement, it must nonetheless 'discuss[] the major elements of the settlement agreement and explain[] why it [is] in the public interest.'" *Id.* at 912 (citing *Sierra Club v. Brown*, 243 So. 3d 903, 914 (Fla. 2018); *Citizens of State v. Fla. Pub. Serv. Comm'n*, 146 So. 3d 1143, 1153 (Fla. 2014) (hereinafter "*Citizens I"*)) (emphasis added). "That includes considering the competing arguments made by the parties below in light of the factors relevant to the Commission's decision, and supplying, given these arguments and factors, an explanation of how the evidence presented led to its decision." *Id.* (emphasis added). Thus, under the Court's guidance in *FAIR*, the Commission must discuss the "major elements" of the settlement and consider competing arguments that are "relevant to the Commission's decision."

23. The NSPs' argument for reconsideration of the stochastic LOLP methodology is fundamentally and legally flawed because: (i) that methodology was not included in or agreed to as part of the 2025 Settlement Agreement and (ii) that methodology was not a "major element" of the 2025 Settlement Agreement pursuant to Order No. PSC-2025-0345-PCO-EI. Indeed, the Commission correctly found and concluded that "[u]like FPL's initial petition which specified the use of [the stochastic LOLP] resource planning methodology, the 2025 [Settlement Agreement] does not specify the methodology" and the 2025 Settlement Agreement "does not bind FPL or this Commission to utilize, rely on, or accept any particular assumptions or methodologies, including the [the stochastic LOLP], in the submission and review of future SoBRAs." *See* Final Order, p.

43. The Commission concludes, correctly, that the time to assess FPL's future generation requests is in the future when and if FPL submits them and not at this time. *See Id*.

24. As to battery storage projects that FPL did request approval of in this rate case for the years 2026 and 2027, the NSPs miss the point by criticizing the Commission for not discussing the stochastic LOLP in the context of these projects. Specifically, the NSPs overlook that the stochastic LOLP was not the factor that the Commission looked at when approving the 2025 Settlement Agreement, inclusive of these projects. Instead, the Commission notes that "FPL intends to elect out of normalization and, instead, flow through the full investment tax credits (ITCs) benefit of all battery storage facilities added during the 2026 through 2029 period, such that the full ITC will flow through to customers as a one-time revenue requirement reduction in the year the facility enters service." *See* Final Order, p. 43. Accordingly, the Commission correctly noted the economic benefit of these capacity resources in the context of the 2025 Settlement Agreement, not resource planning methods such as the stochastic LOLP that measures a pure "resource" or "operational" need.

25. Based on the foregoing, the NSPs have failed to identify a point of law or fact regarding the stochastic LOLP methodology that was overlooked or not considered by the Commission and, therefore, the NSPs have failed to meet the threshold required for reconsideration.

B. FPL's FEECA Performance

26. The NSPs claim that the Commission overlooked evidence introduced by FEL and Staff regarding FPL's FEECA Performance because the Final Order includes a statement that "[n]o party submitted prefiled testimony on this topic or FPL's FEECA Compliance." *See* Final Order, p. 60; NSPs Motion, pp. 6, 8. The NSPs argument for reconsideration regarding FPL's FEECA performance seizes on a single sentence, taken out of context, while ignoring the substantive

findings in the Final Order. Further, even if considered, the NSPs argument is, at most, a non-material drafting quibble and not a basis to reopen or revise the Final Order's public interest determination

27. Reconsideration is appropriate where pertinent facts or a point of law have been overlooked. Neither has occurred regarding the Commission's consideration of FPL's FEECA performance pursuant to Section 366.82(10), Florida Statutes. The findings of the Final Order make clear that FPL's demand-side management plan includes 16 demand and energy saving programs designed to meet the objectives embodied in FEECA and that the Commission has reviewed FPL's progress in attaining these goals through annual reporting. *See* Final Order, p. 60. The Commission therefore clearly considered FPL's FEECA performance in the rate setting determination, consistent with its obligations Section 366.82(10), Florida Statutes, and the decision in FAIR, and those facts have not been overlooked by the Commission such that reconsideration is appropriate.

28. Notably, FPL was the only party to brief its arguments and evidence regarding FPL's FEECA performance. *See* FPL Br., pp. 142-43. Indeed, there is nothing in the post-hearing briefs of either FEL, OPC, or FAIR that addressed FPL's FEECA performance or otherwise advanced their evidence, arguments, and positions on said performance.[10] It is incumbent on the parties to advance and brief their respective arguments and positions – it is not the role of the Commission to excavate and develop arguments, positions, or recommendations that parties may or may not take on a particular issue. Here, the NSPs completely failed to address FPL's FEECA performance in their post-hearing briefs and now, are improperly attempting to raise a new

[10] In fact, the only mention of FEECA in the NSPs' briefs is OPC's discussion regarding the large customer opt-out opt out of certain energy efficiency programs agreed to in the 2025 Settlement Agreement.

argument for the first time in their request for reconsideration. It is well settled that a motion for reconsideration is not an appropriate vehicle to raise new arguments not previously raised by the moving party. *In Re: Application for rate increase in Flagler County by Palm Coast Utility Corporation*, Docket No. 951056-WS, Order No. PSC-97-0388-FOF-WS, 1997 Fla. PUC LEXIS 402 at *25 (FPSC Apr. 7, 1997) (citing *Diamond Cab*).[11]

29. Further, even assuming, *arguendo*, that the NSPs met the threshold required for reconsideration, which they have not, any such reconsideration of FPL's FEECA performance would be nothing more than a re-review of FPL's achievement of the exact same FEECA goals that were reviewed and discussed in the Final Order. Notably, the NSPs do not suggest or contend that any further action taken on this issue by the Commission can or should change the Commission's ultimate decision. This point is key to understanding the Commission's conclusion that no party submitted any evidence on this topic that would require or warrant to Commission to do anything more than it already did in the course of this proceeding; namely, give due consideration to FPL's FEECA performance as it did both in this proceeding and in the ECCR and DSM goal setting dockets where FPL's FEECA performance is closely scrutinized and adjudicated.

30. While there is no basis for the Commission to reconsider its Final Order, FPL recognizes that the single statement in the Final Order that "[n]o party submitted prefiled testimony on this topic or FPL's FEECA Compliance" was perhaps an inadvertent drafting error or a misunderstood statement that the NSPs have taken out of context. FPL itself submitted prefiled

[11] *See also*, Footnote 5, *supra*; *King's Acad., Inc. v. Caliendo*, 418 So. 3d 643, 645 (Fla. 4th DCA 2025) ("[a]n argument raised for the first time in a motion for rehearing will not preserve the argument for appellate review.") (quoting *Buyer's Choice Auto Sales, LLC v. Palm Beach Motors*, *LLC*, 391 So. 3d 463, 468 (Fla. 4th DCA 2024)); *Trinchitella v. D.R.F., Inc.*, 584 So. 2d 35, 35 (Fla. 4th DCA 1991) ("Although the appellants/defendants in their motion for rehearing on the order granting arbitration attempted to raise new and different issues in support of their opposition to DRF's motion to compel arbitration, we are precluded from considering those in this appeal").

testimony on how the Company: (i) administers programs and events designed to achieve FEECA's goals (Tr. vol. 4, p. 837); (ii) implements cost-effective energy efficiency measures through its Commission-approved demand-side management ("DSM") programs (Tr. vol. 4, pp. 858-60); and (iii) incorporates DSM and energy efficiency measures into its resource planning analyses (Tr. vol. 5, p. 978). Thus, even if a minor phrasing issue exists in the Final Order, reconsideration should be denied absent any showing it would have a substantive or materially changed in the Final Order's findings and conclusion regarding FPL's FEECA performance for the reasons stated above.[12]

C. Cost of Service and Section 366.06(1), Florida Statutes

31. The NSPs claim that in approving the revenue allocation in the 2025 Settlement Agreement the Commission overlooked the requirement in Section 366.06(1), Florida Statutes, for the Commission "to the extent practicable, consider the cost of providing service to the class." The NSPs argument is classic reargument and should be rejected.

32. Section 366.06(1) provides, in pertinent part, as follows:

> In fixing fair, just, and reasonable rates for each customer class*, the commission shall, to the extent practicable, consider* the cost of providing service to the class, as well as the rate history, value of service, and experience of the public utility; the consumption and load characteristics of the various classes of customers; and public acceptance of rate structures.

Section 366.06(1), Fla. Stat. (emphasis added). Thus, the Commission's duty is to fix fair, just, and reasonable rates for each class and, in doing so, the Commission should consider other factors to the extent practicable, including, but not limited to, the cost of providing service to the class of customers.

[12] Alternatively, the Commission may wish to clarify the fully body of evidence in the record on FPL FEECA performance in its order denying reconsideration.

33. A total of five different cost of service methodologies were proposed by the parties in this case, and each would have resulted in different rate class parities at present rates and different allocations at equalized rates. (Tr. vol. 7, pp. 1473-74; Tr. vol. 20, p. 4633; CEL Ex. 1284.) Meaning, there were multiple different opinions on the starting point that could be used to allocate revenues at the rate design stage. (Tr. vol. 23, p. 5197.) In approving the 2025 Settlement Agreement, the Commission found and concluded as follows regarding the revenue allocation:

> The revenue requirement allocation in the 2025 SSA is not the result of one specific cost of service study. The revenue requirement allocation is the result of negotiations in a complex docket with five cost of service studies, each with its own assumptions, methodologies, inputs, and conclusions. In this context, it stands to reason that the negotiated outcome would not be the result of one agreed-upon study, but would rather be based on inputs from more than one cost of service study. Not only is one specific cost of service study not required, the parity results of the revenue allocation under the proposed settlement are within the ranges of parity under each cost of service methodology presented and are reasonable. Our duty is to determine whether the resulting allocation results in rates that are fair, just, and reasonable, and is in the public interest when considered as part of the 2025 SSA as a whole.

See Final Order, p. 33-34.

34. The NSPs argue that the Commission has a specific statutory obligation to consider the cost of providing service to each customer class. *See* NSPs Motion, p. 9. The NSPs go on to claim that the Commission overlooked the "statutory duty to consider the cost of providing service to each customer class and has instead relied on a methodology that is not supported by any competent, substantial evidence of record." *See id*. Said another way, the NSPs effectively ask the Commission to pick a single cost of service study, but the record contained five different studies and the 2025 Settlement Agreement reasonably drew from the range of results from each study.

35. The Final Order addresses the various parties' contentions concerning the revenue requirement allocation contained in the 2025 Settlement Agreement. *See* Final Order, pp. 32-34.

Indeed, the Commission fully addressed and rejected the NSPs' argument that the revenue allocation under the 2025 Settlement Agreement must be based on a specific cost of service study. *See* Final Order, p. 33. This defeats the alleged "overlooked legal duty" because the Commission recognized the issue and decided it. The NSPs' attempt to reargue this this same point is not a sufficient basis to support reconsideration.

36. Further, the Commission explained the reasons for finding that the revenue allocation under the 2025 Settlement Agreement results in rates that are fair, just, and reasonable, including: consistency with the Commission's gradualism policy; consistency with the parity index for each rate class at present rates; and the rate impacts of the major rate classes. *See* Final Order, pp. 32-34. The NSPs claim that the revenue allocation under the 2025 Settlement Agreement is, according to them, not supported by competent substantial evidence is nothing more than a request for the Commission to reweigh the evidence and change its mind, which falls short of meeting the threshold for reconsideration.

37. The Final Order clearly considers the cost of providing service to the class consistent with Section 366.06(1) when it evaluated and discussed the parity indices and rate impacts of the proposed revenue allocation, as well as the fact that the revenue allocation under the 2025 Settlement Agreement is the same method that was approved by the Commission in FPL's 2021 Rate Case Settlement. *See* Final Order, p. 33. The extent of the analysis provided in the Final Order is more than sufficient to meet the Commission's statutorily required considerations – certainly to the extent practicable in review of a settlement – and demonstrates clearly that the Commission did not overlook or fail to consider any legally requisite points of fact or law. Thus, there is no oversight of any point of law included in Section 366.06(1) that would warrant reconsideration.

D. New, Extra-Record Information Regarding the RSAM Balance

38. In the Final Order, the Commission approved the Rate Stabilization Mechanism ("RSM") as part of the 2025 Settlement Agreement. The RSM is modeled after the RSAM that was part of FPL's Commission-approved 2021 Settlement Agreement. Pertinent to the NSPs' Motion, the RSM will be funded, in part, by any remaining balance of FPL's existing RSAM as of January 1, 2026, which was estimated to be approximately $153.5 million at the time the 2025 Settlement Agreement was filed. Pursuant to the 2025 Settlement Agreement, FPL agreed to file an attachment to its monthly earnings surveillance report ("ESR") for December 2025 showing the final RSAM amount that will carry over to the RSM. *See* Final Order, pp. 49-50.

39. On January 15, 2026, approximately three months after the evidentiary record closed in this proceeding, FPL filed its November 2025 ESR that identified a RSAM balance of $470.8 million as of November 30, 2025. The NSPs argue reconsideration should be granted because the Final Order overlooks this "newly discovered" information regarding the estimated RSAM amount that will carry over to the RSM. The NSPs' argument is without merit and should be rejected for multiple reasons.

40. First and foremost, the Commission did not and could not overlook something that did not exist. Indeed, as the NSPs concede on page 1 of their Motion, a request for reconsideration must "be based upon specific factual matters set forth in the record and susceptible to review." *In re: Petition by BellSouth Telecommunications, Inc. for arbitration of certain issues in interconnection agreement with Supra Telecommunications and Information Systems, Inc.*, Docket No. 001305-TP, Order No. PSC-02-0878-FOF-TP, 2002 Fla. PUC LEXIS 622 at *24 (FPSC July 1, 2022) (quoting *Stewart Bonded Warehouse*, 294 So. 2d at 317) (emphasis added). There is no doubt that the November 2025 ESR, which was filed almost three months after the last day of the

evidentiary hearing, is not part of the record in this proceeding. This alone is dispositive under the Commission's own reconsideration precedent requiring record-based points.

41. Further, "[a] motion for reconsideration is not an appropriate vehicle … to introduce new evidence…." *In Re: Application for Amendment of Certificates Nos. 298-W and 248-S in Lake County by JJ's Mobile Homes, Inc*, Order No. PSC-94-1563-PCO-WS, Docket Nos. 921237-WS and 940264-WS (FPSC Dec. 15, 1994) (emphasis added); *see also In re: Investigation into pricing of unbundled network elements*, Order No. PSC-01-2051-FOF-TP, Docket No. 990649-TP (FPSC Oct. 18, 2001) (finding that a party's assertions "appear to constitute extra-record evidence that is inappropriate for consideration within the context of a Motion for Reconsideration"). Accordingly, the NSPs' attempt to use a motion for reconsideration to reopen the record and consider extra-record evidence is not appropriate.

42. The NSPs' reliance on *Fla. Dep't of Corr. v. Provin*, 515 So. 2d 302 (Fla. 1st DCA 1987) as the basis to introduce new, extra-record information through a motion for reconsideration is misplaced. In summary, the decision in *Provin* addressed a different agency with an entirely different regulatory framework and procedure, different express rules, and a different set of facts and, therefore, is irrelevant.[13] Notably, the request for rehearing in *Provin* sought to introduce

[13] In *Provin*, the Career Service Commission ("CSC") upheld the employer's dismissal of an employee following the initial evidentiary hearing. *Id.* at 305-06. Unlike the Commission, the CSC in *Provin* had an express rule, Florida Administrative Code Rule 22M–2.013 (1981), that specifically provided for a rehearing and modification of the CSC's final order upon a showing that the final order was made through fraud, collusion, deceit, or mistake. *Id.* at 305. The employee sought rehearing on the basis of the facts previously submitted, and raising for the first time an issue not earlier brought to the attention of the CSC, alleging that employee did not receive notice of the employer's proposed disciplinary action within the statutory timeframe. *Id.* at 303. At the rehearing, the CSC considered the new evidence regarding lack of notice and vacated its earlier order and directed that the employee dismissal be reduced to suspension without pay. *Id.* On appeal, the employer argued, among other things, that the lack of notice was not newly discovered evidence and the employee should be deemed to have waived the issue by failing to exercise due diligence and timely raising it during the initial hearing. *Id*. at 305. Although the Court in *Provin* concluded that the CSC did not abuse its discretion in declining to require a due diligence standard for the introduction of new evidence, it likewise noted that there is no abuse of discretion in denying a rehearing

(*Continued on next page.*)

additional evidence that existed at the time of the original hearing and could have, with the exercise of due diligence, been offered at the original hearing. Thus, contrary to the NSPs' claim, the decision in *Provin* simply does not address or stand for the proposition that reconsideration of a Commission final order is appropriate to introduce new, extra-record information that did not exist and could not have been entered into the record.

43. The NSPs' reliance on Commission Order No. PSC-97-0637-FOF-TL is also misplaced. In that Order, the Commission noted that it previously voted to approve its own motion to reopen the record to consider whether new letters in a telecom case had any effect on a prior decision. The Commission's decision to reopen the record in that proceeding was memorialized in Order No. PSC-97-0408-FOF-TL issued on April 14, 1997, which expressly found that the new letters "address the questions that arose at the hearings and at the agenda conference but could not be answered at the time." Here, in the instant proceeding, the estimated RSAM balance and the fact that it could change were thoroughly addressed on the record and in the parties' briefs.[14] Thus, there were no unanswered questions because the 2025 Settlement Agreement built in the mechanism to "true-up" the final RSAM carryover amount, whatever that amount ended up being.

44. The other orders cited by the NSPs, Order Nos. 20325, 08-0136, and PSC-09-0155-FOF-TP, all address the denial of reconsideration and likewise do not support the NSPs' argument that the Commission should grant reconsideration for the purpose of considering new, extra-record information. The NSPs overlook long-standing precedent where the Florida Supreme Court found

---

on new evidence that could have, with the exercise of due diligence, been offered at the original hearing. *Id.* at 305-06.

[14] Specifically, FEL witness Rábago asserted his expectation that the RSAM carryover amount at the end of 2025 could be approximately "a couple hundred million dollars." (Tr. vol. 22, pp. 5057-58.) FEL's post-hearing brief also challenged the RSM on the basis that the final value of the RSAM is unknown and argued that the Commission in approving the 2025 Settlement Agreement would be approving "an undefined pot of money" for FPL's use. *See* FEL Br., p. 92.

that "the Commission has discretion to terminate its data-gathering function" and, therefore, the Commission did not abuse its discretion when it declined to consider evidence tendered after hearing but before the Commission's final decision. *Fla. Bridge Co. v. Bevis*, 363 So. 2d 799, 801 (Fla. 1978).[15]

45. In this proceeding, the NSPs affirmatively challenged the RSM based on the potential that the RSAM carryover amount is unknown and could be greater than anticipated. Notably, the fact that the final RSAM amount that will carry over to the RSM could change was fully recognized and addressed in the 2025 Settlement Agreement approved by the Commission. Because the final amount of the RSM, inclusive of the remaining RSAM balance, would not be known until early 2026, the 2025 Settlement Agreement provides that FPL will file an attachment to its December 2025 earnings surveillance report that sets forth the final RSAM amount that will carry over and be used to fund the RSM. The Commission expressly recognized this uncertainty and requirement to provide the final RSAM amount in its Final Order. *See* Final Order, p. 50. Accordingly, there has been nothing overlooked by the Commission because the Final Order expressly recognized the uncertainty and the method to finalize it.

46. Moreover, all future test year rate cases are based on forecasts and estimates. To permit a rate case record to be reopened to update forecasts and estimates after the record has closed, as requested by the NSPs, would create an unworkable precedent and completely render

[15] *See also City of Gainesville, Gainesville Regional Utilities v. University of Florida*, DOAH Case No. 88-2034BID, issued November 30, 1988, 1988 Fla. Div. Adm Hear. LEXIS 4454, (citing *Ragen v. Paramount Hudson, Inc.*, 434 So. 2d 907 (Fla. 3d DCA 1983), *rev. den.*, 444 So. 2d 417 (Fla. 1984)) (denying a motion to reopen hearing even though the newly discoverable evidence was not discoverable at the time of hearing, because it was not probable that the newly discovered evidence would change the outcome of the hearing); and *In re: Application of Air-Beep of Florida, Inc.*, Docket No. 74150-RCC, Order No. 6874 (FPSC Aug. 28, 1975) (denying a motion to reopen the hearing after reviewing the motion and the attached affidavit because the evidence sought to be introduced was merely cumulative in nature).

the doctrine of administrative finality meaningless.[16] Indeed, under the NSPs' theory, the record in a forecasted rate case could continually be reopened to repeatedly reconsider new or updated forecasts, estimates, or data completed after the record had closed. This is a nonsensical result that would undermine administrative finality, lead to perpetual litigation of rate cases and the absence or prolonged delay of a final order upon which the utility and its customers can rely.

47. Additionally, allowing the NSPs to introduce extra-record information through motion for reconsideration of a final order could raise serious due process concerns.[17] It is for that reason that Florida Courts have found that post-trial relief based on newly discovered information "should be seldom granted" because finality of judgments is "axiomatic in our system of justice." *See Junda v. Diez*, 848 So. 2d 457, 458 (Fla. 4th DCA 2003).

48. For these reasons, the NSPs' attempt to use a motion for reconsideration to reopen the record and consider extra-record information is not appropriate, would lead to nonsensical results and dangerous precedent, and should be rejected.

---

[16] Administrative finality simply means "that there must be a 'terminal point in every proceeding . . . at which the parties and the public may rely on the decision as being final and dispositive of the rights and issues involved therein.'" *Fla. Power Corp. v. Garcia*, 780 So. 2d 34, 44 (Fla. 2001) (quoting *Austin Tupler Trucking, Inc. v. Hawkins*, 377 So. 2d 679, 681 (Fla. 1979). "Orders of administrative agencies must eventually pass out of the agency's control and become final and no longer subject to modification. This rule assures that there will be a terminal point in every proceeding at which the parties and the public may rely on a decision of such an agency as being final and dispositive of the rights and issues involved therein." *Peoples Gas v. Mason*, 187 So. 2d 335, 339 (Fla. 1966)

[17] *See* Section 120.57(1)(b), Fla. Stat. ("All parties shall have an opportunity to respond, to present evidence and argument on all issues involved, to conduct cross-examination and submit rebuttal evidence, to submit proposed findings of facts and orders, to file exceptions to the presiding officer's recommended order, and to be represented by counsel or other qualified representative."); *See also Bresch v. Henderson*, 761 So. 2d 449, 451 (Fla. 2d DCA 2000) (holding that it is established law that due process requires that parties to a proceeding be given adequate notice and an opportunity to be heard). "When factual matters affecting the fairness of utility rates are considered by a regulatory commission, the rudiments of fair play and due process require that the parties be afforded a fair hearing and an opportunity to explain or rebut those matters." *In re: Petition for increase in rates by Gulf Power Company*, Docket No. 110138-EI, Order No. PSC-11-0563-PCO-EI at 2 (FPSC Dec. 8, 2011) (quoting *Florida Gas Company v. Hawkins*, 372 So. 2d 1118 (Fla. 1979)). Allowing extra-record evidence on reconsideration deprives parties of discovery/cross-examination and incentivizes sandbagging.

E. New, Extra-Record Information Regarding ROE

49. In further support of their request for reconsideration, the NSPs argue that in reaching its decision to approve the 2025 Settlement Agreement the Commission did not consider the 11.70% ROE provided in FPL's November 2025 ESR. The NSPs argue that the Final Order should be reconsidered in light of this new information and whether FPL needs the rate increase under the 2025 Settlement Agreement.

50. Again, the NSPs are relying on extra-record information that did not exist at the time the record was closed. The NSPs argument regarding new ROE information suffers the same defects as the extra-record RSAM information discussed in explained in Section III.D above. Further, monthly ESRs will almost always differ from forecasts. If that alone justified reconsideration, no forecasted rate case could ever reach finality. Said simply, the fact that FPL's ROE was an 11.70% in its November 2025 ESR legally amounts to a meaningless "so what" for the purposes of a motion for reconsideration. For these reasons, the NSPs request for reconsideration of the ROE in the extra-record November 2025 ESR must be rejected.

F. The Final Order and the Commission's Deliberations

51. In further support of their request for reconsideration, the NSPs argue that the Commission's Final Order must only memorialize the oral deliberations and rulings at the November 20, 2025 Special Agenda Conference – "nothing more, nothing less." *See* NSPs Motion, p. 37. In essence, the NSPs are arguing, without any legal support and in complete defiance of Commission practice for decades, that the Final Order in a Commission proceeding is limited solely to the transcript of the Commission vote. The NSPs conclude that because the Commissioners did not each discuss and make oral findings and rulings on all the competing arguments and evidence during the November 20, 2025 Special Agenda Conference, reconsideration of the Final Order is required to amend the order so that it only reflects the

Commissioner's oral discussions during the Special Agenda Conference. The NSPs' theory is contrary to law, would invalidate routine agency practice statewide, would lead to nonsensical results, and is wholly without merit.

52. In support of their argument, the NSPs' cite the Florida Supreme Court's decision in *FAIR*, 371 So. 3d 905 (Fla. 2023). However, nowhere in the *FAIR* decision does the Court state or even suggest that the Commission's final orders are somehow limited to the oral discussions and deliberations at the time they vote to approve a settlement agreement. In fact, the NSPs completely disregard that the Court in the *FAIR* decision repeatedly stated that it is the Commission's final order that must discuss the major elements of a settlement agreement and competing arguments and provide an explanation for its decision:

- "We have said that, while the Commission need not 'resolve every issue independently' in its **final order** when it is reviewing a settlement agreement, **it must nonetheless 'discuss**[] the major elements of the settlement agreement and explain[] why it [is] in the public interest.' *Sierra Club*, 243 So. 3d at 914; *see Citizens I*, 146 So. 3d at 1153. **That** includes considering the competing arguments made by the parties below in light of the factors relevant to the Commission's decision, and supplying, given these arguments and factors, an explanation of how the evidence presented led to its decision." *FAIR,* at 912 (emphasis added).

- "And while 'the Commission is not required by statute or case law to address each issue of disputed fact in its **final order**,' *Citizens I*, 146 So. 3d at 1150, or to 'resolve every issue independently,' *Sierra Club*, 243 So. 3d at 914, it should provide at least **some written assessment** of the parties' main disagreements reflected in the record. The Commission should explain why it reached its conclusions and how those conclusions factored into its public interest determination." *FAIR*, at 913.

- "Instead, the Commission must do the job with which the Legislature has tasked it by showing, **in its final order**, how the paper in that pile supports its decision. In other words, the Commission must show that its decision results from the application of its 'specialized knowledge and expertise' to the facts here." *FAIR*, at 913-14.

Thus, *FAIR* stands for the opposite of what the NSPs claim, that is, final orders must contain written explanation beyond oral remarks.

53. The NSPs' reliance on the decision in *Verleni v. Dep't of Health, Bd. of Podiatric Med.*, 853 So. 2d 481 (Fla. 1st DCA 2003) is also misplaced. The *Verleni* opinion addresses the situation where an agency's oral pronouncement at a hearing directly conflicts with an inconsistent written order. Here, the NSPs identify no conflict between the Commissioners vote and the written Final Order – only that the written Final Order is more complete. That is not overlooked error; it is required by *FAIR*.

54. The NSPs have failed to identify any basis in law that suggests the Commissioners are required to orally address every contested argument during their deliberations, nor have they identified any legal requirement that the final order of an administrative body must only contain what is spoken during the public deliberations. Administrative agencies, such as the Commission, act through written orders, which are issued through the Commission as a unified regulatory body, and not through the oral statements of individual Commissioners made during deliberations. Further, Florida administrative agencies that meet as collegial bodies routinely direct staff to prepare an order reflecting their vote but without providing an oral, on-the-record explanation of every aspect of their individual thought processes. If NSPs were right, agencies would be forced into hours-long oral findings in real time on all contested issues and evidence at every agenda, which is an absurd and unworkable result and contrary to collegial administrative decision-making and the very purpose of written final orders recognized in *FAIR*.

55. Here, Commission Staff prepared a Summary and Analysis providing a detailed summary of the record evidence and arguments of the parties on each of the major elements of the 2025 Settlement Agreement and legal issues that were before the Commission for consideration at the November 20, 2025 Special Agenda Conference. Following the Commissioners' discussions and their unanimous vote to approve the 2025 Settlement Agreement, Commission Staff was

tasked with drafting an order that memorializes the Commission decision at the Special Agenda Conference.[18]

56. The Commission's reliance on Staff to draft the Final Order, subject to the Commission's review, memorializing their vote in this docket is consistent with longstanding practice. Indeed, the Commission routinely votes during agenda conferences to approve staff recommendations with the detailed reasoning and explanation for that decision later provided in the Commission's final order. The NSPs' position, on the other hand, is contrary to decades of practice and precedent before Florida administrative bodies and, if accepted, would lead to nonsensical results.

57. The Commission clearly has not overlooked a non-existent legal requirement that the Final Order may only reflect the oral discussions and findings by the Commissioners, but no such requirement exists. Accordingly, the NSPs have failed to identify a point of law or fact that was overlooked or not considered by the Commission and, therefore, the NSPs have failed to meet the threshold required for reconsideration.

IV. CONCLUSION

For the foregoing reasons, the NSPs' Motion fails to identify any point of fact or law that was overlooked or not considered by the Commission when reaching its decision that the 2025 Settlement Agreement, when taken as a whole, is in the public interest and results in rates that are just, fair, and reasonable. Further, the NSPs' arguments are incorrect, unsupported by law, and improperly ask this Commission to reweigh the evidence already considered, consider extra-record evidence, and reach a different conclusion regarding the 2025 Settlement Agreement. The fact

[18] *See* November 20, 2025 Tr. at p. 59.

that the NSPs disagree with the conclusion reached in the Final Order is not a sufficient basis for reconsideration. The NSPs' Motion is an attempt to relitigate and the supplement record, which is not an appropriate basis for reconsideration under established Commission precedent. The NSPs' Motion clearly fails on its face to meet the threshold requirements for reconsideration and, therefore, the NSPs' Motion must be denied in its entirety.

WHEREFORE, FPL respectfully requests the Commission deny the NSPs' Motion for Reconsideration in its entirety.

Respectfully submitted this 13th day of February 2026,

By: */s/ Christopher T. Wright*
John T. Burnett
Vice President and General Counsel
Florida Bar No. 173304
john.t.burnett@fpl.com
Maria Jose Moncada
Associate General Counsel
Florida Bar No. 0773301
maria.moncada@fpl.com
Christopher T. Wright
Assistant General Counsel
Fla. Auth. House Counsel No. 1007055
chrisopher.wright@fpl.com
William P. Cox
Senior Counsel
Fla. Bar No. 0093531
will.p.cox@fpl.com
Joel T. Baker
Senior Attorney
Fla. Bar No. 0108202
joel.baker@fpl.com
Florida Power & Light Company
700 Universe Boulevard
Juno Beach, FL 33408-0420
Phone: 561-304-5253

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by Electronic Mail to the following parties of record this 13th day of February 2026:

Shaw Stiller
Timothy Sparks
Florida Public Service Commission
Office of the General Counsel
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850
sstiller@psc.state.fl.us
tsparks@psc.state.fl.us

Leslie R. Newton
Ashley N. George
Thomas Jernigan
James B. Ely
Ebony M. Payton
Matthew R. Vondrasek
139 Barnes Drive, Suite 1
Tyndall AFB FL 32403
leslie.newton.1@us.af.mil
ashley.george.4@us.af.mil
thomas.jernigan.3@us.af.mil
james.ely@us.af.mil
ebony.payton.ctr@us.af.mil
matthew.vondrasek.1@us.af.mil
Federal Executive Agencies

William C. Garner
3425 Bannerman Road
Tallahassee FL 32312
bgarner@wcglawoffice.com
Southern Alliance for Clean Energy

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

Walt Trierweiler
Mary A. Wessling
Patricia A. Christensen
Octavio Simoes-Ponce
Austin A. Watrous
Office of Public Counsel
c/o The Florida Legislature
111 W. Madison St., Rm 812
Tallahassee, Florida 32399-1400
trierweiler.walt@leg.state.fl.us
wessling.mary@leg.state.fl.us
christensen.patty@1eg.state.fl.us
ponce.octavio@leg.state.fl.us
watrous.austin@leg.state.fl.us
Attorneys for the Citizens of the State of Florida

Bradley Marshall
Jordan Luebkemann
111 S. Martin Luther King Jr. Blvd.
Tallahassee FL 32301
bmarshall@earthjustice.org
jluebkemann@earthjustice.org
flcaseupdates@earthjustice.org
Florida Rising, Inc., Environmental Confederation of Southwest Florida, Inc., League of United Latin American Citizens of Florida

Danielle McManamon
4500 Biscayne Blvd. Suite 201
Miami, Florida 33137
dmcmanamon@earthjustice.org
League of United Latin American Citizens of Florida

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

Katelyn Lee, Senior Associate
Lindsey Stegall, Senior Manager
1661 E. Franklin Ave.
El Segundo, CA 90245
Katelyn.Lee@evgo.com
Lindsey.Stegall@evgo.com
EVgo Services, LLC

Stephen Bright
Jigar J. Shah
1950 Opportunity Way, Suite 1500
Reston, Virginia 20190
steve.bright@electrifyamerica.com
jigar.shah@electrifyamerica.com
Electrify America, LLC

Robert E. Montejo
Duane Morris LLP
201 S. Biscayne Blvd., Suite 3400
Miami, Florida 33131-4325
REMontejo@duanemorris.com
Electrify America, LLC

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

Florida Energy for Innovation Association
1700 Flamingo Drive
Orlando, FL 32803
contact@energyforinnovation.org

Becky Ayech
421 Verna Road
Sarasota, FL 34230
environmentalconfederation@gmail.com
Environmental Confederation of Southwest Florida

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

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

Jay Brew
Laura Wynn Baker
Joseph R. Briscar
Sarah B. Newman
1025 Thomas Jefferson Street NW
Suite 800 West
Washington, DC 20007
jbrew@smxblaw.com
lwb@smxblaw.com
jrb@smxblaw.com
sbn@smxblaw.com
Florida Retail Federation

Lorena Holley
Florida Retail Federation
227 South Adams Street
Tallahassee, FL 32301
lorena@frf.org

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

Robert E. Montejo
Duane Morris, LLP
201 S. Biscayne Blvd., Suite 3400
Miami, FL 33131-4325
remontejo@duanemorris.com
Armstrong World Industries, Inc.

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

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

Brian A. Ardire
Armstrong World Industries, Inc.
2500 Columbia Avenue
Lancaster, PA 17603
baardire@armstrongceilings.com

Jason Simmons
Armstrong World Industries, Inc.
300 S. Myrick Street
Pensacola, FL 32505
ijsimmons@armstrongceilings.com

/s/ Christopher T. Wright
Christopher T. Wright
Assistant General Counsel
Fla. Auth. House Counsel No. 1007055

Attorney for Florida Power & Light Company