

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

**In re: Petition for a Limited Proceeding to  
Approve Large Load Tariff, by Duke  
Energy Florida, LLC**

**DOCKET NO. 20250113-EI**

SERVED: March 16, 2026

**THE FLORIDA INDUSTRIAL POWER USERS GROUP’S (FIPUG) MOTION FOR  
PROTECTIVE ORDER CONCERNING THE OFFICE OF PUBLIC COUNSEL’S FIRST  
SET OF INTERROGATORIES (1-11) AND FIRST REQUEST FOR PRODUCTION (1-6)**

The Florida Industrial Power Users Group (“FIPUG”), by and through undersigned counsel, pursuant to Section 366.093(2), Florida Statutes, Rule 1.280 Fla. R. Civ. P., and Uniform Rule of Procedure 28-106.205, Fla. Admin. Code (“Rule 28-106.205”) hereby moves for entry of a protective order concerning the Office of Public Counsel’s (“OPC” or “Public Counsel”) First Set of Interrogatories to FIPUG consisting of Interrogatories 1-11, with numerous subparts, and OPC’s First Request for Production of Documents, consisting of six requests. In support of this Motion, FIPUG states as follows:

**FACTUAL OVERVIEW**

FIPUG filed a Petition to intervene in this case on November 25, 2025 and concurrently served, by electronic mail, a courtesy copy of its petition on counsel for OPC. Rule 28-106.205 of the Uniform Rules of Procedure states that after a motion to intervene is filed, other parties have seven (7) days to file an objection or response in opposition. OPC, which filed its Notice of Intervention on December 1, 2025 (six days after service of FIPUG's petition), did not file any response or objection to FIPUG’s Petition to Intervene. The Prehearing Officer granted FIPUG’s petition to intervene on December 10, 2025.

Duke Energy Florida, Inc’s (“DEF”) Petition for a Limited Proceeding to Approve Large Load Tariff case moved forward. OPC noticed a number of depositions of DEF's witnesses.

FIPUG cross-noticed these depositions and asked questions during these depositions. OPC retained an expert witness to provide intervenor testimony in the case. DEF noticed the deposition of this witness, and FIPUG also cross-noticed this deposition and asked questions of OPC's witness. The case was progressing forward in a manner similar to the scores of cases in which FIPUG has participated for decades, until the February 24, 2026 staff-convened issues identification meeting. Nearly 3 months after the OPC became a party in this case, and after the deadline for intervenor witness testimony had passed, Public Counsel abruptly raised FIPUG's standing as an issue at the February 24, 2026 issues identification meeting. That day, OPC also served FIPUG with the discovery at issue in this motion. Gotcha!

Upon information and belief, OPC, as a statutory representative of all consumers of electricity in Florida, has never before suggested that any intervening consumer party lacks standing to participate in electric utility proceedings before the Florida Public Service Commission ("Commission" or "PSC"). Asked directly during the staff meeting if OPC intended to contest the standing of FIPUG and other intervenors, the Public Counsel declined to directly answer.

Given the unprecedented nature of this development, and the historical practice of OPC not putting the standing of fellow consumer parties at issue, counsel for FIPUG reminded the Public Counsel, during the February 24, 2026 meeting and discussion with staff, that members of OPC, after agreeing to honor confidentiality of the substantive matters discussed and the identify of the meeting's participants, had previously attended multiple FIPUG annual meetings. In other words, OPC confidentially possesses knowledge of FIPUG's members.

Following the staff meeting of February 24, 2026, OPC provided additional commentary on its rationale for its seemingly changed position on standing after another intervening consumer

party in this case, White Springs Agricultural Chemicals, Inc. d/b/a PCS Phosphate (“PCS Phosphate”), served a request for admission to DEF asking the company to confirm that PCS is a customer of DEF. Public Counsel gratuitously and curiously responded on February 27, 2026 as follows:

Thank you, PSC Phosphate, for getting the ball rolling.

Standing is a jurisdictional threshold issue that’s easily resolved in Florida. As a precursor to a possible alternative resolution in this docket, we also need to know which rate classes are represented. These are not “gotcha” issues but just the mundane matters that require resolution so that we can all focus our attention on the legal and factual issues in controversy. **As such, we look forward to working with the parties toward achieving an expeditious resolution of these preliminary matters.**

Emphasis added. See Attachment A.

After reviewing Public Counsel’s above-referenced February 27, 2026 email to all parties and staff, FIPUG pursued “an expeditious resolution of these preliminary matters,” namely a stipulation with DEF to key facts that FIPUG believes support its standing. On March 13, 2026, in keeping with the longstanding practice of parties in interest entering into "Type 2" stipulations in PSC proceedings, counsel for DEF sent to all parties the following factual stipulation that FIPUG reached with DEF:

Good morning,

DEF and FIPUG have reached the following stipulations that will hopefully resolve the standing issue (Issue B in Staff’s issues list):

- 1. FIPUG has intervened in DEF rate cases for many years.*
- 2. In the last DEF rate case, FIPUG intervened, played an active role in the case, and was a party to the rate case settlement agreement.*
- 3. During DEF’s most recent rate case, the company was informed that a number of large load customers of DEF were represented by FIPUG.*

*4. Those large load customers represented by FIPUG in DEF's rate case are current customers of DEF.*

I am writing to confirm your position on the above stipulations – please advise.  
Thanks.

PCS Phosphate and Nucor Steel Florida, another consumer party intervenor in the case, both responded that they both supported the stipulation. Again surprisingly, Public Counsel responded and objected to the proposed stipulation for the reasons set forth below:

OPC opposes and objects to the proffered stipulations which seek to sidestep our discovery by recharacterizing the required responses.

As an ad hoc organization, stipulations 1-3 are irrelevant to the determination of associational standing in this docket.

Stipulation 4 is void for vagueness.

See Attachment B.

The Public Counsel's response to the stipulated facts between the two parties that have actual knowledge of the facts, i.e., DEF, the utility which provides service to FIPUG members, and FIPUG, whose members have and continue to receive electricity from DEF, is incongruous with Public Counsel's **“working with the parties toward achieving an expeditious resolution of these preliminary matters”** email of February 24, 2026.

FIPUG's efforts to resolve this issue informally with OPC without burdening the Prehearing Officer and Commission staff have been unsuccessful. FIPUG informed Public Counsel of this motion. Public Counsel opposes the Motion for Protective Order. Copies of Public Counsel's pending discovery is attached as Exhibits C and D.

FIPUG respectfully asks the Prehearing Officer to enter a Protective Order pursuant to

section 366.093(2), Florida Statutes, Rule 1.280 Fla. R. Civ. P., and Uniform Rule of Procedure Rule 28-106.205, Fla. Admin. Code, determining that OPC's requested discovery should not be had. Copies of Public Counsel's pending discovery are attached as Exhibits C (Interrogatories 1-11) and D (Request for Production 1-6). The grounds for this relief are the following:

*A. OPC Failed to File A Timely Response in Opposition to FIPUG's Petition to Intervene.*

As required by Rule 28-106.205, Fla. Admin. Code,:

Persons other than the original parties to a pending proceeding whose substantial interest will be affected by the proceeding and who desire to become parties may move the presiding officer for leave to intervene. Except for good cause shown, motions for leave to intervene must be filed at least 20 days before the final hearing unless otherwise provided by law. The parties may, within 7 days of service of the motion, file a response in opposition. The presiding officer may impose terms and conditions on the intervenor to limit prejudice to other parties.

OPC was timely made aware of FIPUG's petition to intervene on November 25, 2026, and OPC filed its Notice of Intervention on December 1, 2026. OPC failed to object to FIPUG's intervention as a party in this proceeding within the seven days allowed by Rule 28-106.205 or at any time thereafter. While Public Counsel's gratuitous email asserting its oblique interest in intervenors' standing is "not a gotcha," it is telling that OPC's suggestion that FIPUG's standing will be contested by OPC was not asserted within the seven days allowed by rule and was further delayed until *after* the deadline for intervenor testimony had passed.

Public Counsel's initial and continued disregard of Rule 28-106.205 is not justified. Indeed, as described above, Public Counsel's failure to follow Rule 28-106.205 resulted in uncertainty and surprise at the February 24, 2026 staff issues identification meeting, which continues given the subsequent conflicting communications from Public Counsel as detailed above

and in the attached OPC emails. The Public Counsel's failure to follow Rule 28-106.205 is grounds in and of itself to grant FIPUG's motion for an order that OPC's requested discovery not be had.

It is within the Prehearing Officer's discretion to find that Public Counsel failed to timely exercise its right to object to the intervention of FIPUG and other consumer parties under Rule 28-106.205, Fla. Admin. Code, and Rule 28-106.211 ("The presiding officer before whom a case is pending may issue any orders necessary to effectuate discovery, to prevent delay, and to promote the just, speedy, and inexpensive determination of all aspects of the case...."). A party that fails to timely assert its right to oppose the intervention of another party under Rule 28-106.205 should not be rewarded for its failure to follow the Uniform Rules at the expense of other parties.

*B. Entry of a Protective Order that Discovery Not Be Had Pursuant to Florida Rule of Civil Procedure Rule 1.280(d) is Warranted*

Florida Rule of Civil Procedure 1.280(d) entitled "Protective Orders" states in pertinent part the following: On motion by a party or by the person from whom discovery is sought, and for good cause shown, the court in which the action is pending may make any order to protect a party or person from annoyance, embarrassment, oppression, or undue burden or expense that justice requires ....including that the discovery not be had.

The facts set forth above and in the attached e-mails set forth multiple grounds that would support the Prehearing Officer, acting within his discretion, to order that the Public Counsel's discovery of FIPUG (and other consumer parties to whom Public Counsel has served discovery) not be had. Given the happenings at the February 24, 2026 staff issues identification meeting described above, the subsequent attached emails following such meeting, and the delay in asserting its sudden interest in the standing of consumer intervenors until after the deadline for intervenor

witnesses had passed, Public Counsel's discovery runs afoul of the undue burden criterion, the undue expense criterion (attorney time crafting this motion is evidence of undue expense), and the annoyance criterion (the incongruous e-mails are evidence of annoyance). Any of these criterion is sufficient to order that OPC's pending discovery not be had.

*C. Case Law Further Supports FIPUG's Motion that OPC's Discovery Not Be Had.*

OPC's discovery requests, attached as Attachments C and D, reflect a scope of interrogatories and documents requested on subject matters that are overbroad, immaterial, or irrelevant to the issue of standing and not reasonably calculated to lead to the discovery of admissible evidence. Examples of such questions are:

8.a Is your membership ad hoc, subject to changing from docket-to-docket based upon subject matter, the utility involved, the year filed, and/or other considerations?

8.e Does your membership include data center developers, data center real estate brokers, or data center construction companies? If yes, are their interests identical to those articulated in your response to interrogatory 1.e., above?

8.f. Does your membership include entities who take power from DEI at a rate class tariff that is different from those articulated above? If yes, which rate classes? How does FIPUG resolve conflicts of interest between those rate classes and the associational purpose of FIPUG related to the large industrial and large commercial rate classes articulated in your response to

1.e. above?

9.d. Is FIPUG currently representing both industrial and commercial rate classes and data centers simultaneously? If so, whose interest takes precedence?

10. Is your association in the process of seeking to add members of other rate classes, including data center members, to this docket who have not yet joined this docket but may do so?

These and other requests reflect that OPC has undertaken the proverbial “fishing expedition” and that its "discovery" is designed to harass and burden FIPUG. This conclusion is supported not only by the discovery requests themselves but the emails attached to this motion including the Public Counsel’s March 13, 2024 email in response to DEF’s pro forma email notifying all parties in the case of an agreed-upon standing stipulation between DEF, FIPUG, PCS Phosphate, and Nucor Steel Florida.

The case of *Sugarmill Woods Civic Association, Inc. v. Southern States Utilities* 687 So. 2d 1346 (Fla. 1<sup>st</sup> DCA 1997) squarely supports FIPUG’s motion for protective order. The *Sugarmill Woods* case originated from the Florida Public Service Commission and included a discovery dispute in which the Commission’s prehearing officer granted a motion to quash discovery subpoenas served by another party. In supporting the prehearing officer’s decision to quash a discovery subpoena on the grounds that the discovery was a “fishing expedition,” the First District Court of Appeals tellingly stated:

A trial court has authority to prevent discovery which it believes is a mere fishing expedition calculated for harassment. *Krypton Broadcasting of*

Jacksonville, Inc. v. MGM–Pathe Communications Co., 629 So.2d 852, 855 (Fla. 1st DCA 1993). “[I]t is impossible to establish rules for every possible sequence of events and types of violations that may ensue in the discovery process.” Mercer v. Raine, 443 So.2d 944, 946 (Fla.1983). Therefore, such decisions regarding discovery are true discretionary acts, and the appellate court must defer to the superior vantage point of the trial judge who has seen the parties first-hand and is more fully informed regarding the case.

*Sugarmill Woods Civic Assoc.*, at 1351.

D. *Public Policy Supports FIPUG’s Motion that OPC’s Discovery Not Be Had.*

*Sugarmill Woods Civic Assoc.*, citing *Dade County Medical Ass’n v. Hlis*, 372 So. 2d 750 (Fla.3d DCA 1979) also stands for the proposition that public policy considerations should be weighed and considered when determining whether to grant a motion for protective order. Citing *Dade County*, the *Sugarmill* court noted that “[t]he prehearing officer had the discretion to weigh the competing interests of the parties,” and that the prehearing officer should balance public policy considerations including “the competing interests to be served by granting discovery or denying it.” *Sugarmill Woods Civic Assoc.*, at 1351. The public policy considerations in this case weigh strongly in favor of FIPUG. This case is governed by Florida’s Administrative Procedure Act, Chapter 120 (“APA”). Part of this statutory process is to fully inform the decider about the issues in dispute by receiving the views of substantially affected parties and others whose participation will contribute to the Commission making a determination that is in the public interest. Public Counsel’s decision to require known consumer parties to incur additional expense to call witnesses to establish standing, and to demand that consumer parties disclose confidential information in support of their standing, something no other Public Counsel has done, would winnow consumer interest participation, a course inconsistent with a key public policy tenant of both the Public Counsel's statutory charter to represent all customers and the liberal public participation policies of Chapter 120 as established by the Florida Legislature. See, e.g., section 120.52(13), Fla. Stat.

defining "parties" entitled to participate in proceedings conducted pursuant to the APA.

OPC, in contrast, in communications with FIPUG and other parties, has not identified any public policy served by its discovery. Indeed, the discovery sought by OPC from FIPUG is not necessary to OPC's ability to fully and fairly present its case, confers no benefit on OPC, and is not dispositive of any substantive issue pending before the Commission.

For decades, FIPUG has been representing the interests of large users of electricity before the Commission, as one of a diverse group of consumer party intervenors. The public policy considerations of this matter favor FIPUG and the public interest in continuing to have a diverse representation of interests before the Commission and in promoting the fair and efficient presentation and resolution of issues before the Commission without the burden and expense of unwarranted discovery.

### **CONCLUSION**

Respectfully, FIPUG asks the Prehearing Officer to enter an order that Public Counsel's discovery directed to FIPUG not be had. FIPUG requests this order on four separate grounds, as well as public policy considerations, any one of which is sufficient to support such an order, or based alternatively, on the combined sequence of events in this case. The grounds for this motion are:

A. Public Counsel's failure to timely object to FIPUG's petition to intervene in this matter pursuant to Rule 28-106.205, Fla. Admin. Code, resulting in a procedural and substantive ambush of FIPUG and other consumer intervenors;

B. Public Counsel's failure to comply with FRCP Rule 1.280(d), Protective Orders,

the undue burden criterion, the undue expense criterion, and/or the annoyance criterion.

C. Case law as set forth in the controlling case of *Sugarmill Woods Civic Ass'n Inc. v. Southern States Util.*, 687 So. 2d 1346, 1351 (Fla. 1<sup>st</sup> DCA 1997) in which a Public Service Commission prehearing officer quashed discovery subpoenas based on the fishing expedition nature of the discovery, which is also the case with Public Counsel's discovery when viewed in context and its refusal to agreed to the factual stipulation agreed to by all other parties in the case.

D. Public policy considerations balancing the legal standing position taken by Public Counsel versus the public policy interests of a full, fair, and efficient presentation and resolution of issues before the Commission as described above.

**WHEREFORE**, for the foregoing reasons, a Protective Order should be entered ordering that Public Counsel's discovery to FIPUG not be had.

Respectfully submitted,

/s/ Jon C. Moyle

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**CERTIFICATE OF SERVICE**

I **HEREBY CERTIFY** that a true and correct copy of the foregoing has been furnished by electronic mail this 16th day of March 2026 to the following:

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/s/ Jon C. Moyle, Jr.  
Jon C. Moyle, Jr.

**From:** Trierweiler, Walt <[TRIERWEILER.WALT@leg.state.fl.us](mailto:TRIERWEILER.WALT@leg.state.fl.us)>

**Sent:** Friday, February 27, 2026 1:56 PM

**To:** Sarah B. Newman <[sarah.newman@SMXBLAW.com](mailto:sarah.newman@SMXBLAW.com)>; Triplett, Dianne <[dianne.triplett@duke-energy.com](mailto:dianne.triplett@duke-energy.com)>; Bernier, Matt <[matt.bernier@duke-energy.com](mailto:matt.bernier@duke-energy.com)>; Cuello, Stephanie Anne <[stephanie.cuello@duke-energy.com](mailto:stephanie.cuello@duke-energy.com)>; FLRegulatoryLegal <[flregulatorylegal@duke-energy.com](mailto:flregulatorylegal@duke-energy.com)>; [major.thompson@psc.state.fl.us](mailto:major.thompson@psc.state.fl.us); Saad Farooqi <[sfarooqi@psc.state.fl.us](mailto:sfarooqi@psc.state.fl.us)>; GCL Discovery <[discovery-gcl@psc.state.fl.us](mailto:discovery-gcl@psc.state.fl.us)>; Jon Moyle <[jmoyle@moylelaw.com](mailto:jmoyle@moylelaw.com)>; Karen Putnal <[kputnal@moylelaw.com](mailto:kputnal@moylelaw.com)>; Myndi Qualls <[mqualls@moylelaw.com](mailto:mqualls@moylelaw.com)>; Pete Mattheis <[Pete.Mattheis@SMXBlaw.com](mailto:Pete.Mattheis@SMXBlaw.com)>; Mike Lavanga <[mike.lavanga@smxblaw.com](mailto:mike.lavanga@smxblaw.com)>; Joseph R. Briscar <[Joseph.Brisicar@smxblaw.com](mailto:Joseph.Brisicar@smxblaw.com)>; Rehwinkel, Charles <[REHWINKEL.CHARLES@leg.state.fl.us](mailto:REHWINKEL.CHARLES@leg.state.fl.us)>; Christensen, Patty <[CHRISTENSEN.PATTY@leg.state.fl.us](mailto:CHRISTENSEN.PATTY@leg.state.fl.us)>; Wessling, Mary <[Wessling.Mary@leg.state.fl.us](mailto:Wessling.Mary@leg.state.fl.us)>; Ponce, Octavio <[PONCE.OCTAVIO@leg.state.fl.us](mailto:PONCE.OCTAVIO@leg.state.fl.us)>; Watrous, Austin <[WATROUS.AUSTIN@leg.state.fl.us](mailto:WATROUS.AUSTIN@leg.state.fl.us)>

**Cc:** Laura Baker <[laura.baker@SMXBLaw.com](mailto:laura.baker@SMXBLaw.com)>; Jay Brew <[jay.brew@smxblaw.com](mailto:jay.brew@smxblaw.com)>

**Subject:** RE: 20250113 - PCS Phosphate First Request for Admission to DEF

Thank you, PSC Phosphate, for getting the ball rolling.

Standing is a jurisdictional threshold issue that's easily resolved in Florida. As a precursor to a possible alternative resolution in this docket, we also need to know which rate classes are represented. These are not "gotcha" issues but just the mundane matters that require resolution so that we can all focus our attention on the legal and factual issues in controversy. As such, we look forward to working with the parties toward achieving an expeditious resolution of these preliminary matters.

Very respectfully,

Walt

*Walt Trierweiler*

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**Sent:** Friday, February 27, 2026 9:46 AM

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ATTACHMENT "A"

**Cc:** Laura Baker <[laura.baker@SMXBLaw.com](mailto:laura.baker@SMXBLaw.com)>; Jay Brew <[jay.brew@smxblaw.com](mailto:jay.brew@smxblaw.com)>

**Subject:** 20250113 - PCS Phosphate First Request for Admission to DEF

Good morning,

Attached please find White Springs Agricultural Chemicals, Inc. d/b/a PCS Phosphate – White Springs’ First Request for Admission to Duke Energy Florida, LLC, and the Notice of Service, which filed today in the above-referenced docket. Please feel free to contact me if you have any questions.

Sincerely,

Sarah Newman

**Sarah B. Newman** | Associate

**Stone Mattheis Xenopoulos & Brew, PC**

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**From:** "Trierweiler, Walt" <[TRIERWEILER.WALT@leg.state.fl.us](mailto:TRIERWEILER.WALT@leg.state.fl.us)>  
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**Subject: RE: Docket 20250113 - position on stipulations**

Mr. Moyle,  
OPC opposes and objects to the proffered stipulations which seek to sidestep our discovery by recharacterizing the required responses.  
As an ad hoc organization, stipulations 1-3 are irrelevant to the determination of associational standing in this docket.  
Stipulation 4 is void for vagueness.

Very respectfully,  
Walt Trierweiler

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**Cc:** 'Jon Moyle ([jmoyle@moylslaw.com](mailto:jmoyle@moylslaw.com))' ([jmoyle@moylslaw.com](mailto:jmoyle@moylslaw.com)) <[jmoyle@moylslaw.com](mailto:jmoyle@moylslaw.com)>; Bernier, Matt <[Matt.Bernier@duke-energy.com](mailto:Matt.Bernier@duke-energy.com)>; Pickels, Robert <[Robert.Pickels@duke-energy.com](mailto:Robert.Pickels@duke-energy.com)>; Triplett, Dianne <[Dianne.Triplett@duke-energy.com](mailto:Dianne.Triplett@duke-energy.com)>  
**Subject:** Docket 20250113 - position on stipulations

Good morning,

DEF and FIPUG have reached the following stipulations that will hopefully resolve the standing issue (Issue B in Staff's issues list):

1. FIPUG has intervened in DEF rate cases for many years.

ATTACHMENT "B"

*2. In the last DEF rate case, FIPUG intervened, played an active role in the case, and was a party to the rate case settlement agreement.*

*3. During DEF's most recent rate case, the company was informed that a number of large load customers of DEF were represented by FIPUG.*

*4. Those large load customers represented by FIPUG in DEF's rate case are current customers of DEF.*

I am writing to confirm your position on the above stipulations – please advise. Thanks.

Dianne M. Triplett  
Deputy General Counsel  
Duke Energy Florida, LLC  
299 1<sup>st</sup> Ave. N  
St. Petersburg, FL 33701  
(727) 820-4692 (p)

---

This email has been scanned for spam and viruses by Proofpoint Essentials. Click [here](#) to report this email as spam.

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Petition for a limited proceeding to  
approve large load tariff by Duke Energy  
Florida, LLC

DOCKET NO.: 20250113-EI

FILED: February 24, 2026

**CITIZENS' FIRST SET OF INTERROGATORIES (NOS. 1-11)**  
**TO THE FLORIDA INDUSTRIAL POWER USERS GROUP**

Pursuant to § 350.0611(1), F.S., Rule 28-106.206, Fla. Admin. Code, and Rule 1.340, Fla. R. Civ. P., the Citizens of the State of Florida (“Citizens”), through the Office of Public Counsel (“OPC”), propound the following interrogatories to the Florida Industrial Power Users Group (“FIPUG”) to be answered within twenty (20) days after the service of these interrogatories. These interrogatories shall be answered under oath by FIPUG or its agent, who is qualified and who will be identified. As provided by Rule 1.340(a), Florida Rules of Civil Procedure, each interrogatory shall be answered separately and fully in writing under oath unless it is objected to. Each answer shall be signed by the person making it. Please supply the name, address, and relationship to FIPUG of those persons providing the answers to each of the following interrogatories.

To the extent FIPUG provides documents in response to an interrogatory, Citizens request FIPUG produce the documents for inspection and copying at the Office of Public Counsel, Claude Pepper Building, 111 West Madison Street, Suite 812, Tallahassee, Florida 32399-1400.

**DEFINITIONS**

As used herein, the following words shall have the meanings indicated:

“You”, “your”, “FIPUG” refers to the Florida Industrial Power Users Group, its employees, consultants, agents, representatives, attorneys, and any other person or entity acting on behalf of FIPUG.

“Document” refers to written matter of any kind, regardless of its form, and to information recorded on any storage medium, whether in electrical, optical or electromagnetic form, and capable of reduction to writing by the use of computer hardware and software.

“Identify” means:

- (a) With respect to a person, to state the person’s name, address and business relationship (e.g., “employee”) to FIPUG;
- (b) With respect to a document, to state the nature of the document in sufficient detail for

identification in a request for production, its date, its author, and to identify its custodian. If the information or document identified is recorded in electrical, optical or electromagnetic form, identification includes a description of the computer hardware or software required to reduce it to readable form.

### **INSTRUCTIONS**

1. To the extent an interrogatory calls for information which cannot now be precisely and completely furnished, such information as can be furnished should be included in the answer, together with a statement that further information cannot be furnished, and a statement as to the reasons therefore. If the information which cannot now be furnished is believed to be available to another person, identify such other person and the reasons for believing such person has the described information.
2. In the event any interrogatory herein calls for information or documents which you deem to be privileged, in whole or in part, you shall
  - (a) make the claim expressly and specify the grounds relied upon for the claim of privilege,
  - (b) produce the information or documents in redacted form, and
  - (c) to the extent any information or documents are withheld, you shall identify and describe the nature of each document not disclosed and each redacted provision in a manner that will enable other parties to assess the applicability of the privilege or protection.
3. Documents or reports to be identified shall include all documents in your possession, custody and control and all other documents of which you have knowledge. If a document is produced in response to an interrogatory, please produce a copy of the original and all versions that are different in any way from the original, whether by interlineation, receipt stamp or notation. If you do not have possession, custody, or control of the originals of the documents requested, please produce a copy of the version(s) in your possession, custody, or control, however, made.
4. Separate answers shall be furnished for each interrogatory, although where the context permits, an interrogatory may be answered by reference to the answer furnished to another interrogatory.
5. For each interrogatory, identify the name, address, telephone number and position of the

person responsible for providing the answer.

6. Responsive documents available in an electronic format shall be provided in their native electronic format, unless the parties have reached a specific agreement in advance for production of the documents in a different, agreed-upon format or medium. OPC requests that responses for each production of document request be provided in separate electronic folders that include the documents responsive to the request.
7. Documents should be produced in an OCR (Optical Character Recognition) searchable format.
8. Please provide all responses to these interrogatories that include workpapers, data, calculations and spreadsheets in non-password protected and executable PC-compatible computer program/models/software. Formulas, links, and cells, formatting, metadata and any other original features assisting in calculation should be intact. For example, Excel documents and documents of a similar format shall be produced in their native electronic format, with all spreadsheets, formulas, and links unlocked and intact. To the extent the data requested does not exist in the form requested, please notify the undersigned counsel so that the parties can confer to reach a resolution for timely production.
9. Please construe “and” as well as “or” either disjunctively or conjunctively as necessary to bring within the scope of the interrogatories any document which might otherwise be construed to be outside the scope.

## INTERROGATORIES

Order No. PSC-2025-0446-PCO-EI, issued December 10, 2025, in the above styled docket provides that “[b]ased on the foregoing, FIPUG has made allegations sufficient to meet the three-prong associational standing test established in Florida Home Builders and its petition to intervene shall be granted **subject to proof of standing** or stipulations that there are sufficient facts to support all elements for standing. See Delgado v. Agency for Health Care Admin., 237 So. 3d 432, 437 (Fla. 1<sup>st</sup> DCA 2018) (proper pretrial stipulations to the facts supporting all elements of standing are binding upon the parties and the court).” (Emphasis added.) Pursuant to this Order’s requirement that intervention is granted subject to proof of standing, please respond to the following questions.

### **Standing.**

1. In your Petition for Intervention, you contend FIPUG is an association of industrial and commercial users of electricity and natural gas in Florida. Please respond to the following regarding your associational standing:
  - a. Please state whether your association is incorporated in the State of Florida?
  - b. Please state whether your association has a website or websites and, if so, please provide the website(s) address(es)?
  - c. Please state whether your association has members?
  - d. Please identify the officers and/or leaders of your association and their positions?
  - e. Please explain the purpose of your association?
  - f. Please explain the general scope of interest and activities of your association?
  - g. Please explain how a person or corporation joins your association?
  - h. What is FIPUG’s preferred name for its members such as patrons, members, associates, etc., if any?
2. Please identify some of your members that are within Duke Energy Florida’s (DEF) territory taking electricity from DEF and have specifically chosen to participate in this docket.
3. Please identify the total number of members of FIPUG as of November 25, 2025, and

whether that member count has changed since the date you filed your petition, and if it changed, by how much?

4. Please explain the type of relief the association is seeking in this docket for the members of the association receiving service from DEF within DEF's territory?
5. Please identify and explain how specific members of your association will be substantially affected by actions of the Commission regarding DEF's petition in this matter?
6. If FIPUG claims its membership is entirely confidential, please identify the law, rule, statute, or case law [or authority] upon which FIPUG is relying that authorizes it to seek associational standing in an administrative proceeding without identifying the specific person(s) and/or member(s) impacted by the agency's possible action.
7. To the extent FIPUG is claiming individual standing on behalf of a FIPUG member who is a DEF customer(s), please identify the individual DEF customer(s) upon which such claim is based.

#### **Membership.**

8. If FIPUG claims to have members and/or participants in its association, please respond to the following:
  - a. Is your membership *ad hoc*, subject to changing from docket-to-docket based upon subject matter, the utility involved, the year filed, and/or other considerations? Please explain.
  - b. Does your membership who have indicated their intent to participate in this docket purport to include members of a DEF large industrial rate class?
  - c. Does your membership who have indicated their intent to participate in this docket purport to include members of a DEF large commercial rate class customers?
  - d. Does your membership who have indicated their intent to participate in this docket purport to include individual members who are data centers (current or planned)? If yes, does this include data center members whose current or planned initial load is less than 100 MW? Does it include data center member(s) who intend to take service at or over 100MW?
  - e. Does your membership include data center developers, data center real estate brokers, or data center construction companies? If yes, are their interests identical to those articulated in your response to interrogatory 1.e., above? If not, please

explain differences.

- f. Does your membership include entities who take power at a DEF small commercial rate class? If yes, how does FIPUG resolve conflicts of interest in the associational purpose of FIPUG articulated in your response to 1.e. above?
  - g. Does your membership include entities who take power from DEF at a rate class tariff that is different from those articulated above? If yes, which rate classes? How does FIPUG resolve conflicts of interest between those rate classes and the associational purpose of FIPUG related to the large industrial and large commercial rate classes articulated in your response to 1.e. above?
9. In this docket, what is the primary interest that your association is seeking to represent?
- a. Are there other interests in this litigation that your association is also seeking to represent?
  - b. Are there individual customer Parties that are FIPUG members who are representing themselves separately in this docket?
  - c. Are there any Parties who are representing themselves in this docket that you are also representing in this docket (through dual, joint, or shared representation)?
  - d. Is FIPUG currently representing both industrial and commercial rate classes and data centers simultaneously? If so, whose interest takes precedence?
10. Is your association in the process of seeking to add members of other rate classes, including data center members, to this docket who have not yet joined this docket but may do so?
11. Please identify who is the association's "corporate representative" who has knowledge of the association's membership, operations, and conflict resolution procedures?

Respectfully submitted,

/s/ Walt Trierweiler

Walt Trierweiler

Public Counsel

Florida Bar No.: 912468

trierweiler.walt@leg.state.fl.us

Office of Public Counsel

c/o The Florida Legislature

111 West Madison Street, Suite 812

Tallahassee, FL 32399-1400

(850) 488-9330

*Attorney for the Citizens  
of the State of Florida*

**AFFIDAVIT**

STATE OF \_\_\_\_\_

COUNTY OF \_\_\_\_\_

I hereby certify that on this \_\_\_\_\_ day of \_\_\_\_\_, 2026, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared \_\_\_\_\_, who is personally known to me, and he/she acknowledged before me that he/she provided the answers to number(s) 1-11 in CITIZENS' FIRST SET OF INTERROGATORIES TO the FLORIDA INDUSTRIAL POWER USERS GROUP in Docket No. 20250113-EI, and that the responses are true and correct based on his/her personal knowledge.

In Witness Whereof, I have hereunto set my hand and seal in the State and County aforesaid as of this \_\_\_\_\_ day of \_\_\_\_\_, 2026.

\_\_\_\_\_  
Notary Public  
State of Florida, at Large

My Commission Expires:  
\_\_\_\_\_

**CERTIFICATE OF SERVICE**  
**DOCKET NO. 20250113-EI**

I **HEREBY CERTIFY** that a true and correct copy of the foregoing has been furnished by electronic mail on this 24<sup>th</sup> day of February, 2026, to the following:

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/s/ Walt Trierweiler  
Walt Trierweiler  
Public Counsel  
trierweiler.walt@leg.state.fl.us

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Petition for a limited proceeding to  
approve large load tariff by Duke Energy  
Florida, LLC

DOCKET NO.: 20250113-EI

FILED: February 24, 2026

**CITIZENS' FIRST REQUEST FOR PRODUCTION OF DOCUMENTS (NOS. 1-6)**  
**TO THE FLORIDA INDUSTRIAL POWER USERS GROUP**

Pursuant to § 350.0611(1), F.S., Rule 28-106.206, Fla. Admin. Code, and Rule 1.350, Fla. R. Civ. P., the Citizens of the State of Florida, through the Office of Public Counsel (“OPC”), request the Florida Industrial Power Users Group (“FIPUG”) to produce the following documents for inspection and copying at the Office of Public Counsel, Claude Pepper Building, 111 West Madison Street, Suite 812, Tallahassee, Florida 32399-1400, or at such other mutually agreed place, within twenty (20) days. **In lieu of hard copy responses, OPC requests that the Association provide the responses electronically as described below in the Instructions.**

**DEFINITIONS**

As used herein, the following words shall have the meanings indicated:

“You”, “your”, “FIPUG” refers to the Florida Industrial Power Users Group, its employees, consultants, agents, representatives, attorneys, and any other person or entity acting on behalf of FIPUG.

“Document” refers to written matter of any kind, regardless of its form, and to information recorded on any storage medium, whether in electrical, optical or electromagnetic form, and capable of reduction to writing by the use of computer hardware and software. The terms "document" and "documents" are meant to have the broadest possible meaning under applicable law and includes, but is not necessarily limited to, any written, recorded, filmed or graphic matter, whether produced, reproduced, or on paper, e-mail, cards, tapes, film, electronic facsimile, computer storage device or any other media, including, but not limited to, memoranda, notes, minutes, records, photographs, correspondence, communications, telegrams, diaries, bookkeeping entries, financial statements, tax returns, checks, check stubs, reports, studies, charts, graphs, statements, notebooks, handwritten notes, applications, agreements, books, pamphlets, periodicals, appointment calendars, records and recordings of oral conversations, work papers, and notes, any of which are in your possession, custody, or control.

## INSTRUCTIONS

1. If any document is withheld under any claim to privilege, please furnish a list identifying each document for which privilege is claimed, together with the following information: date, sender, recipients, recipients of copies, subject matter of the document, and the basis upon which such privilege is claimed.
2. Responsive documents available in an electronic format shall be provided in their native electronic format, unless the parties have reached a specific agreement in advance for production of the documents in a different, agreed-upon format or medium. OPC requests that responses for each production of document request be provided in separate electronic folders that include the documents responsive to the request.
3. If you have possession, custody, or control of the original of the documents requested, please produce a copy of the originals and all versions that are different in any way from the original, whether by interlineation, receipt stamp or notation. If you do not have possession, custody, or control of the originals of the documents requested, please produce a copy of the version(s) in your possession, custody, or control, however made.
4. In providing documents, the Association, is requested to furnish all documents or items in its physical possession or custody, as well as those materials under the physical possession, custody or control of any other person acting or purporting to act on behalf of the Association or any of the employees or representatives, whether as an agent, independent contractor, attorney, consultant, witness, or otherwise, of the Association.
5. Please construe “and” as well as “or” either disjunctively or conjunctively as necessary to bring within the scope of this production of documents any document which might otherwise be construed to be outside the scope.
6. Please provide all responses that include workpapers, data, calculations and spreadsheets in non-password protected and executable PC-compatible computer program/models/software. Formulas, links, and cells, formatting, metadata and any other original features assisting in calculation should be intact. For example, Excel documents and

documents of a similar format shall be produced in their native electronic format, with all spreadsheets, formulas, and links unlocked and intact. To the extent the data requested does not exist in the form requested, please notify the undersigned counsel so that the parties can confer to reach a resolution for timely production.

7. Documents should be produced in an OCR (Optical Character Recognition) searchable format.
8. Pursuant to the Commission's Order Establishing Procedure, each page of every document produced pursuant to requests for production of documents shall be identified individually through the use of a Bates Stamp or other equivalent method of sequential identification.

## **DOCUMENTS REQUESTED**

Order No. PSC-2025-0446-PCO-EI, issued December 10, 2025, in the above styled docket provides that “[b]ased on the foregoing, FIPUG has made allegations sufficient to meet the three-prong associational standing test established in Florida Home Builders and its petition to intervene shall be granted **subject to proof of standing** or stipulations that there are sufficient facts to support all elements for standing. See Delgado v. Agency for Health Care Admin., 237 So. 3d 432, 437 (Fla. 1<sup>st</sup> DCA 2018) (proper pretrial stipulations to the facts supporting all elements of standing are binding upon the parties and the court).” (Emphasis added.) Pursuant to this Order’s requirement that intervention is granted subject to proof of standing, please respond to the following questions.

### **Standing.**

1. Please provide documentation of FIPUG’s incorporation in the State of Florida.
2. Please provide a copy of any list of membership for FIPUG that existed as of November 25, 2025, and as of today.
3. Please provide copies of any articles of incorporation, by-laws, or other similar type documentation used to govern FIPUG, the association.
4. If FIPUG is an *ad hoc* organization whose membership varies from docket to docket, utility to utility, year to year, etc., please provide documentation of participation for representative members of each rate class member in this specific docket.
5. Please provide some documentation for each FIPUG member that currently takes electric service in the DEF territory.
6. Please provide any documentation that is responsive to the First Set of Interrogatories to FIPUG.

Respectfully submitted,

/s/ Walt Trierweiler

Walt Trierweiler

Public Counsel

Florida Bar No.: 912468

trierweiler.walt@leg.state.fl.us

Office of Public Counsel

c/o The Florida Legislature

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*Attorney for the Citizens  
of the State of Florida*

**CERTIFICATE OF SERVICE**  
**DOCKET NO. 20250113-EI**

I **HEREBY CERTIFY** that a true and correct copy of the foregoing has been furnished by electronic mail on this 24<sup>th</sup> day of February, 2026, to the following:

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