

**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: March 27, 2026

**MOTION FOR LEAVE TO REPLY TO
RESPONSE OF DUKE ENERGY FLORIDA IN OPPOSITION TO
PETITION TO INTERVENE OF SEMINOLE ELECTRIC COOPERATIVE, INC.**

Seminole Electric Cooperative, Inc. (“Seminole”) respectfully submits this motion for leave to reply, pursuant to Rule 28-106.204, Florida Administrative Code, to Duke Energy Florida’s (“DEF”) Opposition to Petition to Intervene by Seminole (“Opposition to Intervene”), as good cause exists to allow Seminole to file a reply to correct the assertions in DEF’s Opposition to Intervene and clarify Seminole’s substantial interest in this proceeding.

Seminole has conferred with the other parties, and the undersigned is authorized to represent that the Office of Public Counsel, Florida Industrial Power Users Group, White Springs Agricultural Chemicals, d/b/a PCS Phosphate-White Springs, and Nucor Steel Florida, Inc. take no position on this motion for leave to file a reply, and DEF objects to this motion for leave to file a reply.

Respectfully Submitted,

/s/ Bret Galbraith

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Certificate of Service

I hereby certify that a true copy of the foregoing Petition to Intervene has been furnished by electronic mail and/or U.S. Mail this 27th day of March, 2026, to the following:

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**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: 03/26/2026

**REPLY TO RESPONSE OF DUKE ENERGY FLORIDA IN OPPOSITION TO
PETITION TO INTERVENE OF SEMINOLE ELECTRIC COOPERATIVE, INC.**

Seminole Electric Cooperative, Inc. (“Seminole”), through its undersigned counsel, respectfully submits this reply to Duke Energy Florida’s (“DEF”) Opposition to Petition to Intervene by Duke Energy Florida (“Opposition to Intervene”). This reply will help clarify Seminole’s substantial interest before the Florida Public Service Commission (“Commission”). In further support, Seminole states as follows:

1. In its Opposition to Intervene, DEF invites the Commission to adopt a myopic view of this proceeding and deny Seminole’s petition to intervene because Seminole is not a retail customer of DEF. In doing so, DEF ignores the statements made in its Petition seeking approval of a Large Load Customer Rate Schedule (“DEF Petition”), the testimony of its witnesses, and the recent findings made by the Florida State Legislature that recognize the Commission’s determinations in *this* proceeding will potentially affect DEF’s existing customers, including transmission customers like Seminole. More specifically, the failure by DEF to sufficiently mitigate the well-known risks associated with large loads could expose DEF’s existing customers to significant and unjustified cost-shifts, including cost-shifts to customers who will be directly affected by the incremental transmission needed to support large loads. Seminole, therefore, must have the opportunity to participate in this proceeding to ensure that DEF’s large load proposal contains sufficient risk mitigation measures to protect existing customers from unwarranted cost-shifts.

2. Rule 28-106.205, Florida Administrative Code, provides that those who have a substantial interest in a proceeding, and who desire to become parties, may move for leave to intervene. To have standing, an intervenor must meet the two-prong standing test set forth in *Agrico Chemical Company v. Department of Environmental Regulation*, 406 So. 2d 478, 482 (Fla. 2d DCA 1981) (“*Agrico*”). The intervenor must show that (1) he will suffer injury in fact that is of sufficient immediacy to entitle him to a Section 120.57, F.S., hearing, and (2) the substantial injury is of a type or nature that the proceeding is designed to protect.

3. Seminole submits that it meets the first prong of the *Agrico* test because DEF’s Petition acknowledges that cost-shifting is an issue that will be addressed in this proceeding. Specifically, DEF asserts that “. . . utilities can take and are taking steps to ensure large load customers cover their fair share of costs to serve to insulate the remaining customer base from paying more to serve new large load customers.” DEF Petition at 3-4. DEF also claims that its proposed Large Load Customer Policy (“LLCP”), and Large Load Customer Agreement (“LLCA”) “will include important protections for existing customers to recognize the unique nature of new large load customers” and that its proposal provides protections for existing customers from the risk of stranded costs. DEF Petition at 4-5. Further, DEF witness Steven W. Wishart proffers his opinion about the ability of DEF’s proposal to protect existing ratepayers, asserting that the proposal “ensures that the Company’s existing ratepayers are protected against stranded costs while offering data centers and other major loads the certainty they require to justify multimillion-dollar investments.” Wishart Testimony at 29-30.

4. These are all issues that will be examined in the hearing. As an existing customer, whether this rate proposal results in stranded costs—that have the potential to be socialized among all rate classes—is of particular relevance to Seminole. The issue of whether DEF’s

proposal does, in fact, protect existing customers like Seminole from unwarranted cost-shifts is a central issue in this proceeding. As an existing transmission customer that may be affected by cost-shifts resulting from DEF's proposal, Seminole's interests will be directly affected by the outcome of this hearing.

5. Seminole's substantial interest is also of the nature that the proceeding is designed to protect. The fact that issues related to cost-shifts to existing customers are central to this proceeding is reinforced by the testimony of Mr. Wishart. Mr. Wishart states that "standardized terms promote rate-class equity by ensuring each new entrant bears the same financial responsibilities, preventing ad hoc discounts or overly lenient security arrangements that could shift risks or costs onto existing customers." Wishart Testimony at 14. DEF, however, is proposing to develop a rate class for large loads interconnecting at 230 kV, which is a transmission-level voltage. This could lead to disparate treatment of customers, whereby data centers are interconnecting to transmission-level facilities under a retail tariff while a large load served by Seminole would be required to interconnect to DEF's 230 kV transmission facilities pursuant to DEF's Open Access Transmission Tariff. Consequently, there may be significant cost advantages afforded to large loads interconnecting to 230 kV transmission facilities under DEF's retail tariff that would not be available to other customers that are serving load and interconnecting to DEF's 230 kV transmission facilities.

6. The importance of Seminole's articulated concerns to this proceeding is reinforced by legislation passed by the Florida Legislature finding that large load proposals may impact existing ratepayers from, among other things, "incremental transmission" costs and requiring the Commission to mitigate the risks of cost-shifts that may impact existing customers. More specifically, Section 3 of Senate Bill 484 provides that "the provision of safe and reliable

electric services, provided at fair, just, and reasonable rates, is essential to the welfare of the ratepayers of this state. The Legislature further finds that when one class of electric service customer requires uniquely large electrical loads at a single location, it imposes a disproportionate risk on the other ratepayers of this state and makes it necessary for the commission to develop and enforce rate structures and other policies for such customers which ensure such risk is mitigated as much as possible and prevent shifting the costs of serving large load customers to the general body of ratepayers.” Fla. S.B. 484, § 3 (2026).

7. Senate Bill 484 further requires tariffs and service requirements to “reasonably ensure that each large load customer bears its own full cost of service and that such cost is not shifted to the general body of ratepayers. Such cost of service includes, but is not limited to, connection, *incremental transmission*, incremental generation, and other infrastructure costs; operations and maintenance expenses; and any other costs required to serve a large load customer. The risk of nonpayment of such costs may not be borne by the general body of ratepayers.” Fla. S.B. 484, § 3 (2026) (emphasis added).

8. The legislation echoes the very concern that Seminole has articulated—that large loads have the potential to impose a disproportionate risk on other ratepayers. Because of this concern, the legislation directs the Commission—through proceedings like these—to ensure that risk is mitigated as much as possible to prevent cost-shifts to ratepayers such as Seminole. DEF’s request for abatement tacitly acknowledges that, if Senate Bill 484 becomes law, its proposal and the Commission’s hearing must address issues related to cost-shifting (including presumably “incremental transmission” costs to existing ratepayers such as Seminole).

9. Though the legislation has not yet been signed into law, it demonstrates a clear intent for the Commission to address issues related to cost-shifting that may occur in the context

of proposed large load tariffs. Large load tariffs and service requirements must ensure, among other things, that the costs of “incremental transmission” attributable to large loads are not shifted to other ratepayers, such as Seminole. Seminole, therefore, has a substantial interest in ensuring that incremental transmission costs from large loads will not be shifted to existing ratepayers and must have an opportunity to address its concerns in this hearing.

WHEREFORE, Seminole respectfully requests that the Commission accept this Motion for Leave to Reply and enter an order allowing Seminole to intervene as a full party in this docket.

Respectfully Submitted this 27th day of March, 2026.

/s/ Bret Galbraith

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