

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Petition for Determination of Need  
for Andytown-Oasis Transmission  
Lines in Broward and Miami-Dade Counties,  
by Florida Power & Light Company.

Docket No. 20260020-EI

Served: April 2, 2026

**FLORIDA POWER & LIGHT COMPANY'S RESPONSE TO  
THE ENVIRONMENTAL DEFENSE FUND, INC.'S MOTION TO ALTER SCHEDULE**

Pursuant to Rule 28-106.204, Florida Administrative Code, Florida Power & Light Company ("FPL"), by and through its undersigned counsel, hereby responds in opposition to the motion to alter the procedural schedule in this docket ("Motion"), filed by the Environmental Defense Fund, Inc. ("EDF") on March 31, 2026, and requests that EDF's Motion be denied. As described below, EDF seeks to delay the Commission's review of FPL's Petition for Determination of Need for Andytown-Oasis Transmission Lines in Broward and Miami-Dade Counties ("Petition") and require FPL to modify the proposed transmission lines in the Petition before the Commission has even considered FPL's proposal. For the reasons explained below, EDF's Motion fails to demonstrate good cause for any departure from the statutory timelines prescribed by the Legislature for a need determination under the Florida Electric Transmission Line Siting Act ("TLSA"), Sections 403.52-403.5365, Florida Statutes, and therefore must be denied. In support of its response, FPL states as follows:

**I. BACKGROUND**

1. On February 9, 2026, FPL filed its notice of intent to file petition for transmission lines need determination for the Andytown-Oasis Transmission Lines Project ("AOP").

2. On March 4, 2026, FPL caused a notice of the April 7, 2026 prehearing conference and the April 23, 2026 hearing to be published in the Sun Sentinel (Broward County) and the Miami Herald (Miami-Dade County).

3. On March 5, 2026, the Commission caused to be published in the Florida Administrative Register notice of the April 7, 2026 prehearing conference and the April 23, 2026 hearing for this docket and the Commission issued a similar notice in the docket on March 6, 2026.

4. On March 11, 2026, FPL filed its Petition with Exhibit A and the direct testimony and exhibits of FPL witness Miguel A. Yanes. As explained therein, FPL's 2025 transmission planning studies identified that FPL's existing transmission network will not be able to support the growing load demand in Miami-Dade County by 2033, and that a new transmission solution is required to resolve violations of the mandatory North American Electric Reliability Corporation ("NERC") Reliability Standards TPL-001-5.1 and NUC-001-4 identified in Miami-Dade County beginning in 2033. FPL evaluated alternative transmission solutions and ultimately selected the AOP as the overall most appropriate transmission solution to resolve this local reliability need.

5. On March 12, 2026, the Commission issued its Order Establishing Procedure for the docket, Order No. PSC-2026-0056-PCO-EI ("OEP"), establishing the procedural schedule for the docket, including the March 24, 2026 deadline for filing intervenor testimony and the April 23, 2026 hearing date.

6. EDF filed its motion to intervene on March 24, 2026. On that same day, EDF filed the direct testimony and exhibits of its witnesses Ted Thomas and David Cranston. Therein, the EDF witnesses do not dispute or otherwise challenge the reliability need underlying the proposed AOP. Rather, the EDF witnesses devote much of their testimony to the regional transmission planning to be implemented pursuant to FERC Order 1920 and, based thereon, recommend that

the Commission deny FPL's AOP Petition and direct FPL to undertake a regional transmission planning process consistent with FERC Order 1920, including the consideration of additional regional transmission solutions and transmission technologies.

7. On March 30, 2026, FPL filed rebuttal testimony of its witnesses Miguel A. Yanes and Andrew McLain responding to the arguments raised by the EDF witnesses.

8. On March 31, 2026, FPL filed a Motion in Limine and to Strike certain portions of the direct testimonies and exhibits of EDF witnesses Cranston and Thomas. Therein, FPL requested, among other things, that all EDF testimony and exhibits regarding the future implementation of the FERC Order 1920 regional transmission planning process be stricken and excluded from this proceeding because they are irrelevant, immaterial, premature, and beyond the Commission's jurisdiction. Additionally, FPL requested, among other things, that EDF and its counsel should be barred from introducing any testimony, documents, arguments, or references in any manner in this proceeding that are related to the transmission planning process and procedures to be implemented pursuant to FERC Order 1920. FPL's Motion in Limine and to Strike remains pending for disposition.<sup>1</sup>

9. On March 31, EDF filed its Motion requesting that the Commission alter the procedural schedule in the OEP for either (a) FPL to conduct additional analyses of alternatives to the AOP or (b) EDF to "engage appropriate engineering experts to evaluate alternatives and to prepare and submit their expert testimony."<sup>2</sup> (*See* EDF Motion, pp. 2-3.) EDF requests that if

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<sup>1</sup> FPL acknowledges that the rebuttal testimony of FPL witness McLain responds to the same FERC Order 1920 that FPL seeks to strike and have excluded from the record. In the event that this request in FPL's Motion in Limine and to Strike is granted, FPL will appropriately withdraw the rebuttal testimony of FPL witness McLain in its entirety.

<sup>2</sup> This statement in EDF's signed Motion is an admission that EDF's witnesses Cranston and Thomas are not engineers or otherwise qualified to provide expert evaluation and testimony regarding transmission alternatives. FPL notes that this admission is fully consistent with the request in FPL's Motion in Limine  
(continued on next page)

FPL provides the information and analyses that EDF seeks, an additional 60 to 90 days would likely be sufficient. However, if FPL declines to provide the information and analysis demanded by EDF, EDF requests an additional six months. (*See* EDF Motion, p. 3.)

10. For the reasons explained below, EDF’s Motion is wholly without merit and falls woefully short of the “good cause” required to alter the statutory time limits for a need determination and, therefore, should be denied.

## II. ARGUMENT

11. EDF’s Motion should be denied because it asks the Commission to do precisely what the TLSA does not permit – that is, suspend the Legislature’s expedited need-determination process so an intervenor can force the applicant to develop and litigate a different project on the intervenor’s preferred timetable. Section 403.537, Florida Statutes, requires the Commission to conduct a noticed public hearing on need and sets the governing time parameters for that hearing process. Likewise, Rule 25-22.075, Florida Administrative Code, provides that transmission-line need proceedings are controlled by the time deadlines and notice requirements in Section 403.537.

12. The governing statute is not aspirational. It reflects a legislative judgment that transmission-line need proceedings must move on an accelerated schedule. Section 403.537(1)(a) requires the Commission to provide published notice at least 21 days before the hearing, and Section 403.537(1)(c) limits the Commission’s determination to whether the proposed line is needed, taking into account reliability and integrity, abundant low-cost electrical energy, and the appropriateness of the starting and ending points, together with only such other matters as are

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and to Strike that certain portions of EDF witness Cranston’s testimony should be stricken and excluded from the record because he is not qualified to offer expert testimony regarding Florida’s transmission system or utility transmission planning.

within the Commission's jurisdiction. Rule 25-22.075, Florida Administrative Code, confirms that those statutory deadlines control these proceedings.

13. The TLSA provides that the statutory time limitations "may be altered for good cause shown by any party." Section 403.537(3), Florida Statutes. EDF's Motion does not identify any genuine scheduling irregularity, much less the "good cause" required for an alteration of the schedule. EDF's real complaint is not that the Commission failed to follow the governing statute or rules, but that EDF dislikes the expedited schedule the TLSA itself requires. Disagreement with the Legislature's timetable is not "good cause."

14. EDF's requested relief confirms the point. EDF asks the Commission either to require FPL to perform additional studies and submit new analyses within 60 to 90 days, or to give EDF approximately six months to develop its own alternative portfolio. EDF thus seeks not a modest procedural accommodation, but a wholesale resetting of the case so that EDF can develop and force consideration of projects and technologies it believes FPL should have proposed. That is not a proper basis to modify the schedule established by OEP.

15. The premise of EDF's Motion is legally flawed because, in a TLSA need case, it is the applicant utility that bears the burden to identify the need, present the project for which *it* seeks approval to construct, explain the alternatives it examined, and persuade the Commission that its proposed line satisfies the statutory criteria. Rule 25-22.076, Florida Administrative Code, requires the petition to include, among other things, a summary discussion of the major alternative transmission lines or transmission improvements the utility examined and evaluated in arriving at the decision to pursue the proposed project, together with the major reasons for adding the proposed line. Rule 25-22.076 thus places the initial obligation to define the need and present the utility's selected solution on the utility, not on an intervenor.

16. That allocation of responsibility matters here. EDF is free to oppose the Petition, challenge FPL's proof, cross-examine FPL's witnesses, sponsor contrary testimony, and argue that the Commission should deny the requested determination of need. But EDF has no unilateral right to convert itself into a *de facto* "super-board of directors" for FPL, dictate what alternatives FPL must study, or compel FPL to redesign its case around EDF's preferred technologies or preferred transmission planning process. The decision regarding which "major alternative transmission lines or transmission improvements" to examine and present in a need determination application belongs, in the first instance, to the utility's management, subject to Commission review under Section 403.537, Florida Statutes, and Rule 25-22.076, Florida Administrative Code.

17. EDF's Motion is especially improper because it seeks to transform this proceeding from a need determination on FPL's proposed AOP into an open-ended planning exercise concerning regional projects, advanced transmission technologies, grid-enhancing technologies, battery storage, and other non-wires alternatives that EDF believes should be explored further. EDF's own Motion and testimony confirms that objective. That is not the function of a TLSA need case. The Commission's task is to decide the Petition before it under the criteria mandated in Section 403.537 – not to require FPL to conduct a new round of long-range transmission planning at EDF's direction.

18. Section 403.537, Florida Statutes, confines the Commission's inquiry to need for the proposed line, the low-cost-energy criterion, the appropriateness of the starting and ending points, and such other matters as are within the Commission's jurisdiction. The Commission is not tasked under the TLSA or Chapter 366 to implement, supervise, or await the development of future FERC Order 1920 regional planning processes. As FPL's Motion in *Limine* and to *Strike*

correctly notes, disputes over compliance with federal transmission-planning requirements belong before FERC, not in a state TLSA need case.

19. EDF’s due-process argument fares no better. Procedural due process requires reasonable notice and a reasonable meaningful opportunity to be heard – not the amount of process an intervenor would prefer.<sup>3</sup> Florida law states that principle plainly, and Section 120.569, Florida Statutes, likewise requires notice of available hearing and review rights and the procedures and time limits that apply. Here, the noticed hearing date and prehearing date were published well in advance, and the procedural schedule gave EDF the process due under Florida law: notice, party participation, discovery, the right to file testimony and exhibits, the right to cross-examine, and the right to be heard before the Commission. *See* Section 120.57(1)(b), Fla. Stat.

20. The actual chronology confirms that due process has been satisfied: FPL filed its Notice of Intent on February 9, 2026; newspaper notice of the April 7, 2026 prehearing conference and April 23, 2026 hearing was published on March 4, 2026; the Commission published notice in the Florida Administrative Register on March 5, 2026 and in the docket on March 6, 2026; and FPL filed its Petition, testimony, and exhibits on March 11, 2026, after which EDF conducted discovery, deposed FPL witness Yanes, and filed its own witnesses and exhibits. That sequence afforded EDF substantially more than the minimum 21-day statutory hearing notice required by Section 403.537(1)(a), Florida Statutes.

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<sup>3</sup> *See Florida Public Service Com’n v. Triple “A” Enterprises, Inc.*, 387 So. 2d 940, 943 (Fla. 1980) (“fundamental requirements of due process are satisfied by reasonable notice and a reasonable opportunity to be heard”); *Citizens of State v. Florida Public Service Com’n*, 146 So.3d 1143 (2014) (rejecting a due-process challenge to the Commission’s allegedly “rushed hearing track” for considering a settlement); *Hadley v. Department of Administration*, 411 So. 2d 184, 187 (Fla. 1982) (finding that there is no “single test” for whether due process has been met and due process does not entitle a party or intervenor to the particular procedure it would rather have).

21. Nor is the schedule somehow anomalous. In the Commission’s recent 2025 transmission need proceeding for Duke Energy Florida’s DeLand West–Dona Vista Line approved in Docket No. 20250078-EI, the Order Establishing Procedure set a similarly accelerated schedule, with utility testimony due June 9, intervenor testimony due June 23, rebuttal due June 30, prehearing on July 14, and hearing on July 22-23.<sup>4</sup> The Commission’s use of an expedited schedule here is thus entirely consistent with the statute, the rules, and recent Commission practice in comparable TLSA need cases.<sup>5</sup>

22. EDF cannot manufacture “good cause” by choosing to intervene after the proceeding was underway and then complaining that it wants more time to build a different case. The schedule established in the OEP governs all parties alike. The statute does not guarantee an intervenor enough time to recruit whatever additional experts it wishes, test whatever alternative technologies *it* chooses, or develop a substitute transmission plan of *its* own. It guarantees notice and an opportunity to be heard, and EDF has had both.

23. Most importantly, EDF’s requested delay would prejudice the public interest the TLSA is designed to protect. The Legislature required an expedited need-determination process because transmission reliability issues should be addressed promptly, not deferred while parties litigate hypothetical future planning constructs. EDF’s proposal would postpone adjudication of FPL’s Petition for months so that EDF can attempt to reframe the case around (i) alternatives FPL did not choose to propose and (ii) a future federal transmission planning process that, by EDF’s own theory, remains prospective. That is not a “good cause” to alter the schedule – it is a reason to deny the Motion.

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<sup>4</sup> See Commission Order No. PSC-2025-0182-PCO-EI, Docket No. 20250078-EI (May 30, 2025).

<sup>5</sup> See, e.g., Commission Order No. PSC-2022-0123-PCO-EI, Docket No. 20220045-EI (March 21, 2022); Commission Order No. PSC-03-0275-PCO-EI, Docket No. 20030084-EI (February 27, 2003).

24. Finally, even assuming, *arguendo*, that EDF's Motion met the minimal burden to demonstrate "good cause," which it did not for the many reasons explained above, EDF's motion is nonetheless fatally flawed. In its Motion, EDF seeks an extension of time to, among other things, prepare and submit its expert testimony. Rule 28-106.204(4), Florida Administrative Code, provides that motions for extension of time must not only state good cause for the request, but they must also be filed before the deadline sought to be extended. Thus, EDF's Motion, which was filed on March 31, 2026, fails on its face because any request to extend the deadline for filing expert testimony had to be made before the March 24, 2026 deadline for intervenor testimony established in the OEP.

25. In short, EDF may argue that the Commission should reject FPL's Petition on the record as filed, but EDF has no right to derail the statutory schedule so it can force FPL to study and present EDF's preferred project instead. The OEP is consistent with Section 403.537, Florida Statutes, Rules 25-22.075 and 28-106.204, Florida Administrative Code, and the basic administrative due process requirements of reasonable notice and a reasonable meaningful opportunity to be heard. Because EDF has shown neither legal entitlement nor good cause for the sweeping relief it seeks, its Motion should be denied in its entirety.

### **III. CONCLUSION**

26. EDF seeks to upend the Legislature's expedited TLISA schedule so it can force FPL to study and potentially propose the transmission projects, technologies, and planning processes EDF prefers. But that is not the function of a need determination under Section 403.537, Florida Statutes, EDF may oppose FPL's showing on the record before the Commission, but it has no right to derail the statutory schedule so it can redesign the case around its own preferred transmission planning processes and outcomes.

27. EDF likewise has failed to show good cause for the extraordinary relief it seeks. The OEP follows the statutory timetable, is consistent with Commission practice, and fully satisfies administrative due process by providing notice and a meaningful opportunity to be heard. The Commission should therefore deny EDF's Motion in its entirety.

WHEREFORE, FPL respectfully requests that the Commission deny EDF's Motion.

Respectfully submitted this 2nd day of April 2026,

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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 to the following parties of record this 2nd day of April 2026:

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