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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition by Duke Energy Florida, LLC, for a limited proceeding to approve large load tariff	Docket No. 20250113-EI Dated: April 2, 2026

DUKE ENERGY FLORIDA'S RESPONSE IN OPPOSITION TO SEMINOLE ELECTRIC COOPERATIVE INC'S MOTION FOR LEAVE TO REPLY TO DUKE ENERGY FLORIDA'S RESPONSE IN OPPOSITION TO PETITION TO INTERVENE

Duke Energy Florida, LLC ("DEF"), by and through undersigned counsel and pursuant to Rule 28-106.204, F.A.C., hereby responds in opposition to Seminole Electric Cooperative, Inc.'s ("Seminole") Motion for Leave to File a Reply to DEF's Response in Opposition to Petition to Intervene filed by Seminole. Because Rule 28-106.205, F.A.C., does not authorize a potential intervenor to file a Reply to a Response to its Petition to Intervene, and because Seminole has not otherwise provided the Commission with good cause to accept such a filing in this instance, Seminole's Motion should be denied. In support, DEF states as follows:

1. DEF initiated this docket by Petition filed September 5, 2025. *See* doc. no. 09146-2025. On March 18, 2026, Seminole filed its Petition to Intervene, *see* doc. no. 01631-2026, to which DEF timely filed its Response in Opposition on March 24, 2026, *see* doc. no. 01750-2026.

2. On March 27, 2026, Seminole then filed its Motion for Leave to File a Reply to DEF's Response. *See* doc. no. 01826-2026 (the "Motion"). Together with Seminole's Motion, it also included its proposed Reply. *See id.* at pp. 5-9. However, because the very relief Seminole is seeking with its Motion is acceptance by the Commission of its proposed Reply, unless and until the Commission grants Seminole's Motion, the proposed Reply is not properly before this

Commission, and the Commission should base its decision on the Motion itself and not the assertions and allegations contained in the proposed response. *See* Rule 28-106.204(1), F.A.C. ("All requests for relief shall be by motion. All motions shall be in writing unless made on the record during a hearing, *and shall fully state the action requested and the grounds relied upon*.") (e.s.). Therefore, DEF will confine this response to the grounds stated in the Motion itself; if the Commission grants the Motion, which it should not, DEF reserves its right to address the substance of the Reply at the appropriate time. *See* Order No. PSC-2026-0068-PCO-EI (granting DEF's motion for temporary abatement with limited exceptions).

3. Rule 28-106.205 ("Intervention") requires a party seeking intervention to file a motion with the presiding officer and identifies certain content that must be included in the motion. One such requirement of a motion to intervene is "[a]llegations sufficient to demonstrate that the intervenor is entitled to participate in the proceeding as a matter of constitutional or statutory right or pursuant to agency rule, or that the substantial interests of the intervenor are subject to determination or will be affected by the proceeding[.]" Rule 28-106.205(2)(c), F.A.C.

4. Thus, Seminole was on notice of what was required to be included in its motion and in control of what information it deemed sufficient to establish its "entitle[ment] to participate." Because a party seeking intervention is on full notice of what must be shown to establish entitlement to participate, administrative efficiency dictates that a subsequent reply to whatever responses may be filed should not be permitted. *See* Rule 28-106.101, F.A.C. ("This chapter shall apply in all proceedings in which the substantial interests of a party are determined by the agency and shall be construed to secure the just, speedy, and inexpensive determination of every proceeding.").

5. Moreover, Rule 28-106.204(1), which governs motion practice, explicitly rejects the filing of a reply without leave of the presiding officer. Because a movant is on full notice of what must be demonstrated to establish entitlement to proceed, and because that movant is in full control of the timing of its filing (up to 20 days prior to the final hearing, *see* Rule 28-106.205(1), F.A.C.), a movant seeking a second-bite of the apple should include at least some discussion of the good cause that would warrant an additional filing.

6. Here, the Motion utterly fails to establish any good cause that would warrant acceptance of its proposed Reply.[1] The Motion contains only two paragraphs, one of which is the required notice of conferral. As to the basis for the relief sought, Seminole offers only the conclusory statement "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." *See* Motion, at p. 1.

7. In short, Seminole has simply provided no good cause, and none exists, to permit the filing of the Proposed Reply.

WHEREFORE, for the reasons stated herein, Seminole's Motion for Leave to File Reply should be Denied.

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[1] As discussed above, any "good cause" for the granting of the Motion must be contained within the Motion itself, not in the proposed Reply. *See* Rule 28-106.204(1), F.A.C. (stating that a motion must "fully" provide the basis for the relief sought.). However, even if the Reply was improperly relied upon to provide the basis for granting the Motion, it still falls short, as the Reply does nothing more than restate facts and/or arguments that could and should have been included in Seminole's original submission. *See* Rule 28-102.205(2)(c), F.A.C. It also admits DEF's contention that Seminole is not seeking to protect its interests as a retail customer, but rather a wholesale customer seeking to protect potential competitive interests that are simply not at issue in this proceeding and are otherwise beyond this Commission's jurisdiction. *See* Reply at p. 3, ¶ 5 ("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 [FERC-regulated] 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.").

Respectfully submitted this 2nd day of April, 2026.

/s/ Matthew R. Bernier

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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 this 2nd day of April, 2026, to the following:

/s/ Matthew R. Bernier
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