

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for determination of need for
Andytown-Oasis transmission lines project in
Broward and Miami-Dade Counties, by Florida
Power & Light Company.

DOCKET NO. 20260020-EI
ORDER NO. PSC-2026-0083-PCO-EI
ISSUED: April 3, 2026

ORDER PROVISIONALLY GRANTING
ENVIRONMENTAL DEFENSE FUND'S
MOTION TO INTERVENE

On February 9, 2026, pursuant to Section 403.537, Florida Statutes (F.S.), and Rule 25-22.075, Florida Administrative Code (F.A.C.), Florida Power & Light Company (FPL) filed a Notice of Intent to File Petition for Transmission Lines Need Determination. FPL subsequently filed its Petition to Determine Need for Electrical Transmission Lines on March 11, 2026. Pursuant to Order No. PSC-2026-0056-PCO-EI, an evidentiary hearing on FPL's petition was scheduled for April 23, 2026.

Motion to Intervene

On March 24, 2026, the Environmental Defense Fund (EDF) filed a Motion to Intervene.¹ According to its Motion, EDF is a not-for-profit corporation incorporated in the State of New York and is registered to do business in Florida. EDF alleges that it has 16,769 members in Florida, many of whom receive retail electric service from FPL. As such, EDF contends that the substantial interests of those members who are FPL retail customers will be directly affected by the Florida Public Service Commission's (Commission) decisions in this proceeding. EDF also asserts that, consistent with its organizational mission, it actively participates in regulatory proceedings to advance a clean, reliable, affordable, and resilient energy supply system, as well as supports comprehensive grid modernization, robust grid planning for extreme weather resilience, and protecting ratepayers from the stranded asset costs associated with expansion of unnecessary natural gas infrastructure. Finally, EDF avers that the across-the-board relief it seeks—ensuring the Andytown-Oasis Transmission Lines Project is needed for system reliability and that the project will provide abundant, low-cost electrical energy for Floridians—will apply to all of EDF's members in the same way, and is thus appropriate for an association to obtain on behalf of its members.

Pursuant to Rule 28-106.205, F.A.C., "parties may, within 7 days of service of the motion [to intervene], file a response in opposition." EDF represents that it conferred with the parties regarding its Motion. FPL timely filed a Response to the Motion on March 27, 2026, indicating it takes no position: (1) pending EDF's responses to discovery in this docket; and (2) subject to EDF's proof of standing or stipulations in this docket that are sufficient to support all elements of

¹ Document No. 01737-2026, filed on March 24, 2026.

standing.² The Office of Public Counsel took no position on EDF's Motion and the time to file a response in opposition has expired.

Standards for Intervention

Pursuant to Rule 28-106.205, F.A.C., persons, other than the original parties to a pending proceeding, who have a substantial interest in the proceeding and who desire to become parties may move for leave to intervene. Motions for leave to intervene must be filed at least twenty (20) days before the final hearing, must comply with Rule 28-106.204(3), F.A.C., and must include allegations sufficient to demonstrate that the intervenor is entitled to participate in the proceeding as a matter of constitutional or statutory right or pursuant to Commission rule, or that the substantial interests of the intervenor are subject to determination or will be affected through the proceeding. Intervenors take the case as they find it.

For an association like EDF to have standing to intervene in an administrative proceeding on behalf of its members, the intervenor must meet the three-prong standing test set forth in *Florida Home Builders Association v. Department of Labor and Employment Security*, 412 So. 2d 351, 353–54 (Fla. 1982), and *Farmworker Rights Organization, Inc. v. Department of Health and Rehabilitative Services*, 417 So. 2d 753, 754 (Fla. 1st DCA 1982), which is based on the basic standing principles established in *Agrico Chemical Company v. Department of Environmental Regulation*, 406 So. 2d 478, 481–82 (Fla. 2d DCA 1981).³ Associational standing may be found where: (1) the association demonstrates that a substantial number of an association's members may be substantially affected by the Commission's decision in a docket; (2) the subject matter of the proceeding is within the association's general scope of interest and activity; and (3) the relief requested is of a type appropriate for the association to receive on behalf of its members. *Fla. Home Builders*, 412 So. 2d at 353–54; *Farmworker Rights Org.*, 417 So. 2d at 754.

Analysis and Ruling

“In determining whether a party has standing to seek a formal administrative hearing, the allegations contained in the party's petition must be taken as true.” *Mid-Chattahoochee River Users v. Fla. Dep't of Env'tl. Prot.*, 948 So. 2d 794, 796 (Fla. 1st DCA 2006). Taken as true, EDF's allegations appear sufficient to support all elements of associational standing under *Florida Home Builders*. Therefore, EDF's Motion 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. 1st DCA 2018)

² Document No. 01815-2026, filed on March 27, 2026.

³ Under *Agrico*, the individual intervenor must show that (1) they will suffer injury in fact which is of sufficient immediacy to entitle them to a Section 120.57, F.S., hearing, and (2) the substantial injury is of a type or nature which the proceeding is designed to protect. The first aspect of the test deals with the degree of injury. The second deals with the nature of the injury. *Agrico*, 406 So. 2d 478 at 482. The “injury in fact” must be both real and immediate and not speculative or conjectural. *Int'l Jai-Alai Players Ass'n v. Fla. Pari-Mutuel Comm'n*, 561 So. 2d 1224, 1225–26 (Fla. 3d DCA 1990); *see also Vill. Park Mobile Home Ass'n, Inc. v. State Dep't of Bus. Regulation*, 506 So. 2d 426, 434 (Fla. 1st DCA 1987), *rev. den.*, 513 So. 2d 1063 (Fla. 1987) (noting speculation on the possible occurrence of injurious events was too remote).

(recognizing that proper pretrial stipulations to the facts supporting all elements of standing are binding upon the parties and the court).

Based on the above representations, it is

ORDERED by Commissioner Bobby Payne, as Prehearing Officer, that the Motion to Intervene filed by Environmental Defense Fund is hereby provisionally granted as set forth in the body of this Order. It is further

ORDERED that Environmental Defense Fund takes the case as it finds it. It is further

ORDERED that all parties to this proceeding shall furnish copies of all testimony, exhibits, pleadings, and other documents which may hereinafter be filed in this proceeding to:

Robert Scheffel Wright, Esq.

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John T. LaVia, III, Esq.

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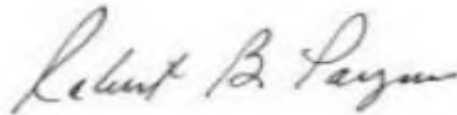
Gardner Bist King & Wood

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Telephone: (850) 385-0070

By ORDER of Commissioner Bobby Payne, as Prehearing Officer, this 3rd day of April, 2026.



BOBBY PAYNE

Commissioner and Prehearing Officer

Florida Public Service Commission

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Copies furnished: A copy of this document is provided to the parties of record at the time of issuance and, if applicable, interested persons.

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing or judicial review will be granted or result in the relief sought.

Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

Any party adversely affected by this order, which is preliminary, procedural, or intermediate in nature, may request: (1) reconsideration within 10 days pursuant to Rule 25-22.0376, Florida Administrative Code; or (2) judicial review by the Florida Supreme Court, in the case of an electric, gas, or telephone utility. A motion for reconsideration shall be filed with the Office of Commission Clerk, in the form prescribed by Rule 25-22.0376, Florida Administrative Code. Judicial review of a preliminary, procedural, or intermediate ruling or order is available if review of the final action will not provide an adequate remedy. Such review may be requested from the appropriate court, as described above, pursuant to Rule 9.100, Florida Rules of Appellate Procedure.