

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 DATED: APRIL 6, 2026
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**THE ENVIRONMENTAL DEFENSE FUND'S
MOTION TO ALTER SCHEDULE FOR FAILURE TO COMPLY WITH FILING
REQUIREMENTS OF RULE 25-22.076(3), F.A.C.**

The Environmental Defense Fund, Inc. (“EDF”), pursuant to Chapter 120, Florida Statutes,¹ Section 403.537(3), Florida Statutes, and Rule 28-106.204, Florida Administrative Code (“F.A.C.”), hereby submits this its motion (the “Motion”) by which EDF moves the Commission to alter the schedule set forth in Commission Order No. 2026-0056-PCO-EI, the Order Establishing Procedure (“OEP”) for this proceeding because FPL failed to comply with a critical, substantive, mandatory filing requirement set forth in Commission Rule 25-22.076(3), F.A.C., Contents of Petition. Specifically, that Rule provides in pertinent part that:

25-22.076 Contents of Petition.

Petitions submitted to commence a determination of need proceeding or responses to the Commission’s order commencing a proceeding shall comply with the other requirements of Chapter 25-22, F.A.C., as to form and style and shall contain the following information:

* * *

(3) A statement of the specific situations, conditions, contingencies, or other factors which indicate that need exists for the proposed transmission line or lines, including the general time within which the proposed transmission line

¹ All references herein to the Florida Statutes are to the 2025 edition thereof.

or lines will be needed. Documentation shall include load flow studies on a peninsular Florida basis, a Gulf Power basis, a Southern Electric System basis or some combination of these and, when applicable, inclusion of adjoining states showing power flows and voltage profiles on the transmission lines in the more critical operating conditions. Load flows should cover the general time period within which the proposed transmission line or lines will be needed, but at the option of the utility, may cover a period of several years. One copy of the complete load flow analysis, including supporting documentation shall be filed with the Commission.

(Emphasis supplied.)

FPL did not comply with this mandatory filing requirement of Rule 25-22.076, F.A.C., and the Commission must provide appropriate relief for EDF and all parties.

In further support of this Motion to Alter Schedule, EDF states as follows.

1. EDF moved to intervene in this proceeding on March 23, 2026, and no party has objected to EDF's intervention (FPL has reserved its rights to require EDF to establish its standing through proof or stipulations.). EDF was granted intervention on a provisional basis by Commission Order No. 2026-0083-PCO-EI, issued on April 3, 2026.

2. The substantive portion of this proceeding was initiated by FPL's filing its petition and the testimony and exhibits of Miguel A. Yanes on March 11, 2026. The OEP was issued on March 12, 2026. Neither FPL's petition nor the testimony or exhibits of Mr. Yanes provided the complete load flow analysis required by the clear text of Rule 25-22.076(3), F.A.C. ²

² It is well settled that Florida is committed to the supremacy-of-text principle: "the words of a governing text are of paramount concern" and "what they convey in their context, is what the text means." See, e.g., Coates v. R. J. Rynolds Tobacco Co., 365 So. 3d 353, 354 (Fla. 2023).

3. At his deposition on Friday, April 3, Mr. Yanes was asked about the load flow analyses that underlie his petition for determination of need for the Andytown-Oasis Transmission Lines Project. He replied that four cases were evaluated using FPL's software known as PSS/E, and when asked where those cases might be found, he replied that they were being provided in discovery responses that FPL expected to serve on Friday, April 3, 2026. Regardless whether they were in fact provided on Friday, April 3, FPL failed to comply with the requirements of the Commission's Rule. Thus, FPL's Petition for the Andytown-Oasis Project was legally insufficient when it was filed and it remains insufficient today, and accordingly, the Commission must provide relief.

4. On March 31, 2026, EDF filed a separate motion to alter the schedule for this proceeding for good cause shown by EDF, namely that the thirteen days provided by the Order Establishing Procedure was and is insufficient for EDF to adequately prepare a case that might present alternatives that would better meet the criteria of Section 403.537, Florida Statutes, and better serve the public interest. That motion remains pending; this Motion is separate and distinct because this Motion is based on FPL's failure to comply with the substantive filing requirements of the Commission's rules applicable to transmission line need determination petitions.

5. EDF asserts that the Commission should have identified this deficiency in its initial review of FPL's petition, and that upon identifying the absence of the required load flow studies, the Commission should have either dismissed FPL's petition with leave to amend or, at a minimum, suspended all proceedings and the case schedule until FPL complied with Rule 25-22.076(3), F.A.C.

6. EDF hereby moves the Commission to alter the time schedule (the time limitations, in the terms of Section 403.537, F.S.) for this proceeding to require FPL to actually file the required studies as required by the Rule (as distinct from serving them as discovery responses) and to allow EDF and all parties additional time to evaluate, conduct discovery, and provide additional testimony regarding those studies.

7. EDF states for the record that merely extending the schedule by the period of time between FPL's original filing and the date on which FPL complies with Rule 25-22.076(3), F.A.C., will not provide sufficient relief from the unreasonably short time provided by the OEP, from which EDF has sought relief in its Motion to Alter Schedule filed on March 31.

7. Statement of Conferral. Pursuant to Rule 28-106.204(3), F.A.C., counsel for EDF conferred with the other parties in this case regarding this Motion to Alter Schedule. EDF can represent that FPL opposes the Motion, that the Office of Public Counsel takes no position, that the Commission Staff take no position on the Motion at this time, and that the South Florida Regional Planning Council would take no position on the Motion.

CONCLUSION AND PRAYER FOR RELIEF

WHEREFORE, the Environmental Defense Fund, Inc., respectfully moves the Commission to enter its order granting this Motion to Alter Schedule and to require FPL to file the complete load flow studies upon which it relied for its petition for the Andytown-Oasis Project and to alter the schedule to allow EDF and all parties sufficient time to evaluate and prepare their responsive testimony and exhibits to FPL's load flow analyses. EDF emphasizes that simply extending the hearing date—based on when the mandatory

load flow analysis is filed—does not resolve the due process issues caused by the limited time allowed for EDF and other potential intervenors to prepare their cases in response to FPL's original March 11 filing. The thirteen-day period designated by the OEP for intervenors to prepare and present their cases is insufficient for thorough preparation and presentation of alternatives. This limitation unreasonably restricts the rights of EDF and other potential intervenors as provided under Section 120.57, Florida Statutes, and is contrary to the public interest.

Respectfully submitted this 6th 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 on this 6th day of April, 2026, to the following:

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