

**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 7, 2026

**FLORIDA POWER & LIGHT COMPANY'S RESPONSE TO  
THE ENVIRONMENTAL DEFENSE FUND, INC.'S  
SECOND MOTION TO ALTER PROCEDURAL 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 second motion to alter the procedural schedule in this docket ("Second Motion"), filed by the Environmental Defense Fund, Inc. ("EDF") on April 6, 2026, and requests that EDF's Second Motion be denied. As described below, EDF once again 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 provide information that FPL has already provided in this proceeding in its Petition and exhibits. EDF's complaint is not that the required load flow studies and analysis FPL provided do not exist. Its complaint is that EDF would have preferred FPL use different packaging or provide additional native-source files at the outset. Rule 25-22.076(3), F.A.C., which governs the contents of FPL's Petition, does not require the Petition to be filed in EDF's preferred format. Moreover, EDF's Second Motion is also a thinly veiled and untimely attempt at a motion to dismiss the FPL Petition. For the reasons explained below, EDF's Second Motion fails to demonstrate good cause for any departure from the statutory timelines prescribed by the Legislature for a need determination under Section 403.537, Florida Statutes, pursuant to 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 February 11, 2026, Commissioner Bobby Payne was assigned as the Pre-Hearing Officer and presiding officer for this docket.

3. 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).

4. 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.

5. 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 based on thorough load flow studies and analysis provided with FPL’s Petition. FPL evaluated alternative transmission solutions and ultimately selected the AOP as the overall most appropriate transmission solution to resolve this local reliability need.

6. 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.

7. 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 and supported by the load flow studies and analysis filed with the FPL Petition. Rather, the EDF witnesses devote much of their testimony to the prospective regional transmission planning processes 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.

8. 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.

9. 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.

10. On March 31, 2026, EDF filed its first motion requesting that the Commission alter the procedural schedule in this docket (“First Motion”) 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.” (See EDF First Motion, pp. 2-3.) EDF requests that if 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 First Motion, p. 3.) On April 2, 2026, FPL filed its response asking the Commission to deny EDF’s First Motion for failure to demonstrate good cause to alter the statutory time limit for this transmission need determination proceeding.

11. On April 6, 2026, one day before the prehearing conference in this docket, EDF filed its Second Motion requesting that the Commission alter the procedural schedule in the OEP, claiming that FPL allegedly failed to comply with a filing requirement set forth in Commission Rule 25-22.076(3), F.A.C., regarding load flow studies and analysis. (See EDF Second Motion pp. 1-2.) In its Second Motion, EDF once again asks the Commission to alter the procedural schedule and the time limits for hearing under Section 403.537, F.S., this time for FPL to provide load flow studies that EDF alleges FPL failed to provide with its Petition.

12. For the reasons explained below, EDF’s Second Motion is wholly without merit, untimely, and, much like EDF’s First Motion, 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

### A. FPL PROVIDED THE LOAD FLOW STUDIES AND ANALYSIS WITH ITS PETITION REQUIRED BY COMMISSION RULE 25-22.076(3), F.A.C.

13. EDF's Motion should be denied because FPL has provided the required load flow studies and analysis information with its Petition as required by the Commission's Rule 25-22.076(3), F.A.C. Commission Rule 25-22.076(3), F.A.C., requires that the following, as it relates to load flow studies and analysis, be provided by the utility to commence a petition for determination of need proceeding:

(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 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. The load flow analysis shall identify the load forecasts upon which the load levels are based. Supplemental studies, such as transient stability or short circuit analysis, may be submitted at the option of the utility or upon request of the Commission, if needed to support the need for the proposed transmission line or lines.

14. On March 11, 2026, FPL filed its Petition with Exhibit A and various attachments and appendices, as well as the testimony and exhibits of FPL witness Miguel A. Yanes. In compliance with Rule 25-22.076, F.A.C., FPL provided a copy of the complete load flow analysis and studies based on FPL's 2025 load forecast, which includes the following four assessments: without AOP (base case), with AOP, Alternative I, and Alternative II. Confidential Appendices

A, B, and C to the Petition are the detailed load flow studies and analyses under these four assessments.

15. Specifically, Appendix A shows the load flow diagrams that illustrate the AOP's capability to address potential future thermal overloads and low voltage conditions as explained in further detail on pages 10-11 of Exhibit A to FPL's Petition. Appendix B shows the load flow diagrams that illustrate the AOP's capability to maintain transmission reliability as explained in further detail on pages 11-12 of Exhibit A to FPL's Petition. Appendix C shows the load flow diagrams that illustrate AOP's increased power transfer capability as explained in further detail on page 12 of Exhibit A to FPL's Petition.

16. Confidential Attachment 7 to Exhibit A of the Petition provides the 2025 Transmission Planning Assessment in table format (comprised of four separate assessments: without AOP, with AOP, Alternative I, and Alternative II) and a separate table with the transfer analysis load flow results (MWs by transmission line) for the four assessments (without AOP, with AOP, Alternative I, and Alternative II).

17. Confidential Exhibit MAY-4 to the Direct Testimony of FPL witness Miguel Yanes reflects the facilities that would violate the NERC Reliability Standards as a result of the load flow analysis results previously discussed. These multiple attachments comprise FPL's comprehensive load flow analysis, which forms the basis for the need of the AOP project.

18. This information contained in FPL's Petition, Exhibit A (Attachment 7 and Appendices A, B, and C), and Exhibit MAY-4 reflect the load flow studies on a combination Peninsular Florida/Gulf Power (FPL Northwest) basis and the complete load flow analysis with supporting documentation required by Rule 25-22.076, F.A.C. FPL provided these required load flow studies and analysis to the Commission in the same format with similar content as it

previously did in its two most recent transmission line need determination petitions under Section 403.573, F.S., which the Commission approved.<sup>1</sup>

19. In addition, in its confidential response to EDF's First Set of Production of Documents produced on April 3, 2026, FPL provided each of the four cases (without AOP, with AOP, Alternative I, Alternative II) in the native file format for the program (PSS/e) utilized by FPL to perform the assessment. These four files are the underlying data used in the load flow simulation used to perform the load flow studies and analysis that FPL provided in the aforementioned Attachment 7, Appendices A, B, and C, and Exhibit MAY-4.

20. EDF's complaint is not that the load flow studies and analysis do not exist. Its complaint is that EDF would have preferred different packaging or additional native-source files at the outset. Rule 25-22.076(3) does not require the Petition be filed in EDF's preferred format.

21. In sum, EDF's Second Motion has no merit, as FPL has provided the required load flow studies and analysis under Rule 25-22.076(3), F.A.C., as well as the underlying data used to produce those studies and analysis. EDF may prefer that FPL provide the required information in a different format, but the fact of the matter is that FPL has provided the required load flow studies and analysis in a format that complies with the Commission rule, has been accepted by the Commission in prior need transmission line need determination proceedings, and should be accepted in this docket.

22. EDF also cannot establish prejudice. EDF filed direct testimony on March 24, 2026, and its witnesses did not dispute the underlying local reliability need that the Petition's load

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<sup>1</sup> See *In re: Petition for determination of need for Duval-Raven 230 kV transmission line in Baker, Columbia, Duval, and Nassau Counties*, by Florida Power & Light Company, Docket No. 150263-EI, Order No. PSC-16-0091-FOF-EI, issued March 4, 2016; *In re: Petition for determination of need for Sweatt-Whidden 230 kV transmission line in Okeechobee, DeSoto, Highlands, and Glades Counties*, by Florida Power & Light Company, Docket No. PSC-2022-0196-FOF-EI, issued June 3, 2022.

flow analyses address. Instead, EDF chose to advance broader arguments concerning future regional transmission planning under FERC Order 1920. Having elected to litigate on that basis, and having taken discovery before filing this Second Motion on the eve of the prehearing conference, EDF cannot now credibly claim that it lacked the information necessary to understand or respond to FPL's need case for the AOP.

23. For these reasons, EDF has failed to establish any reasonable basis for good cause under Section 403.537(3), F.S., that would warrant the Commission altering the procedural schedule for this docket because FPL's Petition complies with the filing requirements of Rule 25-22.076(3), F.A.C.

**B. EDF'S SECOND MOTION TO ALTER SCHEDULE IS BY ITS OWN ADMISSION AN UNTIMELY MOTION TO DISMISS THE FPL PETITION**

24. As explained above, the claimed basis for EDF's Second Motion is without merit and should be denied because FPL has fully complied with the requirements of Rule 25-22.076, F.A.C. Additionally, EDF's Second Motion and requested relief is untimely.

25. EDF itself acknowledges this in its Second Motion when it states: "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." (EDF Second Motion at p. 3). At its core, EDF's Second Motion to alter the schedule in this proceeding is a request to dismiss FPL's Petition based on the sufficiency of the pleadings and compliance with the Commission's rules. As explained above, EDF's claim regarding compliance with Rule 25-22.076(3) is without merit and contrary to the record in this proceeding.

26. Moreover, EDF's request that the Petition be dismissed is untimely. Rule 28-106.204(2), F.A.C., provides that "[u]nless otherwise provided by law, motions to dismiss the petition or request for hearing shall be filed no later than 20 days after assignment of the presiding officer, unless the motion is based upon a lack of jurisdiction or incurable errors in the petition."

27. EDF has missed the deadline for a motion to dismiss FPL's Petition based on alleged failure to comply with Rule 25-22.076, F.A.C., which is a curable error that does not involve lack of jurisdiction as alleged in EDF's Second Motion. The Pre-Hearing Officer, Commissioner Payne, was assigned to this docket (February 11, 2026).<sup>2</sup> Therefore, under Rule 28-106.204, F.A.C., any timely motions to dismiss FPL's Petition had to be filed on or before March 3, 2026 (*i.e.*, 20 days from the date the presiding officer was assigned).<sup>3</sup> EDF's Second Motion requesting that the Commission dismiss the Petition was not submitted until April 6, 2026, the day before the prehearing conference in this docket.

28. Even if EDF's filing is characterized not as a motion to dismiss but as a challenge to the sufficiency of the Petition, it is plainly untimely in practical effect. EDF waited until after filing its own testimony, after taking discovery, and on the eve of the prehearing conference to seek schedule-altering relief based on information available from the outset of the docket.

29. Accordingly, EDF cannot evade the consequences of its late-filed challenge by styling it as a motion to alter schedule. A party's own failure to timely comply with the procedural requirements cannot constitute "good cause" to alter the statutory timelines adopted by the

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<sup>2</sup> For Docket No. 20260020-EI, the Pre-Hearing Officer, Commissioner Payne, was assigned on February 11, 2026. <https://www.floridapsc.com/clerks-office-dockets-level2?DocketNo=20260020&TabNumber=5>

<sup>3</sup> FPL recognizes that the 20-day deadline for filing a motion to dismiss (March 3, 2026) under Rule 28-106.204(2), F.A.C., fell before FPL filed its Petition in this docket for a transmission need determination governed by Section 403.537, F.A.C. However, EDF's de facto motion to dismiss was filed on April 6, 2026, the day before the prehearing conference in this docket and well over 20 days from the filing of FPL's Petition and the issuance of the OEP by the Pre-Hearing Officer Commissioner Payne, which is clearly untimely.

Legislature in Section 403.537, F.S. The Commission should not reward EDF's failure and abuse of established process and should categorically deny EDF's Second Motion to alter the procedural schedule.

### **III. CONCLUSION**

30. From its First Motion to its Second Motion here, EDF has failed to establish good cause to delay or dismiss FPL's Petition. FPL has provided the required load flow studies and analyses required by Rule 25-22.076, F.A.C. To argue otherwise, at best, shows a fundamental misunderstanding of the information FPL has presented in its Petition, testimony, and exhibits. EDF's preferences regarding the format used by FPL to present its required load flow studies and analyses are not a basis for good cause to alter the procedural schedule in this docket under Section 403.537, F.S.

31. Moreover, EDF has failed to timely file what amounts to a motion to dismiss with its Second Motion. EDF's Second Motion was filed on the eve of the prehearing conference in this docket, well after the March 3, 2026 deadline for a motion to dismiss pursuant to Rule 28-106.204(2), F.A.C. and well over 20 days from the filing of FPL's Petition and the Pre-Hearing Officer's issuance of the OEP in this docket. The Commission should therefore deny EDF's Second Motion in its entirety.

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

Respectfully submitted this 7th 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 7th day of April 2026:

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