

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-2026-0084-PCO-EI
ISSUED: April 10, 2026

ORDER DENYING ENVIRONMENTAL DEFENSE FUND'S
MOTION TO ALTER SCHEDULE

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 (Petition) on March 11, 2026. The lines for which FPL seeks a need determination in the Petition are referred to collectively as the "Andytown-Oasis Transmission Lines Project" (AOP). Pursuant to Order No. PSC-2026-0056-PCO-EI (OEP), an evidentiary hearing on the Petition has been scheduled for April 23, 2026.

Motion to Alter Schedule

On March 24, 2026, the Environmental Defense Fund, Inc. (EDF)¹ filed a Motion to Alter Schedule (Motion). EDF argues in the Motion that the time schedule established in the OEP is insufficient to allow parties other than FPL to prepare and present adequate evidence. In support of this argument, EDF notes that it had only 13 days from receipt of FPL's prefiled testimony and exhibits to submit its prefiled testimony.

Specifically, EDF alleges that the information FPL relies upon is insufficient to support the Petition and establish a need for the AOP because FPL did not consider available alternatives. EDF argues that the current schedule established in the OEP should be altered to allow sufficient time for such alternatives to be prepared and presented by either FPL or other engineering experts. EDF estimates that it could prepare and present alternatives in approximately six months, and that FPL could likely do so in 60 to 90 days. To not alter the schedule and allow this opportunity, concludes EDF, violates Section 120.57(1), F.S., and due process.

FPL's Response to the Motion

In its Response to Motion to Alter Schedule (Response), FPL first notes that Section 403.537, F.S., contains specific timeframes within which a need determination hearing must be conducted and the final decision rendered, and that the dates in the OEP are in line with this statutory mandate. FPL continues that Section 403.537(3), F.S., provides that the Commission

¹ EDF was provisionally granted standing to participate in this docket by Order No. PSC-2026-0083-PCO-EI, issued April 3, 2026.

may alter this statutory schedule only upon stipulation with the applicant or for good cause shown. Because there is no stipulation by the applicant (i.e., FPL) to alter the schedule in this instance, FPL argues that EDF must demonstrate good cause, and that it has failed to do so for numerous reasons.

FPL first argues that Rule 25-22.076, F.A.C., places the burden of proof on the applicant to justify a need for the proposed AOP based on the alternatives it identifies and examines. There is no provision in the Rule that requires or provides for additional alternatives to be identified or examined. Accordingly, concludes FPL, time to prepare additional alternatives is not a legal basis for good cause.

FPL continues that the current schedule tracks the statutory requirements and deadlines and provides EDF with due process. FPL emphasized that the first notice of the AOP was filed on February 9, 2026, and its first notice was published March 4, 2026, both of which provided EDF with early notice and opportunity to begin preparation long before the Petition and prefiled testimony were submitted.

Analysis

Section 403.537(1)(a), F.S., establishes the following timeframes for the Commission in a transmission line need determination proceeding:

Within 21 days after receipt of a request for determination by an applicant, the commission shall set a date for the hearing. The hearing shall be held pursuant to s. 350.01 within 45 days after the filing of the request, and a decision shall be rendered within 60 days after such filing.

Under Section 403.537(3), F.S., this timeframe may be altered and deadlines extended if the applicant stipulates or a party demonstrates good cause. FPL has not stipulated to alter the statutory schedule in this docket. Thus, the only question before me as Prehearing Office is whether EDF has demonstrated good cause to alter the schedule.

I find that EDF has not demonstrated good cause to alter the schedule in this docket. EDF requests more time to allow for FPL or an independent expert to prepare additional alternatives to the AOP. These alternatives would presumably be presented for consideration by the Commission. However, the substantive criteria set forth in the statute for the Commission to consider in determining need do not require that a set number of alternatives be identified or submitted, or that third parties be allowed the opportunity to submit their chosen alternatives. *See* Section 403.537(1)(c), F.S. In fact, the statute does not even use the word “alternatives.”

The statute gives the Commission the power to adopt rules setting forth “the form, content, and necessary supporting documentation and the required studies for the determination of need.” Section 403.537(2)(b), F.S. The adopted rule that implements this statute addresses the alternatives that are to be submitted as support in a need proceeding as follows:

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:

* * *

(4) A summary discussion of *the major alternative transmission lines or transmission improvements which were examined and evaluated by the utility in arriving at the decision to pursue the proposed project*. The discussion shall consist of: (a) a general description of the other transmission line alternatives, including, if appropriate, load flow analyses and electrical system diagrams showing power flows and voltage profiles on the transmission lines in the more critical operating conditions and (b) a discussion of the performance of each alternative in terms of economics, reliability, long-term flexibility and usefulness, or other relevant factors. [emphasis added]

The italicized portion of the rule makes clear that the choice of alternative lines or improvements, including the number of alternatives to be explored, is left to the utility. Accordingly, even accepting *arguendo* EDF's assertion that there are options to the AOP other than those identified by FPL, there is no legal basis for me to grant the Motion on those facts. FPL is obligated under the rule to provide a summary discussion of the alternatives it examined and evaluated. The rule contains no provision for forced consideration of additional options as a precursor to seeking a need determination from the Commission. EDF's factual arguments raise potential substantive matters to be considered by the Commission in its ultimate determination of whether to grant the Petition.

Conclusion

EDF has not demonstrated good cause for the schedule to be altered pursuant to Section 403.537(3), F.S.

Therefore, it is

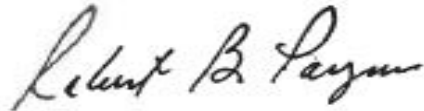
ORDERED by Commissioner Bobby Payne, as Prehearing Officer, that the Motion to Alter Schedule filed by the Environmental Defense Fund is DENIED.

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By ORDER of Commissioner Bobby Payne, as Prehearing Officer, this 10th day of April,
2026.

A handwritten signature in black ink that reads "Bobby Payne". The signature is written in a cursive, flowing style.

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.

SPS

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission (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.