

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Storm protection plan cost recovery
clause.

DOCKET NO. 20260010-EI
ORDER NO. PSC-2026-0085-PCO-EI
ISSUED: April 10, 2026

ORDER GRANTING INTERVENTION FOR
CITY OF PANAMA CITY, FLORIDA

This docket has been opened pursuant to Subsection 366.96(7), Florida Statutes (F.S.), which requires the Commission to conduct an annual proceeding to determine a utility's prudently incurred transmission and distribution storm protection plan costs and allow the utility to recover such costs through a charge separate and apart from its base rates, to be referred to as the storm protection plan cost recovery clause. If the Commission determines that costs were prudently incurred, those costs will not be subject to disallowance or further prudence review except for fraud, perjury, or intentional withholding of key information by the public utility. Discovery guidelines, hearing procedures, and controlling dates were established by the Order Establishing Procedure, Order No. PSC-2026-0040-PCO-EI, issued February 6, 2026. This docket is currently scheduled for hearing on August 27, 2026.

Petition for Intervention

By petition dated March 16, 2026, the City of Panama City, Florida (Panama City) requested permission to intervene in this proceeding pursuant to Rule 28-106.205, Florida Administrative Code (F.A.C.), and Sections 120.569 and 120.57, F.S. Panama City avers that it serves its citizenry through offices, facilities, and installations which have electric service accounts through which it purchases electric service from Florida Power & Light Company (FPL). Panama City claims that it will be substantially affected by any decision the Commission makes regarding rate recovery of costs associated with FPL's storm protection plan because these costs will directly impact its operating costs for its offices, facilities, and installations.

The Florida Industrial Power Users Group does not object to the petition to intervene. The Office of Public Counsel, Tampa Electric Company, Florida Public Utilities Company, PCS Phosphate – White Springs, and Nucor Steel Florida, Inc., take no position on Panama City's petition to intervene. FPL and Duke Energy Florida, LLC take no position on the petition at this time. No written responses were filed regarding the petition, and the time for doing so 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.

To have standing, the intervenor must meet the two-prong standing test set forth in Agrico Chemical Company v. Department of Environmental Regulation, 406 So. 2d 478, 482 (Fla. 2d DCA 1981). The intervenor must show that (1) he will suffer injury in fact that is of sufficient immediacy to entitle him to a Section 120.57, F.S., hearing, and (2) the substantial injury is of a type or nature that 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. The "injury in fact" must be both real and immediate and not speculative or conjectural. International Jai-Alai Players Assn. v. Florida Pari-Mutuel Commission, 561 So. 2d 1224, 1225-26 (Fla. 3d DCA 1990). See also Village Park Mobile Home Assn., Inc. v. State Dept. of Business Regulation, 506 So. 2d 426, 434 (Fla. 1st DCA 1987), rev. den., 513 So. 2d 1063 (Fla. 1987) (speculation on the possible occurrence of injurious events is too remote).

Analysis and Ruling

The above representations by Panama City satisfy both prongs of the Agrico test. Panama City meets the first prong of Agrico in that the amount it pays in electric rates may be ultimately affected by this proceeding. Panama City meets the second prong of Agrico because the purpose of this proceeding is to determine storm protection plan cost recovery which affects the rates Panama City will pay. Based on the foregoing, Panama City has made allegations sufficient to satisfy Agrico and its petition 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) (proper pretrial stipulations to the facts supporting all elements of standing are binding upon the parties and the court). As an intervenor, Panama City takes the case as it finds it.

Based on the above representations, it is

ORDERED by Commissioner Gary Clark, as Prehearing Officer, that the Motion to Intervene filed by City of Panama City, Florida is hereby granted as set forth in the body of this Order. It is further

ORDERED that City of Panama City, Florida 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:

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By ORDER of Commissioner Gary F. Clark, as Prehearing Officer, this 10th day of April, 2026



GARY F. CLARK
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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.

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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, or the First District Court of Appeal, in the case of a water or wastewater 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.