

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-2026-0091-PHO-EI
ISSUED: April 15, 2026

PREHEARING ORDER

Pursuant to Notice and in accordance with Rule 28-106.209, Florida Administrative Code (F.A.C.), a Prehearing Conference was held on April 7, 2026, in Tallahassee, Florida, before Commissioner Bobby Payne, as Prehearing Officer.

APPEARANCES:

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On behalf of Florida Power & Light Company (FPL)

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I. CASE BACKGROUND

On February 9, 2026, pursuant to Section 403.537, Florida Statutes (F.S.), and Rule 25-22.075, 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, in accordance with Section 403.537, F.S., Chapter 120, F.S., and Rules 25-22.076 and 28-106.201, F.A.C. In this proceeding, FPL requests an affirmative determination of need for the construction of four new transmission lines: (a) one 500-kilovolt (kV) line starting at FPL's existing Andytown substation in Broward County and ending at FPL's planned Oasis substation in Miami-Dade County; (b) one 500-kV line starting at FPL's existing Quarry substation in Miami-Dade County and ending at FPL's planned Oasis substation in Miami-Dade County; (c) one 230-kV line starting at FPL's planned Oasis substation in Miami-Dade County and ending at FPL's existing Quarry substation in Miami-Dade County; and (d) one 230-kV line starting at FPL's planned Oasis substation in Miami-Dade County and ending at FPL's existing Levee substation in Miami-Dade County (collectively, the Andytown-Oasis Transmission Lines Project or AOP).

In compliance with Section 403.537(1)(a), F.S., a formal administrative hearing was scheduled for April 23, 2026.

II. CONDUCT OF PROCEEDINGS

Pursuant to Rule 28-106.211, F.A.C., this Prehearing Order is issued to prevent delay and to promote the just, speedy, and inexpensive determination of all aspects of this case.

III. JURISDICTION

The Florida Public Service Commission (Commission) is the sole forum for transmission line need determinations, and is vested with jurisdiction over the subject matter by Section 403.537, F.S. This hearing will be governed by said statute, Chapters 120 and 366, F.S., and Chapters 25-6, 25-22, and 28-106, F.A.C., as well as any other applicable provisions of law.

IV. PROCEDURE FOR HANDLING CONFIDENTIAL INFORMATION

Information for which proprietary confidential business information status is requested pursuant to Section 366.093, F.S., and Rule 25-22.006, F.A.C., shall be treated by the Commission as confidential. The information shall be exempt from Section 119.07(1), F.S., pending a formal ruling on such request by the Commission or pending return of the information to the person providing the information. If no determination of confidentiality has been made and the information has not been made a part of the evidentiary record in this proceeding, it shall be returned to the person providing the information. If a determination of confidentiality has been made and the information was not entered into the record of this proceeding, it shall be returned

to the person providing the information within the time period set forth in Section 366.093, F.S. The Commission may determine that continued possession of the information is necessary for the Commission to conduct its business.

It is the policy of the Commission that all Commission hearings be open to the public at all times. The Commission also recognizes its obligation pursuant to Section 366.093, F.S., to protect proprietary confidential business information from disclosure outside the proceeding. Therefore, any party wishing to use any “proprietary confidential business information,” as that term is defined in Section 366.093(3), F.S., at the hearing shall adhere to the following:

- (1) When confidential information is used in the hearing that has not been filed as prefiled testimony or prefiled exhibits, parties must have copies for the Commissioners, necessary staff, and the court reporter, in red envelopes clearly marked with the nature of the contents and with the confidential information highlighted. Any party wishing to examine the confidential material that is not subject to an order granting confidentiality shall be provided a copy in the same fashion as provided to the Commissioners, subject to execution of any appropriate protective agreement with the owner of the material.
- (2) Counsel and witnesses are cautioned to avoid verbalizing confidential information in such a way that would compromise confidentiality. Therefore, confidential information should be presented by written exhibit when reasonably possible.

At the conclusion of that portion of the hearing that involves confidential information, all copies of confidential exhibits shall be returned to the proffering party. If a confidential exhibit has been admitted into evidence, the copy provided to the court reporter shall be retained in the Office of Commission Clerk’s confidential files. If such material is admitted into the evidentiary record at hearing and is not otherwise subject to a request for confidential classification filed with the Commission, the source of the information must file a request for confidential classification of the information within 21 days of the conclusion of the hearing, as set forth in Rule 25-22.006(8)(b), F.A.C., if continued confidentiality of the information is to be maintained.

V. PREFILED TESTIMONY AND EXHIBITS; WITNESSES

Testimony of all witnesses to be sponsored by the parties has been prefiled and will be inserted into the record as though read after the witness has taken the stand and affirmed the correctness of the testimony and associated exhibits. All testimony remains subject to timely and appropriate objections. Upon insertion of a witness’ testimony, exhibits appended thereto may be marked for identification. Each witness will have the opportunity to orally summarize his or her testimony at the time he or she takes the stand. Summaries of testimony shall be limited to five minutes for direct, two minutes for rebuttal, and seven minutes total for both direct and rebuttal combined.

Witnesses are reminded that, on cross-examination, responses to questions calling for a simple “Yes” or “No” answer shall be so answered first, after which the witness may explain his or her answer. After all parties and Staff have had the opportunity to cross-examine the witness, the exhibit may be moved into the record. All other exhibits may be similarly identified and entered into the record at the appropriate time during the hearing.

The Commission frequently administers the testimonial oath to more than one witness at a time. Therefore, when a witness takes the stand to testify, the attorney calling the witness is directed to ask the witness to affirm whether he or she has been sworn.

The parties shall avoid duplicative or repetitious cross-examination. Further, friendly cross-examination will not be allowed. Cross-examination shall be limited to witnesses whose testimony is adverse to the party desiring to cross-examine. Any party conducting what appears to be a friendly cross-examination of a witness should be prepared to indicate why that witness’ direct testimony is adverse to its interests.

All parties must refer to the Exhibit Number established by the Comprehensive Exhibit List when referencing an exhibit during cross-examination.

VI. ORDER OF WITNESSES

Each witness whose name is preceded by a plus sign (+) will present direct and rebuttal testimony together.

<u>Witness</u>	<u>Proffered By</u>	<u>Issue Nos.</u>
<u>Direct</u>		
Miguel A. Yanes	FPL	1–4
David Cranston	EDF	A, B, and 1–4
Ted Thomas	EDF	A, B, and 1–4
<u>Rebuttal</u>		
Andrew McLain	FPL	A, B, and 1–4
Miguel A. Yanes	FPL	A, B, and 1–4

VII. BASIC POSITIONS

FPL: FPL has petitioned the Commission for an affirmative determination of need for the construction and operation of four new transmission lines: (1) one 500-kV line starting at FPL's existing Andytown substation in Broward County and ending at FPL's planned Oasis substation in Miami-Dade County; (2) one 500-kV line starting at FPL's existing Quarry substation in Miami-Dade County and ending at FPL's planned Oasis substation in Miami-Dade County; (3) one 230-kV line starting at FPL's planned Oasis substation in Miami-Dade County and ending at FPL's existing Quarry substation in Miami-Dade County; and (4) one 230-kV line starting at FPL's planned Oasis substation in Miami-Dade County and ending at FPL's existing Levee substation in Miami-Dade County.

The need for the AOP is based on the following considerations:

- Address future thermal overloads and low voltage conditions in Miami-Dade County under contingency events in compliance with mandatory North American Electric Reliability Corporation (NERC) Reliability Standards TPL-001-5.1 and NUC-001-4;
- Maintain transmission reliability for FPL customers in Miami-Dade County; and
- Increase power transfer capability of the transmission system to support growing demand in Miami-Dade County.

Over the past three years (2023–2025), FPL's service area in Miami-Dade County has reported summer peak loads between 6,014 MW and 6,239 MW. FPL's 2025 forecast projects that, by 2033, the summer peak load in Miami-Dade County will be approximately 7,200 MW. Transmission assessment studies conducted by FPL in 2025 identified potential system limitations that will require additional facilities to meet transmission reliability requirements and increase transfer capability for Miami-Dade County. These studies have identified that, by 2033, FPL's existing transmission network will not be able to support the growing load demand in Miami-Dade County, and a new transmission solution will be required to maintain transmission reliability in the area.

FPL evaluated multiple transmission alternatives for meeting the identified needs, which resulted in the selection of the AOP. The AOP represents the overall best solution to address the continued customer load growth in Miami-Dade County, current and planned generation expansion in Miami-Dade County, compliance with mandatory NERC Reliability Standards, and the need to maintain transmission reliability in Miami-Dade County for both existing and future customers. The AOP will continue to support low-cost electricity for the economic well-being of the residents of Florida.

In summary, the AOP presents the best alternative for meeting the need to maintain a reliable transmission system for Miami-Dade County and the cost-

effective supply of power to FPL's existing and future customers within Miami-Dade County. FPL's petition, prefiled testimony, and exhibits demonstrate the need for the AOP in the proposed time frame as the most cost-effective alternative available, taking into account the demand for electricity, the need for electric system reliability and integrity, the need for abundant, low-cost electrical energy to assure the economic well-being of the residents of this state, the location of the project (starting and ending points of the lines), and other relevant matters pursuant to Section 403.537(1)(c), F.S. (2025).

For these reasons, and those set forth more fully in FPL's petition and prefiled testimony and exhibits, FPL satisfies the statutory elements for granting an affirmative determination of need for AOP pursuant to Section 403.537, F.S.

OPC: On February 9, 2026, FPL filed its notice of intent to file a petition for transmission lines need determination for the AOP. The resulting petition was filed on March 11, 2026. While the Florida Administrative Register notice of the April 7, 2026 Prehearing and April 23, 2026 Hearing was published March 6, 2026, the Order Establishing Procedure with the other key activities dates including Prehearing Statement date was not issued in the above docket until March 11, 2026. OPC intervened on March 20, 2026, and issued discovery on March 23, 2026, and the responses are due March 30, 2026. Rebuttal testimony was due March 30, 2026. In addition, deposition(s) for FPL witness(es) were scheduled for April 3, 2026. Less than 20 days after the filing of the petition and FPL direct testimony, and without the benefit of time to fully review FPL's responses to the Office of Public Counsel's (OPC) discovery and FPL's rebuttal testimony, as well as pending scheduled depositions, regrettably, OPC must take a "no" position on the issues at this time. In the determination of need, the Commission shall take into account the need for electric system reliability and integrity, the need for abundant, low-cost electrical energy to assure the economic well-being of the residents of this state, the appropriate starting and ending point of the line, and other matters within its jurisdiction deemed relevant to the determination of need. The appropriate starting and ending points of the electric transmission line must be verified by the Commission in its determination of need. Given the accelerated 45-day pace from the date of filing of the application or request for hearing pursuant to Section 403.537(1)(a), F.S., OPC maintains there has been insufficient time to fully evaluate FPL's request. Thus, OPC maintains at this time, FPL has not carried its burden to prove the need, including the cost-effectiveness for each of the proposed transmission projects. OPC reserves its rights to take positions based on discovery and the evidence adduced at hearing.

EDF: The AOP and the four transmission lines that FPL has proposed in its petition, do not comply with the statutory requirement that the project "take into account the need for electric system reliability and integrity, the need for abundant, low-cost electrical energy to assure the economic well-being of the residents of this state

. . . and other matters within its jurisdiction deemed relevant to the determination of need.” Section 403.537, F.S.

FPL has overstated load growth in Miami-Dade County, which indicates that the lines are not needed by 2033. In addition, FPL has only considered reliability needs on its transmission system, while failing to consider un-economic dispatch on the system that a well-planned transmission solution could also address. Furthermore, while FPL has described certain alternatives that it rejected in favor of the AOP, these alternatives only considered alternate routing to the AOP but were not fundamentally different projects. The alternatives still involved building four new transmission lines of the same voltages and in the same general geographic footprint (Miami-Dade County and Broward County) as the AOP. FPL did not consider different *types* of transmission solutions that either do not require constructing new lines or that span a different geography. Because the AOP only includes new transmission infrastructure in the South Florida load pocket, FPL has also chosen a solution that insufficiently considers the well-known power import need of Miami-Dade County and Broward County (a need that FPL management has previously acknowledged), given the lack of existing and planned local generation to meet local demand.

Significantly, FPL has failed to evaluate alternatives to the AOP that would satisfy all applicable reliability criteria *and* better meet the needs of Florida residents and businesses for abundant, low-cost electrical energy to assure the economic well-being of Florida residents and the Florida economy as a whole. For example, FPL did not consider Advanced Transmission Technologies (ATT), Grid-Enhancing Technologies (GET), or non-wires alternatives such as Dynamic Line Rating, Advanced Power Flow Controllers, reconductoring using Advanced Conductors, Topology Optimization, or Battery Energy Storage Systems that can be deployed at less cost than the construction of new transmission lines while meeting the same reliability needs.

Finally, FPL has failed to consider regional alternatives to the proposed project. Such alternatives include not only building new regional transmission lines, but expanding the capacity of existing regional lines or applying ATTs, GETs, and non-wires solutions to existing regional transmission infrastructure. FPL has repeatedly failed to conduct true regional transmission planning as required by applicable orders of the Federal Energy Regulatory Commission (FERC) and principles of prudent utility practice. Thorough regional planning would have identified cost-effective transmission solutions for the betterment of all Floridians – not only FPL’s ratepayers. It would have resulted in significant cost-savings for ratepayers across the state, and a more reliable grid. Through its participation in the regional planning process, FPL has access to the information that would support consideration of regional needs, yet it did not consider any such needs or options. By artificially narrowing its transmission planning scope to evaluate only localized “new steel” solutions, FPL has willfully blinded itself—and the

Commission—to regional alternatives that could provide ratepayers with access to abundant, low-cost electrical energy at substantially lower cost than its reliance on localized new-construction projects like the AOP. The Commission has an independent statutory duty to protect captive ratepayers from imprudent capital investments. Because FPL failed to evaluate the full spectrum of cost-effective regional alternatives, its petition is legally insufficient and must be rejected.

STAFF: Staff’s positions are preliminary and based on materials filed by the parties and on discovery. The preliminary positions are offered to assist the parties in preparing for the hearing. Staff’s final positions will be based upon all the evidence in the record and may differ from the preliminary positions.

VIII. ISSUES AND POSITIONS

ISSUE A: Is FERC Order No. 1000 relevant to this proceeding and within the Commission’s jurisdiction to consider?¹

FPL: FPL objects to the inclusion of Issue A as irrelevant, immaterial, and beyond the Commission’s jurisdiction consistent with FPL’s pending Motion in Limine and to Strike. This issue need not be addressed and becomes moot if subpart III(b) (Attachments 3 and 4) of FPL’s Motion in Limine and to Strike is granted. In the event that subpart III(b) of FPL’s Motion in Limine and to Strike is denied or deferred to the full Commission panel, FPL submits that this issue should be included as a preliminary legal issue that the Commission panel would need to decide prior to the start of the hearing. As directed by the Prehearing Officer at the April 7, 2026, prehearing conference, FPL provides its position on this disputed issue in the event it is included as an issue in this proceeding.

No. The Commission’s jurisdiction for this transmission line need determination proceeding is limited to its authority under Section 403.537, F.S., and issues and complaints related to the regional transmission planning process and implementation and compliance with FERC Order 1000 are subject to the jurisdiction of the FERC. The AOP is a local transmission project for FPL to meet the need for transmission lines to serve Miami-Dade County reliably and cost effectively and is not a regional transmission subject to the requirements of FERC Order 1000. (Yanes)

OPC: Yes, FERC Order No. 1000 is relevant to this proceeding and within the Commission’s jurisdiction to consider to the extent under federal law and state

¹ During the prehearing, EDF noted that its proposed issues EDF-1, EDF-3, and EDF-5 could be replaced with the following alternative language suggested by Commission staff: “Is FERC Order No. 1000 relevant to this proceeding and within the Commission’s jurisdiction to consider?” This condensed issue will still afford the parties an opportunity to address arguments.

law consideration and enforcement of FERC Order No. 1000 has been delegated to the state.

EDF: Yes. The requirements of the FERC's transmission planning rules are clearly within the overall jurisdiction of the Commission.

FPL's processes and analyses were not part of a regional transmission planning process that produced a regional transmission plan, nor was the project identified through a regional planning process. Rather, FPL's transmission development processes were based on localized considerations and not a fulsome evaluation of regional needs.

The Commission should require FPL to conduct additional analyses of Florida system-wide needs to determine if there are regional alternatives that can meet reliability needs identified by FPL, and serve additional regional needs, to best ensure that the project optimally provides abundant, low-cost electrical energy to assure the economic well-being of the residents of Florida.

STAFF: No position at this time. Staff notes that this proposed issue is related to FPL's pending motion to strike.

ISSUE B: **Are FERC Order Nos. 1920, 1920-A, and 1920-B relevant to this proceeding and within the Commission's jurisdiction to consider?²**

FPL: FPL objects to the inclusion of Issue B as irrelevant, immaterial, beyond the Commission's jurisdiction, and not ripe consistent with FPL's pending Motion in Limine and to Strike. This issue need not be addressed and becomes moot if subpart III(a) (Attachments 1 and 2) of FPL's Motion in Limine and to Strike is granted. In the event that subpart III(a) of FPL's Motion in Limine and to Strike is denied or deferred to the full Commission panel, FPL submits that this issue should be included as preliminary legal issue that the Commission panel would need to decide prior to the start of the hearing. As directed by the Prehearing Officer at the April 7, 2026, prehearing conference, FPL provides its position on this disputed issue in the event it is included as an issue in this proceeding.

No. The Commission's jurisdiction for this transmission line need determination proceeding is limited to its authority under Section 403.537, F.S., and issues and complaints related to the future implementation of the regional transmission planning process and compliance with FERC Orders 1920, 1920-A, and 1920-B are subject to the jurisdiction of the FERC. The AOP is a local transmission

² During the prehearing, EDF noted that its proposed issues EDF-2, EDF-4, and EDF-6 could be replaced with the following alternative language suggested by Commission staff: "Are FERC Order Nos. 1920, 1920-A, and 1920-B relevant to this proceeding and within the Commission's jurisdiction to consider?" This condensed issue will still afford the parties an opportunity to address arguments.

project for FPL to meet the need for transmission lines to serve Miami-Dade County reliably and cost effectively and is not a regional transmission subject to the requirements of FERC Orders 1920, 1920-A, and 1920-B. In addition, issues regarding implementation and compliance with FERC Orders 1920, 1920-A, and 1920-B are not ripe for consideration as FPL's FERC Order 1920 compliance plan has not been filed, and this compliance filing is not due until June 12, 2026, and will remain subject to FERC review and approval. (Yanes, McLain)

OPC: Yes, FERC Order Nos. 1920, 1920-A, and 1920-B are relevant to this proceeding and within the Commission's jurisdiction to consider to the extent FERC Order Nos. 1920, 1920-A, and 1920-B are in effect with regards to this project and consideration and enforcement under federal law and state law has been delegated to the state.

EDF: Yes. Federal rules, such as Orders Nos. 1920, 1920-A, and 1920-B can be considered by the Commission within its jurisdiction to determine the prudence of a proposed utility asset. These requirements of the Order are already binding on FPL, and FPL has already worked with the regional grid planner, Florida Reliability Coordinating Council (FRCC), in developing its compliance filing for FERC approval. While FRCC is not expected to begin the long-term regional planning process until 2028, the requirements of Order No. 1920 remain in force on FPL.

FERC Orders Nos. 1920, 1920-A, and 1920-B established an additional transmission planning process that FPL must engage in, building on Order No. 1000, and which takes into account local transmission project development. While FRCC is still finalizing its compliance filing, and while the first Order No. 1920 planning process would not start until 2028, utilities must nevertheless engage in planning processes that would not make Order No. 1920 impractical, or irrelevant. Prudent utility planning requires factoring in known, federally mandated regulatory shifts. Order 1920 is not a hypothetical concept; it remains a final, binding federal rule that will drastically alter how transmission costs and benefits are allocated. As a result, FPL must consider the purpose and legal requirements of Order No. 1920 into all local transmission planning processes.

The Commission should consider the planning requirements of these FERC Orders. Order No. 1920 was issued because not enough regional planning was being conducted by utilities and their regional grid planners. Instead, many expensive, and potentially unnecessary local projects were being built. The Order requires that regional transmission plans consider any local plans, or planned transmission projects to ensure that transmission projects are appropriately sized; the concern being that local transmission could get built on the side of the process all but making the regional plan meaningless. As a result, where local projects are proposed, the Commission must look to these regional planning requirements to determine if the proposed project is a prudent investment. As a result, the

Commission should require FPL to conduct additional analyses of regional alternatives to ensure that whatever facilities are constructed to address the reliability needs identified by FPL are planned, designed, and implemented to optimally provide abundant, low-cost electrical energy to assure the economic well-being of the residents of Florida.

STAFF: No position at this time. Staff notes that this proposed issue is related to FPL's pending motion to strike.

ISSUE 1: **When taking into account the need for electric system reliability and integrity, as prescribed in Section 403.537, Florida Statutes, is there a need for Florida Power & Light Company's proposed:**

- (A) **500-kV transmission line starting at FPL's existing Andytown substation and ending at FPL's planned Oasis substation?**
- (B) **500-kV transmission line starting at FPL's existing Quarry substation and ending at FPL's planned Oasis substation?**
- (C) **230-kV transmission line starting at FPL's planned Oasis substation and ending at FPL's existing Quarry substation?**
- (D) **230-kV transmission line starting at FPL's planned Oasis substation and ending at FPL's existing Levee substation?**

FPL: Yes. There is a need for FPL's proposed AOP transmission lines, taking into account electric system reliability and integrity. These four transmission lines are needed to: (a) address future thermal overloads and low voltage conditions in Miami-Dade County under contingency events in compliance with mandatory NERC Reliability Standards TPL-001-5.1 and NUC-001-4; (b) maintain transmission reliability for FPL customers in Miami-Dade County; and (c) increase power transfer capability of the transmission system to support growing demand in Miami-Dade County.

FPL's 2025 transmission assessment identified potential system limitations that will require additional facilities to meet transmission reliability and increase transfer capability for Miami-Dade County. This assessment identified that, by 2033, FPL's existing transmission network will not be able to support the growing load demand in Miami-Dade County, and a new transmission solution will be required to maintain transmission reliability in the area. The AOP will effectively address potential overloads and low voltage conditions in Miami-Dade County under contingency events, maintain transmission reliability for customers in the County, and increase the power transfer capability for the transmission system to support the growing customer demand in the County.

The record in this case demonstrates that, if the AOP is not built by December 2033, the transmission system would experience potential overloads and low voltage conditions under contingency events, resulting in multiple NERC Reliability Standard violations. In addition, sufficient transmission capacity would not be available to serve existing and future customers in Miami-Dade County. Further, because of growing loads in the area, the transmission system and FPL customers in the area would experience negative impacts to their transmission reliability, such as NERC Reliability Standard violations, transmission system overloads, low voltage conditions, and customer load shedding due to insufficient transmission capacity. (Yanes, McLain)

OPC: No. OPC maintains that FPL has not carried its burden to prove the need for each of the proposed transmission projects.

EDF: FPL has not demonstrated that all four transmission lines that comprise the AOP are needed for electric system reliability because FPL has not considered other available measures that would satisfy FPL's reliability need consistent with prudent utility practice and with applicable FERC rules, specifically including FERC Order No. 1000. Further, FPL's claimed need appears to be based on overstated load growth in the Miami-Dade County area of its service area.

STAFF: No position at this time.

ISSUE 2: **When taking into account the need for abundant, low-cost electrical energy to assure the economic well-being of the citizens of the State, as prescribed in Section 403.537, Florida Statutes, is there a need for Florida Power & Light Company's proposed:**

- (A) **500-kV transmission line starting at FPL's existing Andytown substation and ending at FPL's planned Oasis substation?**
- (B) **500-kV transmission line starting at FPL's existing Quarry substation and ending at FPL's planned Oasis substation?**
- (C) **230-kV transmission line starting at FPL's planned Oasis substation and ending at FPL's existing Quarry substation?**
- (D) **230-kV transmission line starting at FPL's planned Oasis substation and ending at FPL's existing Levee substation?**

FPL: Yes. There is a need for the AOP, taking into account the need for abundant, low-cost electrical energy to assure the economic well-being of the citizens of the State. FPL evaluated multiple transmission alternatives for meeting the identified needs, which resulted in the selection of the AOP as the most cost-effective alternative. The AOP will effectively address potential overloads and low voltage conditions in Miami-Dade County under contingency events, maintain transmission reliability for customers in the County, and increase the power

transfer capability for the transmission system to support the growing customer demand in the County.

The estimated cost of the AOP is \$781.89 million. While the final cost is subject to the final route and other conditions that could be imposed through the Transmission Line Siting Act (TLSA) process, the estimated cost in the petition is reasonable.

FPL evaluated and rejected two transmission alternatives to the AOP.

Alternative I, the Conservation-Oasis Project, consists of building four new transmission lines: one 500-kV line starting at FPL's existing Conservation substation in Broward County and ending at FPL's planned Oasis substation in Miami-Dade County; one 500-kV line starting at FPL's existing Quarry substation in Miami-Dade County ending at FPL's planned Oasis substation in Miami-Dade County; one 230-kV line starting at FPL's planned Oasis substation in Miami-Dade County ending at FPL's existing Quarry substation in Miami-Dade County; and one 230-kV line starting at FPL's planned Oasis substation in Miami-Dade County ending at FPL's existing Flagami substation in Miami-Dade County. The estimated construction cost of this alternative is \$1,004.29 million (\$925.2 million CPVRR). Alternative I was rejected because: (1) the cost of this alternative is approximately \$222.4 million higher than the AOP; and (2) this alternative presents significant routing and permitting challenges through densely populated areas in Miami-Dade County where FPL has limited right-of-way for new transmission lines.

Alternative II, the Andytown-Oasis Two Circuits Project, consists of building four new transmission lines: two 500-kV lines starting at FPL's existing Andytown substation in Broward County and ending at FPL's planned Oasis substation in Miami-Dade County; one 230-kV line starting at FPL's planned Oasis substation in Miami-Dade County and ending at FPL's existing Levee substation in Miami-Dade County; and one 230-kV line starting at FPL's planned Oasis substation in Miami-Dade County and ending at FPL's existing Flagami substation in Miami-Dade County. The estimated construction cost of this alternative is \$974.19 million (\$876.6 million CPVRR). Alternative II was rejected because (1) the cost of this alternative is approximately \$192.3 million higher than the AOP; and (2) this alternative presents significant routing challenges through densely populated areas in Miami-Dade County where FPL has limited right-of-way for new transmission lines. (Yanes, McLain)

OPC: No. When taking into account the need for abundant, low cost electrical energy to assure the economic well-being of the citizens of the State, as prescribed in Section 403.537, F.S., on the need for each of these proposed transmission projects, OPC maintains FPL has not carried its burden to prove the need for each of the proposed transmission projects.

EDF: FPL has not demonstrated that the four transmission lines that comprise the AOP are needed to assure the provision of abundant, low-cost electrical energy to assure the economic well-being of the residents of Florida, because FPL has not considered other available measures that would satisfy FPL's claimed reliability need consistent with prudent utility practice and with applicable FERC rules, specifically including FERC Order No. 1000. Further, FPL's claimed need appears to be based on overstated load growth in the Miami-Dade County area of its service area. Finally, Environmental Defense Fund, Inc. (EDF) believes that more cost-effective alternatives are available than the four lines comprising the AOP, which would provide power at a lower cost, consistent with the statutory criterion.

STAFF: No position at this time.

ISSUE 3: **Are Florida Power & Light Company's proposed starting and ending points appropriate for the:**

- (A) **500-kV transmission line to start at existing Andytown substation in Broward County and end at planned Oasis substation in Miami-Dade County?**
- (B) **500-kV transmission line to start at existing Quarry substation in Miami-Dade County and end at planned Oasis substation in Miami-Dade County?**
- (C) **230-kV transmission line to start at planned Oasis substation in Miami-Dade County and end at existing Quarry substation in Miami-Dade County?**
- (D) **230-kV transmission line to start at planned Oasis substation in Miami-Dade County and end at existing Levee substation in Miami-Dade County?**

FPL: Yes. The AOP is the most cost-effective transmission alternative to serve the projected growing demand in Miami-Dade County. The record demonstrates that the proposed starting and ending points are appropriate for each of the four new transmission lines included in the AOP. The Transmission Line Siting Board will make the final determination concerning the length and route of the proposed transmission lines. (Yanes, McLain)

OPC: No. OPC maintains that FPL has not carried its burden to prove the appropriateness of the proposed starting and ending points for each of the proposed transmission projects.

EDF: As explained in EDF's positions on Issue 1 and Issue 2 above, FPL has not demonstrated that the four transmission lines that comprise the AOP are needed to ensure FPL's system reliability or to assure the provision of abundant, low-cost

electrical energy to assure the economic well-being of the residents of Florida, because FPL has not considered other available measures that would satisfy FPL's claimed reliability need. Accordingly, EDF believes that the starting and ending points of the proposed lines comprising the AOP are not appropriate.

STAFF: No position at this time.

ISSUE 4: **Should the Commission grant Florida Power & Light Company's petition for determination of need for the proposed:**

- (A) **500-kV Andytown-Oasis transmission line project?**
- (B) **500-kV Quarry-Oasis transmission line project?**
- (C) **230-kV Oasis-Quarry transmission line project?**
- (D) **230-kV Oasis-Levee transmission line project?**

FPL: Yes. There is a need for each of these four new transmission lines, with in-service dates not later than December 2033, when taking into account the demand for electricity, the need for electric system reliability and integrity, and the need for abundant, low-cost electrical energy to assure the economic well-being of the residents of Florida. The starting and ending points identified in FPL's petition and testimony are the appropriate starting and ending points for each of the four lines included in the AOP. The Transmission Line Siting Board will make the final determination concerning the length and route of the proposed transmission lines. (Yanes, McLain)

OPC: No. OPC maintains FPL has not carried its burden to prove the need for each of the proposed transmission projects.

EDF: No.

STAFF: No position at this time.

ISSUE 5: **Should the docket be closed:**

FPL: Yes. This docket should be closed upon the issuance of an appropriate order approving the need for the AOP as proposed.

OPC: OPC takes no position.

EDF: After any final order entered by the Commission has become final and no longer subject to appeal, this docket should be closed.

STAFF: Yes, upon the issuance of a final order.

IX. EXHIBIT LIST

<u>Witness</u>	<u>Proffered By</u>	<u>Exhibit No.</u>	<u>Description</u>
<u>Direct</u>			
None	FPL	None	Notices of Final Hearing and Affidavits of Publication
Miguel A. Yanes	FPL	None	Exhibit "A" to the Petition to Determine Need for the Andytown-Oasis Electrical Transmission Lines in Broward and Miami-Dade Counties *[Confidential DN 01501-2026]
Miguel A. Yanes	FPL	MAY-1	FPL Electrical Transmission Grid Map
Miguel A. Yanes	FPL	MAY-2	Map of Study Area with Existing Facilities and Proposed Project *[Confidential DN 01501-2026]
Miguel A. Yanes	FPL	MAY-3	Andytown-Oasis Expected Construction Schedule
Miguel A. Yanes	FPL	MAY-4	List of Contingencies *[Confidential DN 01501-2026]
David Cranston	EDF	DC-1	Resume of David Cranston
David Cranston	EDF	DC-2	Assessment of Florida's Electric Transmission System Performance and Opportunities for Enhancement (2026)
David Cranston	EDF	DC-3	FERC Order No. 1000
David Cranston	EDF	DC-4	FERC Order No. 1920
David Cranston	EDF	DC-5	FERC Order No. 1920-A
David Cranston	EDF	DC-6	FERC Order No. 1920-B
David Cranston	EDF	DC-7	EDF Comments to FRCC Order 1920 Tariff Language (Project Selection)
David Cranston	EDF	DC-8	EDF Comments to FRCC Order 1920 Tariff Language (Needs Analysis)

<u>Witness</u>	<u>Proffered By</u>	<u>Exhibit No.</u>	<u>Description</u>
David Cranston	EDF	DC-9	EQ Research EDF Florida Fuel Cost Report
David Cranston	EDF	DC-10	Rao Konidena Testimony in Indiana Ameren CPCN Case
David Cranston	EDF	DC-11	EDF Comments to FRCC Order 1920 Tariff Language (Needs Analysis)
David Cranston	EDF	DC-12	EQ Research EDF Florida Fuel Cost Report
Ted Thomas	EDF	TT-1	Resume of Ted Thomas
Ted Thomas	EDF	TT-2	FERC Order No. 1000
Ted Thomas	EDF	TT-3	FERC Order No. 1920
Ted Thomas	EDF	TT-4	FERC Order No. 1920-A
Ted Thomas	EDF	TT-5	FERC Order No. 1920-B
Ted Thomas	EDF	TT-6	2025 Transmission Planning and Development Report Card (Feb. 2026)
Ted Thomas	EDF	TT-7	DOE National Transmission Needs Study (Oct. 2023)
Ted Thomas	EDF	TT-8	National Transmission Planning Study – Chapter 1
Ted Thomas	EDF	TT-9	National Transmission Planning Study – Chapter 2
Ted Thomas	EDF	TT-10	National Transmission Planning Study – Chapter 3
Ted Thomas	EDF	TT-11	National Transmission Planning Study – Chapter 4
Ted Thomas	EDF	TT-12	National Transmission Planning Study – Chapter 5
Ted Thomas	EDF	TT-13	National Transmission Planning Study – Chapter 6
Ted Thomas	EDF	TT-14	National Transmission Planning Study – Executive Summary

<u>Witness</u>	<u>Proffered By</u>	<u>Exhibit No.</u>	<u>Description</u>
Ted Thomas	EDF	TT-15	Delaying Transmission Increases Cost and Reduces Benefits for Consumers (2025)
<u>Rebuttal</u>			
Miguel A. Yanes	FPL	MAY-5	FPL's Response to Staff's First Set of Interrogatories, No. 15
Miguel A. Yanes	FPL	MAY-6	FPL's Responses to Staff's First Set of Interrogatories, Nos. 9 and 11

X. PROPOSED STIPULATIONS

There are no proposed stipulations at this time.

XI. PENDING MOTIONS

The following three motions are disposed of in Section XV:

- (1) EDF's Motion to Alter Schedule for Failure to Comply with Filing Requirements of Rule 25-22.076(3), F.A.C.;
- (2) EDF's Request for Oral Argument; and
- (3) FPL's Motion in Limine and to Strike Certain Portions of the Testimonies and Exhibits of the EDF Witnesses Cranston and Thomas.

XII. PENDING CONFIDENTIALITY MATTERS

FPL's Request for Confidential Classification of Information Contained in Exhibits, Attachments, and Appendices Provided in Support of its Petition for Determination of Need for Andytown-Oasis Transmission Lines in Broward and Miami-Dade Counties and Testimony of Miguel Yanes, filed March 11, 2026. [DN 01501-2026]

FPL's Request for Confidential Classification of Information Contained in its Responses to Staff's First Set of Interrogatories, Nos. 2, 8, and 15, and First Request for Production of Documents, No. 1, filed March 20, 2026. [DN 01692-2026]

FPL's Request for Confidential Classification of Information Contained in its Responses to OPC's First Request for Production of Documents, No. 1, filed March 30, 2026. [DN 01849-2026].

FPL's Request for Confidential Classification of Information Contained in its Responses to Staff's Second Request for Production of Documents, Nos. 4 and 6, filed March 31, 2026. [DN 01912-2026].

FPL's Request for Confidential Classification of Information Contained in its Responses to Staff's First Set of Interrogatories, Nos. 33 and 38, filed April 1, 2026. [DN 01959-2026].

FPL's Request for Confidential Classification of Information Contained in its Responses to EDF's First Set of Interrogatories, No. 11, and First Request for Production of Documents, Nos. 1 and 12, filed on April 3, 2026. [DN 02031-2026].

FPL's Request for Confidential Classification of Information Contained in its Responses to Staff's First Set of Interrogatories, No. 38 Supplemental, filed April 10, 2026. [DN 02125-2026].

XIII. OBJECTIONS TO WITNESS QUALIFICATIONS AS AN EXPERT

FPL: FPL objects to EDF witness David Cranston's qualifications as an expert and, pending receipt of EDF's responses to outstanding discovery requests served on March 27, 2026, reserves the right to voir dire EDF witness Cranston. Specifically, FPL objects to the following portions of EDF witness Cranston's direct testimony on the basis that he is not qualified to present expert opinions on the matter contained within the page and line numbers identified below:

Page No.	Line Nos.
Page 7	Lines 14–19
Page 8	Lines 1–4, 10–19
Page 9	Lines 1–18
Page 10	Lines 1–19
Page 11	Lines 1–18
Page 12	Lines 1–19
Page 12	Lines 1–2
Page 17	Line 18
Page 18	Lines 1–9
Page 20	Lines 5–19
Page 21	Lines 1–15
Page 26	Lines 13–19
Page 27	Lines 1–19
Page 28	Lines 1–19
Page 29	Lines 1–19
Page 30	Lines 1–2, 14–19
Page 31	Lines 1–6

XIV. POST-HEARING PROCEDURES

If no bench decision is made, each party shall file a post-hearing statement of issues and positions. A summary of each position, set off with asterisks, shall be included in that statement. If a party's position has not changed since the issuance of this Prehearing Order, the post-hearing statement may simply restate the prehearing position; however, if the prehearing position is longer than 75 words, it must be reduced to no more than 75 words. If a party fails to file a post-hearing statement, that party shall have waived all issues and may be dismissed from the proceeding.

Pursuant to Rule 28-106.215, F.A.C., a party's proposed findings of fact and conclusions of law, if any, statement of issues and positions, and brief, shall together total no more than 75 pages and shall be filed at the same time, unless modified by the Presiding Officer.

XV. RULINGS

A. EDF's Motion to Alter Schedule for Failure to Comply with Filing Requirements of Rule 25-22.076(3), F.A.C.

1. *Summary of Motion*

On April 6, 2026, the Environmental Defense Fund, Inc. (EDF) filed a Motion to Alter Schedule for Failure to Comply with Filing Requirements of Rule 25-22.076(3), F.A.C. (Motion). EDF argues in the Motion that FPL failed to comply with what it characterizes as a critical, substantive, mandatory filing requirement set forth in Rule 25-22.076, F.A.C., Contents of Petition.

Specifically, EDF points to language in Rule 25-22.076(3), F.A.C., that “[d]ocumentation shall include load flow studies on a peninsular Florida basis, a Gulf Power basis, and a Southern Electric System basis or some combination of these” and that “[o]ne copy of the complete load flow analysis, including supporting documentation shall be filed with the Commission.” EDF argues that neither FPL's Petition nor the testimony and exhibits of FPL witness Yanes provided the complete load flow analysis required by the rule and thus FPL's Petition was legally insufficient when filed. EDF asserts that the Commission should have identified this deficiency in its initial review of FPL's Petition and either dismissed the Petition or suspended the proceeding until FPL complied with Rule 25-22.076(3), F.A.C.

According to EDF, the current schedule established in the OEP should be altered to require FPL to file the required studies (as distinct from serving them as discovery responses) and allow the parties additional time to evaluate, conduct discovery, and provide additional testimony regarding those studies. EDF concludes 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 to prepare its case.

2. *Response to Motion*

In its Response to EDF's Second Motion to Alter Procedural Schedule (Response), FPL raises two arguments. First, FPL argues that it provided the required load flow studies and analysis information with its Petition as required by Rule 25-22.076(3), F.A.C. Specifically, FPL points to confidential Appendices A, B, and C of the Petition as comprising the detailed load flow studies and analyses it produced based on its 2025 load forecast, which includes four assessments: (1) without AOP, (2) with AOP, (3) Alternative I, and (4) Alternative II. FPL explains that: Appendix A shows the load flow diagrams that illustrate the AOP's capability to address potential future thermal overloads and low voltage conditions; Appendix B shows the load flow diagrams that illustrate the AOP's capability to maintain transmission reliability; and Appendix C shows the load flow diagrams that illustrate the AOP's increased power transfer capability. FPL adds that confidential Attachment 7 to Exhibit A to the Petition provides the 2025 transmission planning assessment in table format and a separate table with transfer analysis load flow results (megawatts by transmission line). Finally, FPL asserts that confidential Exhibit MAY-4 reflects the facilities that would violate North American Electric Reliability Corporation (NERC) Reliability Standards as a result of the load flow analysis. The combined information provided in these documents, FPL concludes, reflect the load flow studies on a combination of peninsular Florida/Gulf Power (FPL Northwest) basis and the complete load flow analysis with supporting documentation that is required by Rule 25-22.076, F.A.C. Thus FPL asserts that there is no good cause under Section 403.537(3), F.S., to alter the procedural schedule.

Second, FPL argues that the Motion is, at its core, a request to dismiss FPL's Petition based on the sufficiency of the pleadings and compliance with the Commission's rules. However, Rule 28-106.204(2), F.A.C., provides that "[u]nless otherwise provided by law, motions to dismiss the petition . . . 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." FPL asserts that the Prehearing Officer, Commissioner Payne, was assigned to this docket on February 11, 2026 and thus EDF's Motion based on an alleged failure to comply with Rule 25-22.076, F.A.C., which was curable error and does not involve lack of jurisdiction, should have been filed by March 3, 2026 (i.e., 20 days from the date the presiding officer was assigned.). Accordingly, FPL concludes that the Motion is untimely.

3. *Analysis and Decision*

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 Officer is whether EDF has demonstrated good cause to alter the schedule based upon an alleged failure to submit information required by Rule 25-22.076, F.A.C. This rule states, in relevant part:

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 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.

I find that EDF has not demonstrated good cause to alter the schedule in this docket. EDF requests that the Commission require FPL to complete load flow studies that it has already completed, and provided, in connection with its Petition. The information available in Exhibit A to the Petition, specifically confidential Attachment 7 and Appendices A, B, and C, and Exhibit MAY-4 reflect FPL's comprehensive load flow analysis with supporting documentation contemplated by Rule 25-22.076(3), F.A.C. I find that FPL has substantially complied with the filing requirements of the rule.³

In the alternative, I am persuaded by FPL's characterization of the Motion as an untimely motion to dismiss. FPL argues the last day to file such a motion would have been March 3, 2026 (20 days after I was assigned as Prehearing Officer on February 11, 2026). However logic dictates that in order to seek dismissal of a pleading, that pleading must necessarily first be in existence. FPL filed its Petition on March 11, 2026, by which time I had been assigned as Prehearing Officer. Therefore I believe principles of fairness require starting the time period

³ By analogy, Section 120.569(2)(c), F.S., directs an agency to review a petition or request for hearing for compliance with the requirements in the uniform rules of procedure, and to dismiss that petition or request "if it is not in substantial compliance with these requirements."

from March 11th. Meaning the 20th day would have fallen on March 31, 2026. Nonetheless, using either method of counting, EDF's Motion should have been filed earlier than the day it was—on April 6, 2026.

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

B. EDF's Request for Oral Argument on EDF's Response to FPL's Motion in Limine and to Strike Certain Portions of the Testimonies and Exhibits of EDF Witnesses Cranston and Thomas

1. *Analysis and Decision*

On March 31, 2026, FPL filed a Motion in Limine and to Strike Certain Portions of the Testimonies and Exhibits of EDF Witnesses Cranston and Thomas (Motion to Strike). EDF timely filed a response in opposition (Strike Response) on April 7, 2026, contemporaneously with a Request for Oral Argument. I first turn to EDF's Request for Oral Argument.

Rule 25-22.0022(1), F.A.C., allows a party to request oral argument before the Commission for any dispositive motion before the Commission by filing a separate written pleading filed concurrently with the motion on which argument is requested and stating with particularity why oral argument would aid the Commission. Granting or denying oral argument is within the sole discretion of the Commission under Rule 25-22.0022(3), F.A.C.

EDF requests the opportunity for each party to provide 10 minutes of oral argument on the Motion to Strike and the Strike Response in order to further elaborate on the arguments made within as well as to aid the Commissioners in understanding and evaluating the issues raised. FPL opposes the Request for Oral Argument while OPC takes no position.

Granting or denying oral argument is within the sole discretion of the Commission. I find that the information contained in the Motion to Strike and the Strike Response are sufficient to allow me to make an informed decision. EDF has not shown with particularity why oral argument would assist me in understanding and evaluating the issues to be decided. Therefore, I deny EDF's Request for Oral Argument.

C. FPL's Motion in Limine and to Strike Certain Portions of the Testimonies and Exhibits of the EDF Witnesses Cranston and Thomas

1. *Summary of Arguments*

i. *Argument One – FERC No. 1920*

FPL first argues that EDF's testimony and exhibits regarding FERC Order 1920 are irrelevant, immaterial, premature, and beyond the Commission's jurisdiction. FPL asserts that in a transmission line need proceeding, the Commission must determine whether the proposed line

is needed for reliability and integrity, for abundant, low-cost electrical energy, and for appropriate starting and ending points, together with only such other matters as are within the Commission's jurisdiction. According to FPL, FERC Order 1920 is not within the proper scope of this proceeding because the Commission lacks jurisdiction over the implementation of FERC Order 1920.

FPL further asserts that even assuming *arguendo* that the Commission has jurisdiction to adjudicate EDF's concerns regarding FERC Order 1920, EDF's arguments are premature and not ripe because compliance filings from FPL are not due yet. Thus, FPL concludes, the information should be stricken and excluded and EDF should be barred from referring in any manner to the transmission planning process to be implemented under FERC Order 1920.

EDF responds that its testimony and exhibits regarding FERC Order 1920 are relevant and material to the issues in this case. EDF alleges that FPL has repeatedly failed to conduct true regional planning required under FERC Order 1920. EDF argues that evidence that FPL's planning process was conducted under an approach that FERC has found to be "unjust and unreasonable"—and that the new federal planning framework will require consideration of cost-effective alternatives, right-sizing, and advanced transmission technologies—is directly relevant to whether FPL has demonstrated the AOP represents a cost-effective transmission solution under the TLSA and avoids uneconomic duplication. EDF claims that reforms in FERC Order 1920 were "intended to ensure continued electric service in the face of growing reliability challenges and greater access to lower-cost generation supplied by a wide range of resources." EDF argues that it does not seek for the Commission to adjudicate compliance with FERC Order 1920, but rather EDF utilizes the standards and analytical framework contained therein as a benchmark against which to evaluate the adequacy of FPL's planning process.

EDF further responds that FPL's ripeness argument should fail because it confuses prematurity of compliance with relevance of information. According to EDF, because FPL must demonstrate the AOP is needed and cost-effective, a reasonably prudent person would consider that the regulatory landscape is about to fundamentally change. To ignore that information, EDF concludes, would be imprudent.

Finally, EDF argues that FERC Order 1920 explicitly grants relevant state entities, like the Commission, with certain authorities, including for the determination of cost allocation methods through the long-term regional planning process. EDF notes that Florida utilities decided to forgo joining a Regional Transmission Organization, or establish an Independent System Operator, meaning FPL's planning operations are comprehensively regulated by the Commission. EDF concludes that the information is relevant, material, timely, and within the Commission's jurisdiction to address and thus completely barring all references would be unprecedented, overbroad, and inconsistent with the Commission's mandate.

ii. Argument Two – FERC Order No. 1000

Second, FPL argues that EDF's testimony and exhibits regarding FERC Order 1000 are irrelevant, immaterial, and beyond the Commission's jurisdiction. FPL asserts that FERC Order 1000 is directed at the fairness of the regional planning process, not mandating substantive outcomes in any particular region. FPL adds that EDF is improperly attempting to have the Commission review FERC-jurisdictional transmission planning requirements, which would be beyond the Commission's jurisdiction. According to FPL, questions on whether the FRCC's regional-planning process should have identified a different project, whether FPL should have proposed a different portfolio of projects, or whether EDF's preferred reforms should displace the current FERC Order 1000 framework are not issues the TLSA assigns to the Commission. Thus, FPL concludes, the information should be stricken and excluded and that EDF should be barred from referring in any manner to the transmission planning processes under FERC Order 1000.

EDF responds that its testimony and exhibits regarding FERC Order 1000 are relevant, material, and within the Commission's jurisdiction. EDF argues this evidence is of the type commonly relied upon by reasonably prudent persons conducting transmission planning and is admissible pursuant to Section 120.569(2)(g), F.S. EDF asserts that it is not asking the Commission to sit in review of a FERC-jurisdictional process. Rather, EDF claims, it seeks to present evidence that FPL's planning process—the very process upon which FPL relies to justify the AOP—is structurally deficient. EDF argues the Commission cannot meaningfully consider whether a proposed transmission line is needed to provide abundant, low-cost electrical energy under Section 403.537(1)(b), F.S., without evaluating whether FPL's planning process adequately considered regional alternatives and cost-effective solutions. EDF concludes that evidence related to FERC Order 1000 goes to the heart of the TLSA's statutory inquiry, is well within the jurisdictional purview of the Commission, and thus completely barring all references would be unprecedented, overbroad, and inconsistent with the Commission's mandate.

iii. Argument Three – Procedural Schedule Testimony

Third, FPL argues that EDF witness Thomas' testimony regarding this docket's procedural schedule is improper, immaterial, and contrary to the TLSA because his complaints are not evidence of any statutory need issue contained in Section 403.537(1)(c), F.S. FPL believes that the witness' dissatisfaction with the timeline cannot be used to rewrite the legislative timetable or as substantive evidence against the AOP. Thus, FPL concludes, this portion of EDF witness Thomas' testimony should be stricken as it asks for a wholesale procedural revision untethered to the merits of the Petition.

EDF responds that EDF witness Thomas' testimony regarding the procedural schedule is relevant to the Commission's evaluation of the evidentiary record. EDF argues it provides critical context for why EDF's testimony may not include the kind of comprehensive, independent engineering analysis that FPL faults EDF for not producing, because the compressed schedule made such analysis infeasible. EDF concludes that the contextual information would be useful to the Commission, even if limited weight is ultimately assigned.

iv. Argument Four – Hearsay Testimony

Fourth, FPL argues that portions of EDF witness Cranston's testimony and exhibits constitute impermissible hearsay evidence and should be excluded. In particular, FPL takes issue with a large body of out-of-court reports, studies, comments, and testimony put forward for the truth of the matters asserted, including EDF witness Cranston's Exhibit DC-2 (University of Florida Study), DC-7 and DC-8 (EDF's comments to FRCC), DC-9 (EQ Research fuel-cost report), DC-10 (testimony from another state proceeding), and DC-11 and DC-12 (third-party reports regarding alternative transmission technologies). According to FPL, because no hearsay exception applies and because the evidence is not used to otherwise supplement or explain admissible evidence (consistent with the administrative hearsay rule), the materials should be stricken and excluded from the record. Or, if admitted, the Commission should expressly find that those items are not admitted for truth and cannot support any finding in this proceeding.

EDF responds that the challenged exhibits offered by EDF witness Cranston are admissible under the relaxed administrative hearsay standard because they serve to supplement or explain other evidence in the proceeding. EDF argues that hearsay is admissible in administrative proceedings, subject only to the limitation that it may not independently serve as the sole basis for a finding absent independent admissibility in civil actions. EDF asserts that each disputed exhibit serves the supplementary and explanatory function permitted by Section 120.57(1)(c), F.S. Specifically, EDF claims that:

- Exhibit DC-2 provides analytical support for testimony on system-wide reliability constraints and cost savings through alternative transmission solutions;
- Exhibits DC-7 and DC-8 provide factual evidence of EDF's participation in the FRCC stakeholder process;
- Exhibits DC-9, DC-11-, and DC-12 are published studies that reasonably prudent persons rely upon when evaluating transmission planning alternatives; and
- Exhibit DC-10 is provided to demonstrate how alternative technologies have been evaluated in other jurisdiction.

v. Argument Five – Expert Witness Qualification

Finally, FPL argues that EDF witness Cranston's unqualified expert opinions are irrelevant and immaterial. FPL asserts that EDF witness Cranston does not have the specialized knowledge, skill, experience, training, or education required by Section 90.702, F.S., to offer the technical opinions, conclusions, and recommendations he does regarding transmission planning, transmission alternatives, or transmission technologies. FPL concludes that because his testimony is not expert opinion and cannot be admitted as lay opinion, the testimony is irrelevant and immaterial and should be stricken (or at minimum excluded from the evidentiary record).

EDF responds that EDF witness Cranston does have knowledge and experience of the Florida transmission system and with utility planning. EDF asserts that evidentiary rules for administrative hearings are liberal and the Florida Evidence Code does not apply to proceedings before the Commission. EDF alleges Mr. Cranston had a significant role in the preparation of the

first comprehensive, statewide transmission study that performs system optimization at the regional level rather than within each utility service area in Florida. EDF adds that Mr. Cranston has worked for a municipal electric utility, Austin Energy, on grid infrastructure and has worked on transmission planning policy. EDF argues that witness Cranston's testimony does not purport to perform engineering calculations or design transmission infrastructure, but instead addresses regulatory policy, the adequacy of FPL's planning process, the existence and general characteristics of alternative technologies, and the implications for ratepayers, all of which are matters squarely within the competence of a policy professional with experience in utility regulatory proceedings. EDF concludes that the appropriate course is to permit witness Cranston to testify, allow FPL to cross-examine his qualifications and bases for his opinions, and have the Commission assign the appropriate weight based on the full record.

2. *Legal Standard*

"The purpose of a motion in limine is to exclude irrelevant and immaterial matters, or to exclude evidence when its probative value is outweighed by the danger of unfair prejudice." Order No. PSC-03-0850-PCO-EI, filed July 22, 2003, in Docket No. 000824-EI, *In re: Review of Florida Power Corporation's Earnings, Including Effects of Proposed Acquisition of Florida Power Corporation by Carolina Power & Light (citing Devoe v. Western Auto Supply Co., 537 So. 2d 188 (Fla. 2d DCA 1989))*. "A motion in limine is designed to prevent the introduction of evidence, the mere mention of which at trial would be prejudicial." *Id. (citing Dailey v. Multicon Development, Inc., 417 So. 2d 1106 (Fla. 4th DCA 1982))*.

Rule 1.140(f), Florida Rules of Civil Procedure, states that a party may move to strike or the court may strike redundant, immaterial, impertinent, or scandalous matter from any pleading at any time. Although Rule 1.140(f), Florida Rules of Civil Procedure, does not control in administrative proceedings, we have used the rule as guidance when ruling on motions to strike testimony filed during the course of an administrative hearing proceeding. *E.g.*, Order No. PSC-99-1809-PCO-WS, issued September 20, 1999, in Docket 971220-WS, *In re: Application for transfer of Certificates Nos. 592-W and 509-S from Cypress Lakes Associates, Ltd. to Cypress Lakes Utilities, Inc. in Polk County*. A motion to strike should only be granted if the matters that are subject to the motion are completely irrelevant and have no bearing on the decision. *See Bay Colony Office Bldg. Joint Venture v. Wachovia Mortgage Co., 342 So. 2d 1005 (Fla. 5th DCA 1977)*. An order granting a motion to strike is reviewed for abuse of discretion. *Upland Dev. of Cent. Florida, Inc. v. Bridge, 910 So. 2d 942, 944 (Fla. 5th DCA 2005)*.

In *Parrish & Yarnell, P.A. v. Spruce River Ventures, LLC*, 180 So. 3d 1198, 1200 (Fla. 2d DCA 2015), the Second District Court of Appeal explained that:

[B]ecause a motion to strike only tests the legal sufficiency of a claim, it is reversible error for a court to grant a motion to strike where the pleading presents a bona fide issue of fact that may be supported by evidence. A claim should not be stricken simply because the judge believes that its proponent will ultimately be unable to produce sufficient evidence to support it. To the contrary, the trial court

must resolve all doubts in favor of the pleading and keep in mind that striking a pleading is an extreme measure that is disfavored.

(internal citations omitted).

In ruling on a party's motion to strike, there are several important statutory requirements to consider. In administrative proceedings held under Sections 120.569 and 120.57(1), F.S., all parties must be given an opportunity to respond, to present evidence and argument on all issues involved, and to conduct cross-examination and submit rebuttal evidence. Pursuant to Section 120.569(2)(g), F.S., irrelevant, immaterial, or unduly repetitious evidence must be excluded, but all other evidence of a type commonly relied upon by reasonably prudent persons in the conduct of their affairs shall be admissible, whether or not such evidence would be admissible in a trial in Florida courts.

3. *Analysis and Decision*

Importantly for these purposes, the TLSA gives the Commission the authority to consider "other matters within its jurisdiction deemed relevant to the determination of need." Section 403.537(1)(c), F.S. Thus, to grant the Motion to Strike, I would have to find that the arguments raised in the Motion to Strike and the Strike Response demonstrate no genuine legal and factual dispute surrounding the application and impacts of certain FERC Orders, and that these undisputed matters demonstrate EDF's arguments are entirely immaterial and irrelevant. If I were to grant the Motion to Strike, the Commission would not have the opportunity to hear these arguments.

Both EDF (on direct) and FPL (on rebuttal) submitted prefiled testimony regarding the FERC Orders. A party seeking to have prefiled testimony stricken must demonstrate conclusively that the subject testimony is wholly and completely irrelevant and immaterial. I cannot reach such a conclusion with respect to the FERC Orders on the face of the Motion to Strike and the Strike Response. The arguments raised therein demonstrate the presence of genuine legal and factual disputes.

For these reasons, I find that the evidence regarding the alleged relevance and materiality of the FERC Orders to this need determination should be considered by the Commission, not only one Commissioner sitting as the Prehearing Officer. This testimony or evidence will be subject to cross examination at hearing and can be given the proper weight it is due, if any, by the Commission. Thus, FPL is not faced with the prospect of unfair prejudice because the Commission, unlike a jury, is presumed capable of disregarding any improperly admitted evidence. When improper evidence is admitted over objection in this context, the Commission may later remedy the error by expressly indicating such evidence did not contribute to its final determination. *See Petion v. State*, 48 So. 3d 726, 738 (Fla. 2010).

With regard to those portions of EDF witness Thomas' testimony regarding this docket's procedural schedule, I do not find the discussion to be wholly and completely irrelevant. Those

details could impact the weight the Commission ultimately assigns to witness Thomas' testimony in relation to the disputed issues for hearing.

FPL goes on to challenge EDF witness Cranston's testimony on the basis that it is an impermissible conduit for hearsay. The only guidelines on hearsay in administrative proceedings are that the agency *may* use it to supplement or explain other competent, substantial evidence, and *may not* use hearsay alone to support a finding. Section 120.571(1)(c), F.S. The strict rules of evidence do not firmly apply to administrative hearings, and hearsay is admissible. FPL and EDF both acknowledge hearsay may be considered in certain circumstances. Whether circumstances exist which would allow the use of hearsay to supplement or explain is a determination that occurs by the agency after all the evidence has been received. *Miller v. State*, 796 So. 2d 644, 646 (Fla 1st DCA 2001). Thus, to exclude the hearsay at this point in time is without statutory support and premature. The Commission will give any testimony or evidence admitted at hearing the weight it is due, including no weight at all if appropriate.

Finally, I decline to strike portions of EDF witness Cranston's testimony upon FPL's argument that he is not an expert. The Florida Supreme Court has recognized that the rules of evidence do not strictly apply in administrative proceedings. *Fla. Indus. Power Users Grp. V. Graham*, 209 So. 3d 1142, 1146. Thus the Commission has discretion on whether to apply the Florida Evidence Code, including application of Section 90.702, F.S. *See id.*; Order No. PSC-14-0666-PCO-EI, issued November 19, 2014, in Docket No. 140001-EI, *In re: Fuel and purchased power cost recovery clause with generating performance incentive factor*, pp. 2–3. Using Section 90.702, F.S., as a guide only, a witness may be “qualified as an expert by knowledge, skill, experience, training, or education.” EDF asserts that its witness has prior work experience at an electric utility utilizing grid planning approaches, participated in a recent study, and has associated regulatory policy experience. The professional knowledge and experience EDF witness Cranston has accumulated through his career could assist the Commission in understanding the issues before it in this proceeding.

Therefore, based on the Motion to Strike and the Strike Response, witness Cranston's testimony and exhibits should not be stricken on FPL's theory that they are irrelevant and immaterial because he is a lay person providing expert opinion. I agree with EDF's characterization that this is a question of weight, not one of admissibility. This ruling should not be construed, however, as a decision on the credibility of this witness' testimony or on its ultimate probative value. EDF witness Cranston's testimony is merely one piece of evidence that will be considered *in toto* with all other record evidence. The Commission will give witness Cranston's testimony and exhibits the weight that are due, which may be impacted by FPL's voir dire and potential cross-examination.

D. Issues and Hearing Procedures

Opening statements, if any, shall not exceed five minutes per party.

Summaries of witness testimonies shall not exceed five minutes for direct, two minutes for rebuttal, and seven minutes total for both direct and rebuttal combined.

The direct testimony and exhibits of EDF witness Cranston were not filed by the deadline established in Order No. PSC-2026-0056-PCO-EI. However, hearing no objection from the parties, his testimony and exhibits shall not be excluded on the basis that they were late-filed.

Because I have denied FPL's Motion to Strike, it is appropriate to include revised issues EDF-1 and EDF-2 in this proceeding. For the remainder of this proceeding, revised EDF-1 shall be re-labeled as Issue A and revised EDF-2 shall be re-labeled as Issue B.

I am unpersuaded to separately include proposed issue EDF-7 for hearing.⁴ The Commission's ultimate decision in a need determination proceeding is founded in the statute. Any arguments related to the sufficiency of the evidence that FPL seeks to present are subsumed within the other issues in this docket, such as Issues 1 and 2.

I am unpersuaded to include proposed issue EDF-8 for hearing.⁵ Although Section 403.521, F.S., sets forth the legislature's intent behind the TLSA overall, the substantive factors the legislature authorized the Commission to consider within that framework are expressly mentioned within Section 403.537, F.S. Furthermore, the position expressed by EDF on that proposed issue appears to be subsumed by the other issues in this docket.

I am unpersuaded to include proposed issue EDF-9 because I find that its subject matter is subsumed within the other issues to be addressed at hearing.⁶

Finally, proposed issue EDF-10 was withdrawn and therefore shall not be included as an issue for hearing.⁷

It is therefore,

ORDERED by Commissioner Bobby Payne, as Prehearing Officer, that this Prehearing Order shall govern the conduct of these proceedings as set forth above unless modified by the Commission.

⁴ Proposed issue EDF-7 reads: "Did the planning processes that FPL utilized and employed in planning the facilities that comprise the Andytown-Oasis Transmission Lines Project comply with Rule 25-22.076, F.A.C., Contents of Petition, that applies to transmission line need determination proceedings?"

⁵ Proposed issue EDF-8 reads: "Did the planning processes that FPL utilized and employed in planning the facilities that comprise the Andytown-Oasis Transmission Lines Project comply with Section 403.521, Florida Statutes, which declares that it is the intent of the Transmission Line Siting Act to fully balance the need for transmission lines with the broad interests of the public in order to effect a reasonable balance between the need for the facility as a means of providing reliable, economical, and efficient electric energy and the impact on the public and the environment?"

⁶ Proposed issue EDF-9 reads: "Did the planning processes that FPL utilized and employed in planning the facilities that comprise the Andytown-Oasis Transmission Lines Project comply with principles of prudent utility practice?"

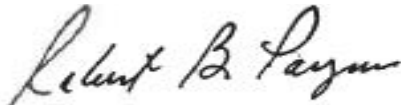
⁷ Proposed issue EDF-10 reads: "Did the procedures and schedule prescribed by the Commission for this docket provide adequate opportunity for substantially affected persons and parties to present evidence in support of their positions, consistent with Section 120.57(1)(b), Florida Statutes, and norms of due process applicable to agency decisions determining the substantial interests of affected persons and parties? If not, what should the Commission do?"

ORDERED that the Environmental Defense Fund Inc.'s Motion to Alter Schedule for Failure to Comply with Filing Requirements of Rule 25-22.076(3), Florida Administrative Code is DENIED as set forth herein. It is further

ORDERED that the Environmental Defense Fund Inc.'s Request for Oral Argument is DENIED as set forth herein. It is further

ORDERED that Florida Power & Light Company's Motion in Limine to Strike Certain Portions of the Testimonies and Exhibits of the Environmental Defense Fund, Inc. Witnesses Cranston and Thomas is DENIED as set forth herein.

By ORDER of Commissioner Bobby Payne, as Prehearing Officer, this 15th day of April, 2026.



BOBBY PAYNE

Commissioner and Prehearing Officer
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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 (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.