

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-2026-0098-PCO-EI
ISSUED: April 23, 2026

ORDER DENYING ENVIRONMENTAL DEFENSE FUND, INC.'S
MOTION TO COMPEL RESPONSE TO DISCOVERY

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 April 7, 2026 discovery deadline was established and an evidentiary hearing on the Petition has been scheduled for April 23, 2026.

On March 27, 2026, the Environmental Defense Fund, Inc. (EDF) served its First Set of Interrogatories (Nos. 1–28) and First Request for Production of Documents (Nos. 1–19) to FPL. FPL served its objections and responses to these first sets of discovery requests on April 3, 2026. EDF then served its Second Set of Interrogatories (Nos. 29–32) and Second Request for Production of Documents (Nos. 20–23) on April 3, 2026. FPL served its objections and responses to these second sets of discovery requests on April 6, 2026.

EDF sent its first conferral letter to resolve the discovery dispute on April 13, 2026. FPL responded to that conferral letter on April 15, 2026. EDF sent a second conferral letter on April 16, 2026. On April 17, 2026, FPL responded to the second conferral letter via e-mail and expressed that it stood behind the objections and responses as described in FPL’s response from April 15th.

Motion to Compel Discovery

On April 17, 2026, EDF filed a Motion to Compel Florida Power & Light Company to Respond to Discovery (Motion). EDF argues that a number of FPL’s responses to its discovery requests were legally insufficient, containing either boilerplate objections lacking specificity or simply failing to fully answer the question posed. EDF asserts that boilerplate objections that discovery requests are “overly burdensome” or “not relevant, and not likely to lead to the discovery of admissible evidence” do not comply with Rule 1.280, Florida Rules of Civil Procedure, because objections must be tailored and specific to the particular discovery request at issue. EDF concludes that the objecting party to a discovery request has the burden of establishing the validity of the objections.

EDF also argues that the discovery it seeks is relevant and material because the Prehearing Order, Order No. 2026-0091-PHO-EI, included Issues A and B to be addressed at hearing, which touch upon Federal Energy Regulatory Commission (FERC) Order Nos. 1000 and 1920. EDF further asserts that its discovery questions fall within the bounds of the Transmission Line Siting Act (TLSA) and the Florida Grid Bill. EDF argues the scope of discovery is broad under Florida law.

Finally, EDF argues that its Motion is not untimely, even though it comes after discovery has closed, because neither the Uniform Rules of Procedure nor the OEP contain a restriction on the timing of a motion to compel discovery. According to EDF, the timeframes in this case do not allow a party to receive discovery responses, review them, confer to resolve a dispute in good faith, and then file a motion to compel discovery. EDF concludes that FPL should not be allowed to serve insufficient discovery responses and then utilize timing deadlines as a shield against compliance with discovery obligations.

FPL's Response to the Motion

On April 20, 2026, FPL filed a Response in Opposition to EDF's Motion to Compel (Response). First, FPL asserts that it timely served its objections and responses to all of EDF's discovery requests. In each circumstance, FPL alleges it either (1) properly objected on the bases of relevance or disproportionality to the needs of the case or (2) responded to the question, but EDF disagrees with the answer. FPL argues that EDF waited until after the discovery period closed to complain about dozens of FPL's responses and thus, FPL concludes, the Motion is untimely.

FPL further argues that discovery is not boundless. According to FPL, even under Florida's liberal discovery rules, the information requested must be tied to a claim or defense in the pending case and proportional to the needs of that case. FPL alleges the burden of establishing relevance is on the questioner and, FPL concludes, EDF has failed to demonstrate a logical, non-speculative connection between what it seeks and the actual facts and issues to be decided in the case. FPL notes there appears to be no dispute that regional transmission planning processes were not used or applied to identify the local need for the AOP, and thus FERC Order Nos. 1000 and 1920 are irrelevant to this proceeding. Furthermore, FPL argues the Florida Grid Bill does not convert every TLSA proceeding into a free-ranging inquiry into regional planning or invite adjudication of FERC's regional planning regime.

FPL further alleges that EDF misrepresents the ruling in the Prehearing Order because there was no finding that the FERC or Florida Reliability Coordinating Council issues raised by EDF in discovery are relevant. Rather, FPL states, Issues A and B only set forth the basis on which the parties can contend whether or not these considerations are jurisdictional and relevant to the case. FPL adds that had the Prehearing Officer ruled the FERC Orders were relevant to this proceeding, those two issues as written would have been moot. Thus, FPL concludes, the ruling presupposes that EDF's evidence on FERC Order Nos. 1000 and 1920 could be wholly irrelevant and it does not signal that EDF has carte blanche to query FPL in all aspects of its participation in, and communications with, regional planning entities.

Analysis

Rule 28-106.206, F.A.C., provides that:

After commencement of a proceeding, parties may obtain discovery through the means and in the manner provided in Rules 1.280 through 1.400, Florida Rules of Civil Procedure. The presiding officer may issue appropriate orders to effectuate the purposes of discovery and to prevent delay, including the imposition of sanctions in accordance with the Florida Rules of Civil Procedure, except contempt.

While the scope of discovery is generally broad, courts possess “significant discretion” in regulating the discovery process. *Adkins v. Sotolongo*, 337 So. 3d 110 (Fla. 3d DCA 2021). “The trial court is given wide discretion in dealing with discovery matters, and unless there has been a clear abuse of discretion, the trial court’s order will not be disturbed by the appellate court.” *American Funding, Ltd. v. Hill*, 402 So.2d 1369, 1371 (Fla. 1st DCA 1981). A party must demonstrate diligence in obtaining the discovery it seeks. *See Southern California Funding, Inc. v. Hutto*, 438 So. 2d 426, 432 (Fla. 1st DCA 1983).

Because I find EDF’s Motion to be untimely, I do not reach the underlying arguments raised by the parties as to the merits of the Motion. FPL points out that the OEP, issued on March 12, 2026, established the governing timeframes in this docket, pursuant to Section 403.537(1)(a), F.S. The discovery deadline was established at that time as April 7, 2026. EDF has been on notice of the time limitations in this docket and the speed with which discovery responses must be served. To that same end, the OEP directed the parties to address discovery disputes on an expedited timeframe:

When a discovery request is served and the respondent intends to seek clarification of any portion of the discovery request, the respondent shall request such clarification within 4 days of service of the discovery request. For discovery requests served after the filing of rebuttal testimony, such clarification must be requested within 1 day. This procedure is intended to reduce delay in resolving discovery disputes.¹

Despite this context, EDF did not confer with FPL on the alleged discovery response deficiencies until April 13, 2026—10 days after FPL provided its first set of discovery responses and 6 days after the discovery period had concluded. If FPL’s responses were as facially inadequate as EDF seems to allege, the inadequacies should have been readily apparent. Meaning EDF should have initiated the conferral process sooner, filed its motion to compel before the discovery deadline, or moved to briefly extend the discovery window in accordance with Rule 28-106.204, F.A.C., to permit review or conferral. To reopen discovery on a motion

¹ Order No. PSC-2026-0056-PCO-EI, issued March 12, 2026, in Docket No. 20260020-EI, *In re: Petition for determination of need for Andytown-Oasis transmission lines project in Broward and Miami-Dade Counties, by Florida Power & Light Company*.

filed four business days prior to hearing would cause delay and increase the expense in the timely disposition of this case.

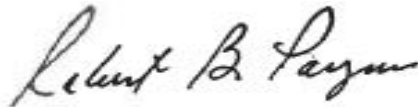
Conclusion

The Motion is untimely because it was filed after the discovery deadline had expired.

Therefore, it is

ORDERED by Commissioner Bobby Payne, as Prehearing Officer, that the Environmental Defense Fund Inc.'s Motion to Compel Florida Power & Light Company to Respond to Discovery is DENIED.

By ORDER of Commissioner Bobby Payne, as Prehearing Officer, this 23rd day of April, 2026.



BOBBY PAYNE

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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.

CMM

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.