

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for Determination of Need for
Andytown-Oasis Transmission Lines in
Broward and Miami-Dade Counties, by
Florida Power & Light Company

Docket No. 20260020-EI

Filed April 29, 2026

**POST-HEARING BRIEF OF
FLORIDA POWER & LIGHT COMPANY**

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I. INTRODUCTION AND SUMMARY

Florida Power & Light Company (“FPL” or the “Company”) hereby files with the Florida Public Service Commission (“Commission”) its Post-Hearing Brief in the above-referenced docket pursuant to Rules 28-106.215 and 28-106.307, Florida Administrative Code, the Order Establishing Procedure (“OEP”), Order No. PSC-2026-0056-PCO-EI, and the Prehearing Order (“PHO”), Order No. PSC-2026-0091-PHO-EI. Pending before this Commission is FPL’s request for a need determination for the proposed Andytown-Oasis Project (“AOP” or the “Project”) pursuant to Section 403.537, Florida Statutes, as required under the Florida Electric Transmission Line Siting Act (“TLSA”), Sections 403.52-403.5365, Florida Statutes.

In its 2025 annual transmission assessment, FPL determined that the transmission system serving Miami-Dade County will violate mandatory North American Electric Reliability Corporation’s (“NERC”) Reliability Standards TPL-001-5.1 and NUC-001-4 by December 2033. FPL evaluated alternative electrical solutions capable of solving this local reliability need and determined that the Andytown-Oasis Project is the most cost-effective transmission alternative that fully resolves that need.

To resolve this local reliability need, the AOP involves the construction and operation of four transmission lines that collectively form the proposed AOP: (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 unrefuted evidence in this case demonstrates that the AOP must be completed by December 2033, with phased construction between 2031 and 2033, to maintain NERC compliance and avoid the need to shed load in Miami-Dade County by turning power off for customers.

Importantly, no party disputes the need for the project or the requirement to comply with the mandatory NERC reliability standards. Likewise, no party refutes the record evidence confirming that the AOP solves the identified reliability violations. Further, no party offers a technically supported and cost-effective alternative that would timely resolve these reliability violations by the required timeframe. Simply put, there is no evidence challenging the need for the project or that the AOP resolves that need. This should be the end of the inquiry.

The only party to submit testimony in this proceeding was the Environmental Defense Fund, Inc. ("EDF"), which submitted the testimony and exhibits through two witnesses. However, EDF does not dispute the need for the AOP. Instead, EDF seeks to turn this state transmission need determination case into a broad federal compliance and enforcement proceeding about the current Florida Reliability Coordinating Council ("FRCC") regional transmission planning process under Federal Energy Regulatory Commission ("FERC") Order 1000¹ and the future

¹ *Transmission Planning and Cost Allocation by Transmission Owning and Operating Public Utilities*, Order No. 1000, 136 FERC ¶ 61,051, (2011).

implementation of the regional transmission process pursuant to FERC Orders 1920,² 1920-A,³ and 1920-B⁴ (hereinafter, collectively, “FERC Order 1920” or “Order 1920”).

As explained below, EDF’s entire approach and presentation in this proceeding on FERC Orders 1000 and 1920 reflect a blatant attempt to usurp the statutory authority granted to the Commission by the Florida Legislature and manufacture relevance where none exists. Those issues are not before this Commission, are not material to this need determination, and have nothing to do with the undisputed facts in this record: the AOP is a local reliability project, it was not identified through any regional transmission planning process, and it is needed to resolve actual violations of mandatory NERC Reliability Standards. Even EDF admits as much. Yet EDF has still flooded this case with testimony, discovery, additional irrelevant discovery denied by the Prehearing Officer, and baseless motions aimed at delaying and dragging this proceeding into a collateral attack on FRCC governance and federal transmission-planning policy – matters reserved to the jurisdiction of the FERC and, in the case of Order 1920, not even presently operative under any FERC-approved regime. That is not advocacy; it is gamesmanship. EDF cannot create jurisdiction or relevance through repetition, volume, or rhetoric, and it cannot hijack this proceeding by importing federal policy grievances that belong in another forum. Its arguments are knowingly misplaced, premature, and frivolous and the Commission should reject them outright and keep its focus where the law and the record require: on the undisputed need for the AOP to provide reliable and cost-effective service to FPL’s customers in Miami-Dade County pursuant to

² *Building for the Future Through Electric Regional Transmission Planning and Cost Allocation*, 187 FERC ¶ 61,068 (2024)

³ *Building for the Future Through Electric Regional Transmission Planning and Cost Allocation*, Order No. 1920-A, 189 FERC ¶ 61,126 (2024).

⁴ *Building for the Future Through Electric, Regional Transmission Planning and Cost Allocation*, Order 1920-B, 191 FERC ¶ 61,026 (2025).

the express statutory criteria in Section 403.537, Florida Statutes.

The Commission's duty under Section 403.537 is to determine whether there is a need for the proposed transmission lines under the statutory criteria, including demand for electric system reliability and integrity, and abundant, low-cost electrical energy for the economic well-being of Florida's residents. The unrefuted record in this case demonstrates that FPL met that burden. EDF's generalized policy criticisms, broad advocacy about federal regional transmission planning reform, and speculation about future regional processes and projects are beyond the scope of this proceeding and certainly not a basis to deny a transmission project required to resolve undisputed violations of the mandatory NERC reliability standards, avoid disrupting service, and enable FPL to continue to provide safe, reliable, and abundant, low-cost electric service to its customers and communities in the Miami-Dade County area.

For these reasons, as further explained below, FPL respectfully requests that the Commission approve FPL's petition for an affirmative determination of need for the AOP pursuant to Section 403.537, Florida Statutes, to ensure reliable electric service and low-cost energy for the benefit of FPL's customers.

II. STANDARD OF REVIEW

The Florida Legislature narrowly defined the issues to be addressed in a need determination proceeding under the TLSA. Specifically, in determining the need for a transmission line subject to approval under the TLSA, 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.

See Section 403.537(c), Fla. Stat.

Contested proceedings before the Commission are governed by the Administrative Procedure Act, Chapter 120, Florida Statutes, which provides that “[f]indings of fact shall be based upon a preponderance of the evidence...and shall be based exclusively on the evidence of record and on matters officially recognized.” Section 120.57(1)(j), Fla. Stat. Thus, the Commission’s findings and conclusions in this case must be supported by competent, substantial evidence in the record. *Citizens of Fla. v. Brown*, 269 So. 3d 498, 505 (Fla. 2019); *Sierra Club v. Brown*, 243 So. 3d 903, 907-08 (Fla. 2018).

Consistent with this standard of review, FPL herein responds to each of the issues noticed and identified in the PHO.

III. STATEMENT OF POSITIONS

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

***FPL:** No. The Commission’s jurisdiction for this proceeding is limited to Section 403.537, F.S., and issues and complaints related to the existing regional transmission planning process and compliance with FERC Order 1000 are subject to the jurisdiction of the FERC. Order 1000 is not relevant because the AOP is a local transmission project to address undisputed local need and was not identified through or included in a FERC Order 1000 regional transmission planning process. (*Yanes, McLain*)*

Issue B: Is FERC Order No. 1920 relevant to this proceeding and within the Commission’s jurisdiction to consider?

***FPL:** No. The Commission’s jurisdiction here is limited to Section 403.537, F.S., and issues related to the future regional transmission planning process and compliance with FERC Order 1920 are both premature and subject to the jurisdiction of the FERC. Order 1920 is not relevant because the AOP is a local transmission project to address an undisputed local need and could not be identified

through a yet to be implemented FERC Order 1920 regional transmission planning process. (*Yanes, McLain*)*

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. In its 2025 annual transmission assessment, FPL determined that the transmission system serving Miami-Dade County will violate mandatory NERC Reliability Standards TPL-001-5.1 and NUC-001-4 by December 2033. The four transmission lines associated with the AOP are necessary to resolve these reliability violations. Failure to timely address these reliability violations could result in system overloads, low voltage conditions, and customer load shedding due to insufficient transmission capacity. The need for the AOP is undisputed. (*Yanes, McLain*)*

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. See FPL’s position under Issue 1. FPL evaluated alternative electrical solutions capable of solving this local reliability need and determined that the AOP is the most cost-effective transmission alternative that fully resolves that need and ensures that customers in Miami-Dade County will continue to receive safe, reliable, abundant, and low-cost electricity. Failure to timely implement the AOP could lead to load shedding, which would harm the economic well-being of those customers and communities. (*Yanes, McLain*)*

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. See FPL’s positions under Issues 1 and 2. Each of the four transmission lines associated with the AOP are necessary to fully resolve the undisputed reliability violations by December 2033. 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. (*Yanes, McLain*)*

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. The AOP is a local transmission project to resolve undisputed violations of mandatory NERC Reliability Standards due to load growth in Miami-

Dade County. The AOP is the most cost-effective transmission alternative that fully resolves that need. A potential solution that does not resolve the problem is not a true alternative. The AOP will ensure that customers in Miami-Dade County continue to receive safe, reliable, abundant, and low-cost energy. (*Yanes, McLain*)*

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.*

IV. ARGUMENT

A. Preliminary Legal Issues (A and B)

EDF offers the conclusory statement that FERC Orders 1000 and 1920 are within the overall jurisdiction of the Commission. *See* Prehearing Order, pp. 9, 10.⁵ This unsupported, and incorrect, conclusion is directly contrary to the testimony of EDF’s own so-called “expert” witnesses that both admit that FERC has jurisdiction and overall regulatory responsibility for regional transmission planning and regulation pursuant to the Federal Power Act, 16 U.S.C. §§ 791, *et seq.* (Cranston Tr. p. 58, ln. 7-8; Thomas Tr. p. 94, ln. 5-7.)

Remarkably, notwithstanding this admission, the EDF witnesses go on to claim they are contesting in this proceeding whether the AOP is consistent with the transmission planning requirements established by FERC Orders 1000 and 1920, and then spend the vast majority of their

⁵ EDF submitted its Prehearing Statement on March 31, 2026 [DN 01910-2026]. During the April 7, 2026 Prehearing Conference, the Prehearing Officer directed the Parties to submit amended Prehearing Statements by close of business on April 8, 2026, to reflect any changes in positions and to state their respective positions on Issues A and B that were agreed to and approved during the Prehearing Conference. Rather than filing an amended prehearing statement as directed by the Prehearing Officer, counsel for EDF elected to email its positions to Staff and the Parties on April 9, 2026, which is a day after the Prehearing Officer’s deadline. Putting aside whether EDF’s failure to amend its Prehearing Statement, timely or otherwise, constitutes a waiver of these issues pursuant to Section VII.C of the OEP, for purposes of this brief, FPL will reference EDF’s late emailed positions as reflected in the PHO.

respective testimonies (i) complaining and criticizing FRCC's existing FERC Order 1000 regional transmission planning process and (ii) discussing what, in their opinion, should be included and considered as part of a future FERC Order 1920 regional transmission planning process. Based on their purported complaints and issues related to the existing and future regional transmission planning under FERC Orders 1000 and 1920, EDF witness Thomas then recommends that the Commission deny the AOP petition for determination of need and direct FPL to implement a regional transmission planning process consistent with EDF's desired implementation and interpretation of FERC Order 1920.

In short, EDF is asking this Commission to find that the existing FRCC regional transmission planning process under FERC Order 1000 is insufficient and then direct FPL how to implement a regional transmission planning process with regional transmission solutions that satisfies EDF's view of compliance with FERC Order 1920 and use that regional process to re-evaluate the need for the AOP. For the reasons explained below, the Commission should reject these issues and requests outright because they are beyond the scope of this proceeding, beyond the Commission's jurisdiction to adjudicate and make findings, and are not relevant to the actual facts and issues in this proceeding.

i. Lack of Jurisdiction to Address EDF's Issues and Complaints about the Federal Regional Transmission Planning Process

The threshold problem with EDF's position and request is jurisdictional.⁶ The Commission is a creature of statute and may exercise only the authority the Legislature has actually conferred.

⁶ Florida Rule of Civil Procedure 1.140(b) treats lack of subject-matter jurisdiction as a fundamental defect that may be raised at any time, which underscores that jurisdiction is not a technicality but a threshold limit on adjudicative power.

Citizens of State v. Graham, 191 So. 3d 897, 900 (Fla. 2016).⁷ Nothing in Section 403.537, Florida Statutes, and nothing in Section 366.04(5),⁸ Florida Statutes, grants the Commission authority to enforce, implement, revise, supervise, or entertain complaints or collateral attacks on the existing or future regional transmission planning processes established under FERC Orders 1000 and 1920.

Section 403.537, Florida Statutes, does not purport to confer authority over federal regional planning governance, over the content or legality of existing or future FERC tariffs, over FRCC or any region-level planning rules, or over challenges to the enforcement or implementation of FERC's own Orders 1000 or 1920 for regional transmission planning . . . because it cannot. The statute says only that the Commission is the "sole forum" to determine the need for a transmission line regulated by the TLSA, and directs the Commission to consider matters such as electric system reliability and integrity, abundant low-cost electric energy for Florida residents, and the appropriate starting and ending points of the line. *See* Section 403.537(c), Fla. Stat. Indeed, the statute recognizes the limitations of the Commission's jurisdiction by expressly limiting any other matters that may be considered to "other matters within its jurisdiction deemed relevant to the determination of need." *Id.* (emphasis added).

As EDF's own witnesses concede, FERC exercises exclusive federal regulation over interstate transmission planning pursuant to the Federal Power Act, which includes Orders 1000 and 1920. (Cranston Tr. p. 58, ln. 7-8; Thomas Tr. p. 94, ln. 5-7.) Because Orders 1000 and 1920 are FERC rules governing regional transmission planning and cost allocation codified in 18 CFR

⁷ Citing *United Tel. Co. of Fla. v. Fla. Pub. Serv. Comm'n*, 496 So. 2d 116, 118 (Fla. 1986); and *Sprint-Florida, Inc. v. Jaber*, 885 So. 2d 286, 290 (Fla. 2004).

⁸ Although Section 366.04(5) has not been raised by either of EDF's witnesses or in its Prehearing Statement, EDF has nonetheless raised this provision at the Prehearing Conference, in its Motion to Compel, and during its opening statement at the hearing. Although EDF has arguably waived this issue and argument by failing to properly include it in its Prehearing Statement as required by the OEP, FPL will nonetheless briefly address this argument out of an abundance of caution.

Part 35, any challenge to those rules or to tariff compliance with them must proceed through the Federal Power Act's federal review scheme – complaint or compliance proceedings at FERC, rehearing at FERC, and then exclusive review in the federal courts of appeals – not through a collateral attack before a state commission.⁹ Accordingly, any attempt in this proceeding to litigate alleged defects, complaints, enforcement, or the implementation of the existing or future regional transmission planning under FERC Orders 1000 and 1920 is extra-jurisdictional and preempted.

Similarly, any attempt to use Section 366.04(5), Florida Statutes, to shoe-horn irrelevant and premature FERC regional transmission planning issues into this proceeding for a local transmission project should be rejected. Even assuming EDF invokes that provision as some generalized “planning” statute, it still does not follow that the Commission may adjudicate the validity, content, implementation, or wisdom of FERC’s regional transmission planning regime. At most, state planning statutes govern Florida utility reporting, planning submissions, or state-level administrative review within the Legislature’s chosen framework. The Commission has historically invoked authority under Section 366.04(5) to address duplication of facilities between two distinct electric utilities, which is not at issue with the AOP local transmission project for FPL.¹⁰ Section 366.04(5) does not displace the Federal Power Act, does not enlarge Commission power into a forum for collateral review of FERC orders, and does not authorize the Commission to hear what are, in substance, challenges to FERC-regulated regional planning criteria or

⁹ See 16 U.S.C.S §§ 824e, 8251(a)-(b). See also FERC Order 1000, ¶ 475 (parties who believe tariffed interregional planning procedures “are not being implemented properly” may invoke tariff dispute-resolution procedures or “file a complaint with the Commission.”); FERC Order 1920-A, ¶ 930 (invoking the requirement in Section 313(a) of the Federal Power Act that rehearing applications “set forth specifically” the grounds asserted); FERC Order 1920-B, ¶ 144, n. 501–05 (citing 16 U.S.C.S § 8251(a) and judicial-review precedent on preservation and timeliness of rehearing and review).

¹⁰ See, e.g., *In Re: Petition of Florida Power Corporation to Open Investigation into Tampa Electric Company’s Proposed Construction of a 69 KV Transmission Line to Serve Cities of Wauchula and Fort Meade*, Order No. PSC-94-0717-FOF-EU, Docket N. 930676-EI (FPSC June 9, 1994).

processes. Nothing in Florida law can usurp FERC’s federal jurisdiction over the regional planning rules FERC has prescribed for interstate transmission providers.

That is not merely a matter of prudence or comity. It is a matter of federal supremacy. In *Transource Pa., LLC v. Defrank*, 156 F.4th 351 (3d Cir. 2025), the United States Court of Appeals for the Third Circuit foreclosed any suggestion that a state commission may entertain complaints about, or sit in judgment of, the existing or future federal regional transmission planning processes established and governed by FERC. The Third Circuit emphasized that, while states retain traditional authority over siting, permitting, safety, and environmental concerns, the state cannot “substitute its determination for that of FERC on an issue that federal law places squarely in FERC’s hands: identifying regional planning needs.” *Id.* at 377. Indeed, the Third Circuit found that a state utility commission cannot, consistent with the Supremacy Clause of the United States Constitution, reject a transmission project selected through a FERC-approved regional transmission planning process. *Id.* Thus, under *Transource*, whatever authority the Commission possesses over a Florida transmission-line need determination, it does not include authority to sit in review of FERC’s regional planning framework, the lawfulness of FERC-approved regional planning methodologies, or the merits of the federally regulated regional planning processes.¹¹

This fact was further reiterated by FERC Order 1920-A, which limited state participation in the FERC Order 1920 regional transmission planning process as consultative, not decisional. Specifically, FERC Order 1920-A limits state participation to providing input on very discrete

¹¹ Any attempt to distinguish *Transource* on the ground that it involved a line-specific denial, rather than general challenge to regional planning rules, is not a meaningful distinction. The Third Circuit’s reasoning did not turn on project labels; it turned on who has authority to decide the merits of regional planning need and selection criteria. The Third Circuit expressly held that federal law places “identifying regional planning needs” in FERC’s hands, and it condemned the state commission’s effort to “substitute its determination for that of FERC.” *Id.*, at 377. That is precisely what EDF seeks to provoke here: a state-level adjudication that would sit in judgment on the substance, sufficiency, implementation, or fairness of the existing and future federal regional planning process under FERC Order 1000 and 1920.

subjects: consultation on how state laws, policies, and regulations are reflected in long-term scenario assumptions; consultation and good faith efforts regarding evaluation processes/selection criteria; and participation in cost-allocation discussions, including possible state-agreed alternatives. *See* FERC Order 1920-A, ¶¶ 367, 457-458, 651-657. Transmission providers must provide a forum for negotiation that enables meaningful state participation; however, the ultimate decision on the compliance filing continues to lie with the transmission providers. *See id.*, ¶¶ 642, 650, 651, 654-655, 677-679. It is FERC, not the states, that approves the transmission providers' FERC Order 1920 compliance filings. *See id.*, ¶¶ 658-661. Thus, FERC Order 1920-A preserves Federal Power Act filing rights and FERC's oversight; state participation is a structured opportunity for input on specific topics, not a grant of authority to approve or enforce the transmission providers' Order 1920 compliance frameworks.

EDF's testimony, arguments, and apparent dissatisfaction with the current regional transmission planning process under FERC Order 1000 are simply in the wrong forum. Such arguments must be pursued through the avenues federal law provides: before FERC, through the relevant federal complaint, tariff, compliance, or rehearing process, and then in the federal courts of appeals as authorized by the Federal Power Act. The same is true for the future planning process to be implemented under Order 1920. The design and implementation of the Order No. 1920 framework are federal regulatory matters with federal review channels.¹² In fact, EDF has been an active participant in the FERC implementation process at FERC, the federal courts, and through the FRCC. (Cranston Tr. p. 62, ln. 10-15; McLain Tr. p. 133, ln. 5-9.) So, whether EDF attacks

¹² Under Section 313 of the Federal Power Act, interested stakeholders have the opportunity to seek rehearing of FERC's rulemakings, such as FERC Order 1000 and 1920, which filing is typically a prerequisite to judicial review, and a party dissatisfied with FERC's action may seek review in federal court. *See* 16 U.S.C.S. § 8251(a)-(b).

the existing regional planning framework under Order 1000 or the forthcoming, yet to be approved and implemented long-term framework under Order 1920, the answer is the same: this Commission is not the proper tribunal, which EDF and its counsel know or should know by their active participation in that federal process.

For those reasons, EDF's attempt to inject attacks on federal regional transmission planning processes into this proceeding is not merely wrong; it is extra-jurisdictional on its face. EDF asks this Commission to expend public resources on questions the Commission has no legal power to decide – namely: whether the existing FRCC regional transmission planning process under FERC Order 1000 is insufficient and how to implement a regional transmission planning process pursuant to FERC Order 1920. It is a collateral attack on federal regulatory judgments dressed up as state advocacy, and EDF and its counsel cannot manufacture jurisdiction by repetition, rhetoric, volume of paper, or discovery demands. Asking this Commission to adjudicate those matters wastes the Commission's time and the parties' resources, invites legal error, and would place the Commission on a collision course with the federal Supremacy Clause. The Commission should decline such an improper invitation.

ii. *Regional Transmission Planning is Not Relevant to the Determination of Need for the Andytown-Oasis Project*

As explained above, issues and complaints related to the existing and future regional transmission planning processes and compliance with FERC Orders 1000 and 1920 are beyond the Commission's jurisdiction to hear and decide. For this reason alone, EDF's testimony, issues, and arguments regarding FERC Orders 1000 and 1920 are, by definition, not relevant or material to this need determination proceeding. Further, even assuming, *arguendo*, that the Commission had jurisdiction to decide the issues in EDF's collateral attacks and requests for relief related to the federal regional transmission planning process, which it does not, they are not relevant to the

undisputed actual facts and issues to be decided in this proceeding regarding the need for the AOP. Meaning, although subject matter jurisdiction is never waivable, this Commission need not reach the jurisdictional issue here because issues regarding the federal regional transmission planning process are simply not applicable to the need for the AOP and, therefore, are not properly before this Commission in this case.

In testimony, discovery, and deposition, FPL repeatedly explained that: (i) the AOP is not a regional transmission project because the need is local and does not benefit other FERC-jurisdictional transmission providers, such as Duke Energy Florida or Tampa Electric Company, as required to qualify as a regional transmission project (Yanes Tr. p. 154, ln. 17-23);¹³ (ii) the need for the AOP was not identified through FRCC's most recent 2025 regional transmission planning process (Yanes Tr. p. 151, ln. 20-23); and (iii) the AOP is a local project to resolve undisputed, local violations of mandatory NERC Reliability Standards (Yanes Tr. pp. 150-51). These material facts are not in dispute or otherwise contested in this proceeding. Indeed, EDF's own Prehearing Statement concedes that "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." *See* PHO, p. 9 (reflecting EDF's position on Issue A).

Notwithstanding FPL's repeated clear and unambiguous explanations of these undisputed material facts, EDF has nonetheless continued to seek extensive discovery, take deposition, and

¹³ Under Order No. 1000, and by extension Order No. 1920's continued use of the regional planning framework, a project is "regional" only if it arises from a regional planning process that cannot be satisfied by a single transmission provider acting alone. *See* FERC Order 1000, ¶ 160 ("an individual public utility transmission provider cannot, by itself, satisfy the regional transmission planning requirements"); *S.C. Pub. Serv. Auth. v. FERC*, 762 F.3d 41, 46–48 (D.C. Cir. 2014) (describing Order 1000 as requiring participation in a regional transmission planning process that produces a regional transmission plan, with regional-cost-allocation principles tied to beneficiaries).

file multiple motions in support of its frivolous purpose to litigate the regional transmission planning processes under and compliance with FERC Orders 1000 and 1920 in this proceeding. However, by EDF's own admission, the regional transmission planning processes were not used and are not applicable to the need for the AOP or the identification of a viable solution to that local need. It would be an entirely different matter if the need or solution were, in fact, identified through the FERC Order 1000 transmission planning processes, but that is not the case before this Commission. The undisputed facts and case before this Commission are that FPL identified violations of the mandatory NERC Reliability Standards on its local transmission system in Miami-Dade County as a part of its 2025 annual transmission assessment, and that FPL has an obligation to timely take action to resolve those violations to avoid disrupting service (load shedding) and is able to continue to provide safe, reliable, abundant, low-cost electricity to the customers and communities served in the local Miami-Dade County area.

The regional transmission planning process under FERC Order 1920 is even less relevant in this proceeding because there is no FERC-approved planning regime currently in effect. The FERC Order 1920 compliance filing date for the Florida transmission providers is June 12, 2026. After FPL's FERC compliance filing is submitted and approved by FERC, the first FRCC planning cycle under FERC Order 1920 would start on January 1, 2028, and would conclude no later than January 1, 2031.¹⁴ (McLain Tr. pp. 133-34.) In fact, EDF admits that there currently is no FERC-approved Order 1920 transmission planning process in effect for FPL. (Thomas Tr. p. 112, ln. 1.)¹⁵ Thus, EDF's testimony, issues, and arguments about FERC Order 1920 are not relevant

¹⁴ See Order No. 1920-A, ¶ 507 (2024) ("transmission providers must propose on compliance a date, no later than two years from the date on which initial filings to comply with Order No. 1920 are due, on which they will commence the first Long-Term Regional Transmission Planning cycle").

¹⁵ See also PHO, p. 10 (reflecting EDF's position on Issue B).

because they are, by EDF's own admission, premature – the Commission obviously cannot consider and apply something that does not exist.

Notwithstanding, EDF asks this Commission to turn a blind eye to these indisputable facts and direct FPL to implement a regional transmission planning process that is consistent with EDF's interpretation of FERC Order 1920. That is a role for FERC, not this Commission, and that federal process is well underway. In fact, EDF has been an active participant in that federal process, including at FERC, the federal courts, and the FRCC stakeholder process. (Cranston Tr. p. 62, ln. 10-15; McLain Tr. p. 133, ln. 5-9.) EDF's apparent dissatisfaction with that ongoing federal process¹⁶ does not somehow make the implementation and application of the FERC Order 1920 transmission planning process ripe or relevant for consideration in this need determination proceeding. Simply put, the regional transmission planning processes, whether under FERC Order 1000 or 1920, are not applicable to the local transmission reliability need or solution that is pending before this Commission in this proceeding. These facts are not in dispute.

Ignoring the unrefuted complete lack of relevance, EDF contends that the Commission should reject the AOP because it was not evaluated and selected through a regional transmission planning process. At its core, what EDF is really arguing is that transmission need and projects should only be evaluated and identified through regional transmission planning and not local transmission planning. EDF's position is fundamentally wrong and has been summarily rejected by FERC.

FERC Orders 1920, 1920-A, and 1920-B do not support any claim that transmission providers must stop identifying local transmission needs or undertaking local transmission projects once the new long-term regional planning process is implemented. To the contrary, FERC Order

¹⁶ (Cranston Tr. 62, ln. 14-15.)

1920 expressly preserved distinct local transmission planning processes rather than mandating a single, all-purpose regional process: FERC “reject[ed] requests to require transmission providers to simultaneously plan for all such transmission needs through a single regional transmission planning process” and stated that it did “not require” transmission providers to plan for reliability, economic, and long-term needs “through a single regional transmission planning process.” FERC Order 1920, ¶ 245. That language in FERC Order 1920 does not abolish local transmission planning or projects, as EDF contends; it assumes and affirms their continued existence.

In fact, EDF raised this very same argument through its joint Public Interest Organization (“PIO”) participation in the FERC Order 1920 rulemaking proceeding, which was rejected by FERC. In FERC Order 1920-A, FERC “decline[d] PIOs’ request that we require transmission providers to conduct a regional transmission planning process that simultaneously plans for shorter-term reliability and economic transmission needs and Long-Term Transmission Needs through a combined process.” FERC Order 1920-A, ¶ 214. Rather, FERC “continue[d] to find that local and regional transmission planning processes serve essential and complementary roles in ensuring that customers’ transmission needs are identified and met at just and reasonable rates.” FERC Order 1920-A, ¶ 818. Thus, FERC has already considered and rejected EDF’s argument that the transmission need and solution before this Commission must be evaluated and selected through a regional transmission planning process. Thus, EDF’s objection is not a serious challenge to the AOP at all – it is an improper collateral attack on FERC’s express rejection of EDF’s very same claim that transmission projects may be identified only through regional, and not local, transmission planning. Having lost that argument before FERC, EDF cannot relitigate it here under the guise of opposing this proceeding.

EDF has flooded this record with testimony, exhibits, discovery, and motions aimed at

litigating issues far beyond the narrow question before the Commission. Its strategy is obvious: ignore the uncontested need for the AOP and, instead, recast this proceeding into a wholesale attack on FRCC governance and the regional transmission planning framework under FERC Orders 1000 and 1920. That effort should be rejected outright. Those matters fall within FERC's jurisdiction, not this Commission's and, importantly, they have no bearing on the material issues and facts actually pending before this Commission. EDF cannot manufacture relevance by volume of irrelevant issues and materials, nor can it derail this case by importing federal policy grievances that belong in another forum. Again, this would be an entirely different case if the AOP was actually identified through the regional transmission planning processes under Orders 1000 and 1920, but, as FPL and EDF agree, it was not.

The Commission should disregard EDF's attempt to hijack this proceeding to relitigate federal jurisdictional issues and, instead, focus on the actual relevant record evidence supporting the need for the AOP, which is undisputed. EDF's arguments are a frivolous and ill-motivated distraction, and the Commission should give them no weight. This case is about the local need for the AOP, period.

iii. Conclusion on Jurisdiction and Relevance of EDF's FERC Order 1000 and FERC Order 1920 Issues

Notably and importantly, EDF does not dispute that the AOP is needed to address violations of the mandatory NERC Reliability Standards on FPL's transmission system in Miami-Dade County; EDF does not dispute that these violations were identified by FPL's 2025 annual transmission planning process; EDF does not dispute that these violations must be resolved by 2033 to avoid potential load shedding of customers in Miami-Dade County; EDF does not dispute that the AOP timely resolves these local reliability violations; EDF does not dispute that the need and assessment of the alternatives to resolve that need were not identified and were not part of

FRCC's most recent annual regional transmission planning process in 2025; and EDF does not dispute that federal regional transmission planning process and utility compliance filings under FERC Order 1920 have not been fully developed, implemented, or approved by FERC. Rather than litigating the actual facts and issues that are relevant to the need for the AOP, EDF and its counsel instead are using this state need determination to attempt to (i) litigate their dissatisfaction with FRCC's existing transmission planning process under FERC Order 1000, (ii) have this Commission decide how the future transmission planning process under FERC Order 1920 should be applied, and (iii) direct FPL to re-evaluate the AOP and potential regional transmission projects under that FERC Order 1920 planning process as envisioned by EDF.

For the reasons explained above, the Commission should reject these issues outright and hold that: (1) nothing in Sections 403.537 or 366.04(5), Florida Statutes, confers jurisdiction on the Commission to enforce, implement, supervise, revise, or adjudicate the merits of FERC's existing regional transmission planning process under Order 1000 and or its future regional transmission planning process under Order 1920; (2) any challenge to the lawfulness, content, methodology, implementation, or outcomes of those federal regional planning processes must be brought in the federal forum; and (3) EDF's arguments directed to the regional transmission planning processes under FERC Orders 1000 and 1920 should be disregarded or given no weight as irrelevant, immaterial, preempted, and frivolous.

B. Issues Relevant to the Merits and Criteria for a Need Determination Under the TLSA

i. The Reliability Need for the Andytown-Oasis Project is Undisputed

FPL identifies and analyzes the need for new transmission lines through its annual transmission planning process described by FPL witness Yanes. (Yanes Tr. p. 33.) FPL plans, designs, and operates its transmission system in accordance with mandatory requirements

established by NERC Reliability Standards. (Yanes Tr. p. 30, ln. 2-12.) Violations of these mandatory NERC reliability standards may result in significant penalties, including monetary penalties assessed on a per-day basis, and failure to resolve identified reliability violations can lead to serious negative operational and reliability consequences, including load shedding and broader impacts affecting both FPL's system and the interconnected electric grid. (Yanes Tr. p. 145, ln. 1-6.) NERC Reliability Standard TPL-001-5.1 defines the scenarios and expected levels of system performance for the transmission over the long-term planning horizon. In general, the transmission system must remain stable, with both thermal and voltage limits maintained within applicable facility ratings for each contingency category identified in NERC Reliability Standard TPL-001-5.1.4. FPL's transmission planning process incorporates meeting the mandatory NERC Reliability Standards over the 10-year planning horizon. (Yanes Tr. pp. 30, 33-35.)

FPL's 2025 annual transmission planning process identified that the local transmission system serving Miami-Dade County will violate mandatory NERC Reliability Standards by December 2033 due to projected load growth in the area. (Yanes Tr. pp. 35-36.) Specifically, the 2025 transmission assessment identified thermal overloads and low-voltage conditions in Miami-Dade County that, if not timely addressed, would violate NERC Reliability Standards TPL-001-5.1 and NUC-001-4. (Yanes Tr. pp. 28, 31-32, 35.) A failure to timely resolve these violations of the mandatory NERC Reliability Standards by 2033 would result in the existing transmission system being unable to maintain reliable operations in the Miami-Dade County area without involuntary load shedding of a significant number of customers as detailed in Exhibit MAY-5. (Yanes Tr. p. 153, ln. 12-17; CEL Ex. 35.) Stated differently, if these reliability violations are not timely resolved, FPL could be forced to disconnect customers in the Miami-Dade County to preserve system integrity and prevent broader impacts, such as local blackouts or wide-spread

cascading blackouts (a loss of power at one transmission facility can trigger the loss of power on another interconnected transmission facility, which in turn can trigger the loss of power on another interconnected transmission facility, and so on). (CEL Ex. 37 – FPL Response to Staff Int. No. 15.)

Importantly, neither of EDF’s so-called “expert” witnesses dispute, contest, or challenge the need to resolve these violations of the mandatory NERC Reliability Standards on the transmission system serving Miami-Dade County. (Yanes Tr. p. 145, ln. 8-20; CEL Ex. 50, p. 15-16; CEL Ex. 53, p. 4-7.) In fact, both EDF witnesses agree that the baseline criterion for any project is compliance with NERC Reliability Standards. (Cranston Tr. 64, ln. 11-12; Thomas Tr. 103, ln. 6-8.) Further, and critically, both EDF witnesses admit that they did not perform any analysis of the specific NERC reliability violations at issue in this docket, nor did they perform any analysis that denial of the AOP would not cause, prolong, worsen, or leave unresolved those reliability violations. (CEL Ex. 53, p. 1, 4, 6; CEL Ex. 50, p. 6, 10, 15-16.) Simply stated, the only record evidence in this proceeding on need is FPL’s transmission planning study that identified violations of mandatory NERC Reliability Standards in Miami-Dade County by 2033 – and that evidence of need is undisputed. That should be the end of the inquiry.

Despite the fact that the EDF witnesses do not challenge or contest the need for the AOP, EDF nonetheless dedicates thousands of pages of testimony and exhibits arguing that the Commission should deny the AOP and direct FPL to re-study the need using a regional transmission planning process to develop and consider regional alternatives consistent with FERC Orders 1000 and 1920. EDF also argues that FPL has not demonstrated need for the AOP because FPL has not considered other theoretical regional transmission measures that could satisfy the identified need. EDF’s need arguments are frivolous and without merit – in particular, given that

EDF does not dispute the identified need for the AOP.

The fundamental flaws with EDF's argument that the Commission should deny the AOP petition and direct FPL to re-study the need using a regional transmission planning process consistent with FERC Orders 1000 and 1920 is four-fold. First, EDF's opposition to the AOP is not just unpersuasive; it is improper. EDF's argument does not refute, rebut, or otherwise change the undisputed need to resolve the identified violations of the mandatory NERC Reliability Standards. Indeed, the EDF witnesses admit that they have undertaken no analysis or evaluation of the specific NERC reliability violations at issue in this docket. (CEL Ex. 53, p. 1, 4, 6; CEL Ex. 50, p. 6, 10, 15-16.) Worse, EDF witness Cranston remarkably goes further still and candidly admits that he did not even know the specifics of the underlying NERC reliability violations when he submitted his testimony.¹⁷ (CEL Ex. 50, p. 8.)

Second, the evidence of record demonstrates that the AOP is a local transmission project to resolve identified local reliability violations, and that local reliability need could not be resolved by a regional transmission project because no viable solution to the local need was identified through the most recent FRCC regional transmission planning process under FERC Order 1000. This fact is critical because, notwithstanding the results of the regional transmission planning process, FPL nonetheless has a mandatory obligation to resolve the reliability violations and ensure compliance with the mandatory NERC Reliability Standards. (Yanes Tr. pp. 150-51.)

Third, EDF's criticisms and complaints about the FPL and FRCC existing transmission planning processes are not credible and should be given no weight. The record clearly demonstrates that EDF's witnesses have no experience in electrical engineering, power systems

¹⁷ The fact that EDF submitted testimony opposing the AOP without even knowing or understanding the specifics about the underlying reliability issue strongly suggests that its motive and purpose for participating in this proceeding is improper and not grounded in any genuine interest in the merits.

engineering, or transmission engineering, and neither has performed an engineering or transmission planning study. (CEL Ex. 49, pp. 1-5 CEL Ex. 52, pp. 1-4; CEL Ex. 53, pp. 1, 5-15, 17.) They are not qualified to offer any expert or technical opinions on the existing FPL and FRCC transmission planning processes and, therefore, those criticisms and complaints should be disregarded and given no weight. At best, EDF offers lay policy grievances that belong in another forum as explained in Section IV.A above.

Fourth, FPL cannot undertake the regional transmission planning process under FERC Order 1920 because that process has yet to be developed, approved by FERC, and implemented as EDF concedes in its Prehearing Statement.¹⁸ The Commission must decide this case based on the record before it, not a hypothetical record that could exist at some future time based on a planning process that has not yet been developed, approved, or implemented. Simply put, that case is not and could not be before this Commission in this proceeding.

In summary, EDF's regional transmission planning arguments are not meaningful opposition; they are meaningless speculation. EDF has offered no competent basis to challenge the AOP, and its attempt to do so has served only to squander the parties' and the Commission's time and resources while distracting from the serious and undisputed reliability violations that must be resolved.

With respect to EDF's argument that the AOP is not needed because FPL has not considered other available measures that could satisfy the identified need, such an argument is a nonsensical conclusion that highlights EDF's lack of experience, understanding, and credibility on issues related to transmission planning. To put it simply, alternatives are solutions capable of solving an identified need, the alternatives are not the driver of the need. It does not take an

¹⁸ See PHO, p. 10 (reflecting EDF's position on Issue B).

engineering degree to understand that one must first identify the problem before you can identify the solution. FPL will further address EDF's so-called "alternatives" below and explain why they are not supported and should be rejected.

Finally, for the first time in its Prehearing Statement, EDF now appears to claim that the load growth in the Miami-Dade County that is driving the undisputed need for the AOP project is, according to EDF, overstated.¹⁹ EDF's attempt to criticize FPL's load forecast is unsupported and lacks merit.

FPL explained that 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, and that FPL's 2025 forecast projects that by 2033, the summer peak load in Miami-Dade County will be approximately 7,200 MW. This growing customer base and the associated electric demands will cause the transmission system serving the Miami-Dade County to exceed its thermal ratings and result in low voltage conditions in violation of the mandatory NERC Reliability Standards as discussed above. (Yanes Tr. pp. 35-36.)

FPL develops its summer peak load forecasts annually as part of its system-wide and regional load-forecasting process conducted in conjunction with the Ten Year Site Plan ("TYSP"). (CEL Ex. 39 - FPL Response to Staff Int. 22.) The Miami-Dade County summer peak load forecast utilized in this proceeding is the same load forecast that was used in FPL's 2025 TYSP filed with the Commission on April 1, 2025. (CEL Ex. 37 - FPL Response to Staff Int. 1.)²⁰ The summer 2033 peak values used in FPL's 2025 transmission assessment study are the same values presented

¹⁹ See PHO, p. 12 (reflecting EDF's positions on Issues 1 and 2).

²⁰ FPL's 2025 TYSP is available at: <https://www.floridapsc.com/pscfiles/website-files/PDF/Utilities/Electricgas/TenYearSitePlans/2025/Florida%20Power%20and%20Light%20Company.pdf>.

in the TYSP, and reflect the effects of existing and approved demand response and demand side management programs in the Miami-Dade County service area. (CEL Ex. 37 - FPL Responses to Staff Ints. 6 and 10.) A summary of FPL's load forecasting process is provided in Section II of FPL's 2025 TYSP filed with the Commission. This load forecast uses the same tried and true methodology used in prior TYSPs that have been reviewed and approved by the Commission. (CEL Ex. 37 - FPL Response to Staff Int.7;CEL Ex. 39 - FPL Responses to Staff Ints. 19 and 22.)

There is absolutely nothing in the record to suggest that the summer peak forecast used in FPL's 2025 TYSP and 2025 transmission assessment study that identified the need for the AOP is overstated as claimed by EDF. Indeed, the EDF witnesses do not mention or opine on load forecasting, and for good reason – whatever “expertise” they claim to have it certainly is not in load forecasting. (See CEL Exs. 8, 20.) Further, the anticipated attempt by EDF's counsel to show that the load forecast is overstated by relying on unsubstantiated hearsay opinions, conjecture, and speculation from lay third parties is not evidence of any such claim, credible or otherwise. Simply put, there is no reliable, credible technical evidence to support EDF's claim.

In summary, the need for the AOP is undisputed, and EDF's effort to argue otherwise is frivolous, misplaced, and utterly lacking in support and credibility. FPL presented the only actual record evidence on need: a transmission planning study showing that, by 2033, Miami-Dade County will face violations of mandatory NERC Reliability Standards that, if left unresolved, could force involuntary load shedding and threaten broader system reliability. EDF does not dispute that need; EDF does not dispute that the AOP resolves that need; and EDF's witnesses performed no technical, engineering, planning, or reliability analysis of the violations at issue, no analysis of the consequences of denying the AOP, and no study showing that the need is overstated or that some other measure would solve it.

It is especially telling that EDF's witnesses were not aware of the underlying need for the AOP at the time they filed their testimony and that they lack the engineering and transmission-planning expertise necessary to credibly attack FPL's studies or develop an alternative of their own that would resolve the identified need and, yet, EDF still asks the Commission to ignore the only competent evidence in the record and deny a project needed to prevent undisputed reliability violations. The Commission should see EDF's case for what it is: an empty, non-technical, and ill-supported attempt to distract from the central fact that the need for the AOP is proven, unrebutted, and requires timely action in order to avoid load shedding and to allow FPL to continue to provide safe, reliable, and abundant, low-cost electricity to the customers and communities in the Miami-Dade County area.

ii. *The Andytown-Oasis Project is the Most Cost-Effective Transmission Alternative that Fully Resolves the Reliability Need*

Once the local reliability need was identified through FPL's 2025 annual transmission planning process, the next step in the transmission planning process is to identify and evaluate solutions that are capable of resolving and addressing that need and select the alternative that is the overall best and most appropriate solution for FPL's system and the customers it serves. (Yanes Tr. p. 33.) The credible evidence of record demonstrates that the AOP is the most cost-effective alternative, taking into account the demand for electricity, maintaining transmission reliability and integrity, and addressing the need for abundant, low-cost electrical energy to assure the economic well-being of the residents of this state.

A basic and critical point in transmission planning is that the alternatives being evaluated and considered must actually resolve the identified need. A potential "solution" that does not resolve the problem is not a true viable alternative solution – it is a detour to a dead end. Indeed, it would not be a prudent use of time and customer-funded resources to continue assessing and

evaluating such “alternatives” as part of the transmission planning process. Another basic and important tenet of transmission planning is that the need is the driver of the potential alternative solutions – not the other way around, which is the proverbial “solution in search of a problem.”

Although Section 403.537(c), Florida Statutes, does not expressly provide for an alternatives assessment, it does provide for the Commission to take into account the need for abundant, low-cost electrical energy to assure the economic well-being of the residents of this state and the appropriate starting and ending point of the project. Further, Rule 25-22.076, Florida Administrative Code, provides that a petition for a need determination should include, among other things:

(4) A summary discussion of the major alternative transmission lines or transmission improvements which were examined and evaluated by the utility in arriving at the decision to pursue the proposed project. The discussion shall consist of:

(a) a general description of the other transmission line alternatives, including, if appropriate, load flow analyses and electrical system diagrams showing power flows and voltage profiles on the transmission lines in the more critical operating conditions and

(b) a discussion of the performance of each alternative in terms of economics, reliability, long-term flexibility and usefulness, or other relevant factors.

Fla. Admin. Code R. 25-22.076(4) (emphasis added). FPL’s petition, testimony, and exhibits have fully complied with this requirement, and FPL has provided additional supporting details and data in response to relevant discovery in this proceeding.

In its direct testimony and exhibits, FPL described the three major alternative transmission lines that were capable of resolving the identified reliability need and were examined and evaluated as part of FPL’s transmission planning process: the AOP, Alternative I Project, and Alternative II Project. (Yanes Tr. pp. 36-38.) FPL also provided with its Petition the load flow study and analyses for each of these major alternatives that were capable of resolving the identified reliability

need.²¹ (CEL Ex. 3 – Confidential Exhibit A to FPL Petition.) FPL’s expert transmission planning witness explained that Alternative I Project was not selected because the cost is approximately \$222.4 million higher than the AOP, and because it 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. (Yanes Tr. p. 37.) FPL’s expert transmission planning witness also explained that Alternative II Project was likewise rejected because the cost is approximately \$192.3 million higher than the AOP, and because it 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. (Yanes Tr. p. 38.) In summary, the AOP was the lowest cost alternative capable of resolving the identified reliability and mitigates impacts to customers, land, and the environment by maximizing use of existing transmission line right-of-way.

Ultimately, FPL selected the construction of the AOP to address the reliability need and provide overall system stability and benefits to customers and communities in Miami-Dade County, including: addressing future thermal overloads and low voltage conditions in Miami-Dade County under contingency events in compliance with NERC Reliability Standards TPL-001-5.1 and NUC-001-4; maintaining transmission reliability for FPL customers in Miami-Dade County; increasing power transfer capability of the transmission system to support growing demand in Miami-Dade County; and providing resilient, hardened transmission service to the area. As explained by FPL’s expert transmission planner, Mr. Yanes, the four transmission lines associated with the AOP are each necessary to provide these benefits to customers in Miami-Dade County and maintain NERC compliance. The AOP will provide abundant, low-cost electrical

²¹ The model and supporting data for these confidential load flow analyses were produced in response to Staff’s First Request for Production of Documents No. 1, and EDF First Request for Production of Documents Nos. 1 and 12.

energy to assure the economic well-being of the residents in Miami-Dade County, by avoiding the need to shed load by turning power off for these customers.

Notably, EDF does not dispute that the AOP will resolve the identified violations of the mandatory NERC Reliability Standards, nor does EDF dispute that the AOP was the lowest cost viable alternative evaluated through FPL's transmission planning process. Rather, EDF attempts to argue that FPL has failed to demonstrate the need for the AOP because, according to EDF, FPL has not considered other available measures that would satisfy FPL's claimed reliability need.²² EDF's argument highlights their complete lack of expertise, experience, and credibility with respect to transmission planning. As explained above, alternatives are solutions capable of solving an identified need, the alternatives are not the driver of the need as implied by EDF's argument.

EDF dedicates a significant portion of its testimony discussing Advanced Transmission Technologies ("ATTs") and Grid Enhancing Technologies ("GETs"), including Dynamic Line Ratings, Advanced Power Flow Controllers, reconductoring, Topology Optimization, and Battery Energy Storage Systems. EDF argues that FPL failed to consider these alternative measures, which EDF claims are a more cost-effective solution to the identified reliability need.²³ EDF's alternative measures argument is fundamentally flawed, unsupported, and lacks credibility for multiple reasons.

First, EDF admits that it did not perform any analysis of any alternative that would resolve the reliability need addressed by the AOP, nor did it identify a specific alternative that could replace the AOP. (CEL Ex. 49, p. 6; CEL Ex. 50, p. 7; CEL Ex. 52, p. 13; CEL Ex. 53, p. 9.) Further, EDF concedes it did not perform a project-specific engineering analysis showing that any

²² See PHO, p. 12-15 (stating EDF's position on Issues 1-3).

²³ See PHO, p. 12-15 (stating EDF's position on Issues 1-3).

of their proposed ATTs or GETs would resolve the AOP reliability need. (CEL Ex. 49, pp. 7-11; CEL Ex. 50, p. 17; CEL Ex. 52, p. 14.) In fact, as noted above, EDF submitted its testimony regarding its “alternatives” without knowing the specifics of the NERC reliability violations underlying the AOP. (CEL Ex. 50, p. 8.) This is an important and critical flaw with EDF’s “alternatives” proposals because there is no analysis or evidence that any of their alleged alternatives would, in fact, resolve the undisputed NERC reliability violations.

Second, EDF’s alternative proposals rely entirely on unsubstantiated hearsay statements from third parties that are unrelated to the need for the AOP. EDF witness Cranston’s testimony relies on a purported study performed by the University of Florida (hereinafter, the “UF Study”). However, EDF witness Cranston concedes that the UF Study was not a planning study, nor was it designed to determine whether the AOP is needed to address the specific reliability violations identified in this docket (CEL Ex. 50, p. 15-17.) In fact, EDF witness Cranston candidly admits that it was neither the purpose of the UF Study nor his own testimony to identify or propose a single specific replacement project that he believes should be approved instead of the AOP. (CEL Ex. 50, pp. 7, 9.) Further, FPL explained that the UF Study does not provide a meaningful assessment of system reliability or congestion as evaluated in transmission planning practice. Specifically, the UF Study does not represent actual facility ratings, voltage limited conditions, or realistic dispatch behavior, omits existing lines and relies on non-existing lines, and its unrealistic cost conclusions rely on maintaining peak condition savings across all hours and decades. (Yanes Tr. pp. 148-49.) EDF witness Cranston also admits that his claimed benefits from Dynamic Line Ratings and reconductoring are entirely from third-party testimony in another case outside of Florida and lack any analysis or application to the need for the AOP. (CEL Ex. 49, pp. 12-13; CEL Ex., pp. 18-20.)

Third, FPL did in fact consider non-wire solutions, such as incremental generation, and multiple transmission technologies, including, but not limited to, ATTs and GETs. FPL's expert transmission planning witness explained that incremental generation or energy storage were not feasible alternatives to resolve the local reliability need in the Miami-Dade County area. (Yanes Tr. p. 156; CEL Ex. 36.) FPL also explained that it considers and implements multiple transmission technologies, such as ATTs and GETs, as part of the design and engineering of major transmission projects, including the AOP project. However, those technologies were not capable of fully mitigating the identified thermal and voltage violations and, therefore, FPL properly did not advance those technologies as potential alternative solutions for further consideration or evaluation. (Yanes Tr. pp. 155-58; CEL Ex. 41 – FPL Response to Staff Int. 41; CEL Ex. 46 – FPL Response to EDF Int. 13.)

Fourth, EDF's claim that FPL excluded other cost-effective solutions is nothing more than a restatement of EDF's desire that FPL should implement ATTs and GETs as an alternative to the AOP. EDF's claim on other cost-effective solutions lacks any supporting analysis and, moreover, ignores the unrefuted fact that these "alternatives" do not solve the underlying reliability violations. It would not have been prudent to incur additional costs and time evaluating these alternative measures because they are not viable solutions to the identified problem. FPL provided a cumulative present value of revenue requirements ("CPVRR") analysis of the transmission alternatives that would actually resolve the reliability violations, which analysis indicated that the AOP was the most cost-effective solution. (CEL Ex. 37 – FPL Response to Staff Int. 13.)

In summary, EDF's proposals do not solve the problem before the Commission; they are, at best, solutions in search of a problem. EDF faults FPL for not evaluating and implementing its preferred alternatives, yet EDF performed no project-specific analysis of those alternatives, did

not identify a single replacement project, and offered no evidence that any of its preferred technologies would actually resolve the undisputed NERC reliability violations at issue here. EDF has no unilateral right to appoint itself as a *de facto* super-board of directors for FPL, dictate what alternatives FPL must study, or force FPL to redesign this need determination case around EDF's preferred technologies. Under Section 403.537, Florida Statutes, and Rule 25-22.076, Florida Administrative Code, the decision regarding which major alternative transmission lines or transmission improvements to examine and present in a need determination application belongs, in the first instance, to the utility's management, subject to the Commission review and ultimate approval.²⁴ The record shows that FPL fulfilled that obligation, evaluated the viable alternatives that could actually cure the identified reliability need, and demonstrated that the AOP is the lowest-cost, most appropriate solution. The Commission should reject EDF's unsupported invitation to second-guess FPL's planning judgment and approve the AOP because it is the most cost-effective transmission alternative that fully resolves the reliability need.

V. CONCLUSION

For all of the reasons set forth above, the Commission should grant FPL's petition in full and issue an affirmative determination of need for the AOP. The record is clear, one-sided, and

²⁴ Under Florida law, the burden in a Commission application proceeding rests on the applicant seeking affirmative relief, and that burden extends to the proposal the applicant actually filed, not to some different project advanced by an intervenor. A utility seeking relief must prove, by a preponderance of the evidence, that its requested action is lawful and appropriate. *So. Fla. Natural Gas Co. v. Fla. PSC*, 534 So. 2d 695, 697-98 (Fla. 1988); *Fla. Power Corp. v. Cresse*, 413 So. 2d 1187, 1191 (Fla. 1982). The filing defines the issues for adjudication, and due process requires reasonable notice and an opportunity to be heard on those issues. *Fla. PSC v. Triple "A" Enters., Inc.*, 387 So. 2d 940, 943 (Fla. 1980). Thus, while the Commission retains authority to approve, deny, or approve with record-supported modifications the relief actually presented in the noticed application proceeding, it may not compel the applicant to undertake an entirely different project that was never proposed, noticed, sponsored, or tried in the record. *See Citizens v. Fla. PSC*, 146 So. 3d 1143, 1154, 1158-60 (Fla. 2014); *Fla. Cities Water Co. v. Fla. PSC*, 384 So. 2d 1280, 1281-82 (Fla. 1980).

dispositive. FPL has demonstrated by substantial unrefuted evidence that the AOP is needed to resolve undisputed violations of mandatory NERC Reliability Standards, that those violations must be addressed on a timely basis to avoid serious reliability consequences including involuntary load shedding, and that the AOP is the most cost-effective transmission solution that will fully resolve the identified need. No party presented competent evidence to the contrary.

EDF, in contrast, offered no credible challenge to the actual issues before the Commission. It did not dispute the underlying reliability need; it did not dispute that the AOP resolves that need; it did not present a technically supported alternative that would timely and fully cure the violations; and it did not offer competent evidence that FPL's planning analyses and conclusions were wrong. Instead, EDF attempted to use this state need determination proceeding as a vehicle to relitigate federal transmission-planning policy, attack FRCC regional planning processes, and preview grievances about FERC Orders 1000 and 1920 that belong, if anywhere, before FERC and the federal courts. That effort was improper from the start and remains improper now.

Put plainly, EDF came to the wrong forum with the wrong case. Its presentation was not a serious evidentiary challenge to FPL's petition – it was an attempt to hijack this proceeding and turn it into a collateral referendum on federal transmission-planning issues that are outside this Commission's jurisdiction, irrelevant to the Florida statutory need determination, and disconnected from the undisputed facts in this record. EDF cannot manufacture relevance by repetition, cannot create jurisdiction by rhetoric, and cannot defeat an otherwise proven need determination by demanding that this Commission sit in judgment of federal processes it has no authority to supervise or adjudicate.

Nor should EDF's tactics be overlooked. Its conduct in this case imposed a substantial and unnecessary burden on both FPL and the Commission. Rather than engage the actual statutory

criteria under Section 403.537, EDF flooded this proceeding with immaterial theories, premature complaints, unsupported policy arguments, and jurisdictionally defective side issues. The result has been exactly what the TLSA is designed to prevent: a significant waste of party and Commission resources on matters that do not decide, inform, or alter the only question that matters here – whether the AOP is needed under Florida law. The answer to that question is yes, and the record leaves no room for a different result.

The Commission should reject EDF’s arguments outright, give them no weight, and keep this case where it belongs: on the undisputed reliability need for the AOP and FPL’s unrebutted showing that the AOP is the most appropriate and cost-effective solution. FPL respectfully requests that the Commission approve the petition, issue an affirmative determination of need for the AOP as proposed, and close this docket.

Respectfully submitted this 29th day of April 2026,

By: /s/ Christopher T. Wright

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by Electronic Mail to the following parties of record this 29th day of April 2026:

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