

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for a limited proceeding to approve large load tariff, by Duke Energy Florida, LLC.

DOCKET NO.: 20260064-EI

FILED: April 29, 2026

CITIZENS' RESPONSE TO PETITION FOR LIMITED PROCEEDING TO APPROVE LARGE LOAD TARIFF BY DUKE ENERGY FLORIDA, LLC

The Citizens of the State of Florida (“OPC”), by and through Walt Trierweiler, Public Counsel, respond to the Petition For Limited Proceeding to Approve Large Load Tariff (“Petition”) filed by Duke Energy Florida, LLC. (“DEF”), on April 22, 2026, and state as follows:

1. In its Petition, DEF requests that the Florida Public Service Commission (“Commission”) approve its proposed Large Load Customer Policy (“LLCP”) and Large Load Customer Agreement (“LLCA”).

2. DEF had previously requested approval of different versions of the LLCP and LLCA, along with a Large Load Customer Rate Schedule (“LLC-1”), in a prior petition DEF filed on September 5, 2025, in Commission Docket No. 20250113-EI.

3. By Order No. PSC-2025-0376-PCO-EI, issued October 14, 2025, the Commission, consistent with the requirements of section 366.06(3), Florida Statutes, suspended the proposed tariff revisions Docket No. 20250113-EI, to allow the Commission staff time to review the petition and gather all pertinent information to present it with an informed recommendation.

4. Ultimately, the Commission closed the above docket on April 27, 2026, after the Florida Legislature passed Senate Bill 484 and DEF indicated that it would file a new petition for the Commission to consider an amended tariff in light of the legislation.¹

¹ See Document No. 0428-2026 in Docket No. 20250113-EI.

5. Senate Bill 484, in relevant part and if signed into law, would revise Florida law regarding the regulation of large-scale data centers. The legislation would mandate, for the first time in Florida, minimum tariff and service requirements for large load customers which are required in public utility tariffs.²

6. DEF claims in its current petition that its proposals comply with Senate Bill 484. Evaluating that claim represents a case of first impression for the Commission, which has never had to apply Senate Bill 484 before in any other proceeding along with the traditional ratemaking principles applicable to reviewing tariffs.

7. Despite the instant matter being a historic case of first impression for how data center-related tariffs will be evaluated by the Commission, DEF requests the Commission expedite review of its Petition.

8. DEF attempts to support its request to expedite matters by claiming the parties³ have already “thoroughly reviewed” the previous filing and “conducted extensive discovery.” DEF also “believes” that the Commission can issue a decision on this Petition by “no later than [the Commission’s] October 3 Agenda Conference.”

9. OPC did thoroughly review DEF’s previous filing, conducted extensive discovery, and filed its own witness testimony. But that filing was so different from the instant one that little of OPC’s prior review will be helpful in evaluation of DEF’s current proposal. DEF’s own Petition demonstrates all the changes it has made that must now be reviewed, for the first time, for

² As of the date of this filing, Senate Bill 484 has been ordered engrossed, then enrolled by the Legislature, but has not been sent to or signed by Governor DeSantis. If signed, the relevant portions of Senate Bill 484 take effect July 1, 2026.

³ While several parties filed motions to intervene in Docket No. 20250113, as of this date only OPC has intervened in the instant docket.

compliance with not only traditional ratemaking principals, but also the new requirements of Senate Bill 484:

“11. To comply with the new legislation, DEF made the following changes to the tariffs:

- a) Changed applicability of LLCP from 100 MW to 50 MW.
- b) Withdrew LLC-1 from consideration, with the intent to propose a new large load rate schedule in its next rate case proceeding.
- c) Removed flexibility from CIAC provision, such that all customers must pay CIAC up front, subject to refund over five years.
- d) Changed minimum term from 15 to 20 years, with all customers required to give a two-year notice.
- e) Increased termination charge to three years of minimum bills (irrespective of when they terminate during the twenty-year term) plus net book value of CIAC facilities.
- f) Imposed a minimum load factor for use when calculating monthly minimum bills.
- g) Imposed requirement that DEF may not serve a foreign entity large load customer.
- h) Clarified requirements that a customer cannot avoid the LLCP by separating loads at a single location.”

10. OPC intends to fully scrutinize DEF’s Petition, including the portions that remain unchanged and the new changes listed above, for compliance with the requirements of Senate Bill 484 along with traditional ratemaking principles. This process will necessarily require new discovery along with review by OPC’s expert witness. An expedited schedule will unfairly hamper OPC’s statutory duty to provide legal representation for the people of this State because this is a historic case of first impression for this Commission.

11. While OPC appreciates DEF’s proposal to incorporate prior discovery into the instant matter, OPC’s prior review and discovery actions were made in a pre-Senate Bill 484 world. Even assuming that the passage of time has not made DEF’s prior discovery responses outdated, it is not clear how many of those responses remain relevant given the new requirements of Senate Bill 484. Reviewing the extent that prior discovery remains relevant is itself a toll on the time of the parties and justifies not expediting this case.

12. DEF's streamlined discovery proposal – suggested for its own convenience and without a clear public interest or legal need – also begs the question about what additional new discovery will be needed in light of the passage of Senate Bill 484, the contingency around the theoretical possibility of a gubernatorial veto, and the interaction of the new provisions regarding the default rate schedules pending the implementation of rates at the conclusion of a future DEF rate case.

13. It is not clear why DEF “believes” that the Commission can issue a decision on this Petition by “no later than [the Commission’s] October 3 Agenda Conference.” Senate Bill 484 requires that by “[n]o later than October 1, 2026, each public utility shall file, for Commission approval, a tariff that complies with this [legislation].” If DEF’s Petition complies with Senate Bill 484 as DEF claims, then it has already met this requirement. Otherwise, DEF has approximately five months to make such a filing. The OPC is unaware of any provision in Senate Bill 484 that alters the mechanics of, and rights guaranteed under, section 366.06, Florida Statutes (“file-and-suspend law”). *See Citizens of State v. Wilson*, 571 So. 2d 1300, 1302-03 (Fla. 1990).

14. Because this is a case of first impression for which the incomplete prior review may be marginally helpful at best, the Commission should deny DEF’s request to expedite this matter. Instead, the Commission should issue an Order Establishing Procedure that affords the Commission, its Staff, OPC, and any other intervening party sufficient time to review DEF’s petition. By doing so, the Commission will afford all parties the chance to gather information to narrow issues, refine recommendations, and conduct such review that ensures that the Legislature’s will is respected. Further, under the file-and-suspend law, the Commission has 60 days to suspend the tariff and eight months to render a decision without providing the utility the

opportunity to put its rates and terms into effect on an interim basis. Clearly the legislature has provided at least an eight month process for the Commission to complete its review of the tariff.

15. Given the new petition in the instant docket is different from DEF's prior petition in Docket No. 20250113-EI, the suggested hearing date of July 28, 2026 by DEF would not afford adequate due process time for OPC or other potential intervenors to prepare. The Commission should suspend the tariff and provide a meaningful opportunity for substantially affected persons to be heard.⁴

16. OPC does not currently take any position on any of the other matters contained in DEF's Petition.

Based on the foregoing, OPC respectfully requests that the Commission reject DEF's request to expedite this matter and issue an Order Establishing Procedure that affords the parties sufficient time contemplated under section 366.06, Florida Statutes, to review this historic case of first impression.

Respectfully submitted,

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⁴ For reference, the Commission set a hearing date approximately seven months after receiving DEF's petition in Docket No. 20250113-EI

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CERTIFICATE OF SERVICE
DOCKET NO. 20260064-EI

I **HEREBY CERTIFY** that a true and correct copy of the foregoing has been furnished by electronic mail on this 29th day of April, 2026, to the following:

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