

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

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

DOCKET NO. 20260064-EI

**FLORIDA RISING’S MOTION TO COMPEL  
DUKE ENERGY FLORIDA, LLC’S RESPONSE TO DISCOVERY**

Florida Rising, Inc. (“Florida Rising”) files this Motion to Compel production of documents from Duke Energy Florida, LLC (“DEF”), regarding DEF’s Petition For Limited Proceeding to Approve Large Load Tariff of April 22, 2026. In support, Florida Rising states the following.

**BACKGROUND**

On April 22, 2026, DEF filed a Petition for Limited Proceeding to Approve Large Load Tariff (“DEF’s Petition”). In its petition, DEF laid out the history of its prior petition to serve large load customers, in Docket No. 20250113-EI (which included a separate, optional tariff creating a large load customer-class with separate rates), and how DEF withdrew that petition and filed the instant petition “to comply with the new legislation,” DEF Petition at 2, referring to SB 484, now in the Laws of Florida at Chapter 2026-65, soon to be codified at section 366.043, Florida Statutes. The requirements of section 366.043, Florida Statutes, will be in effect starting July 1, 2026. Ch. 2026-65, § 8, Laws of Fla. DEF represents in its petition that its approach is a “reasonable, measured approach to accommodate new large loads by appropriately balancing the interests of these customers and the other existing and future DEF customers, and *also complying with the new legislation.*” DEF Petition at 4 (emphasis added). The Petition then asks that the Commission approve DEF’s proposal no later than October 3, 2026. DEF Petition at 8.

The new requirements from the new legislation applicable here are all contained in section 3 of Chapter 2026-65, Laws of Florida, and so for ease of reference, the following citations will use the to-be codified numbers of the new section 366.043, Florida Statutes. Section 366.043, Florida Statutes, contains several requirements applicable to this proceeding based on DEF's representations that its filing is made to comply with this new law. As relevant to this motion, first, no later than October 1, 2026, each public utility (including DEF) "shall file, for commission approval, a tariff that complies with this section." § 366.043(8), Fla. Stat. Second, the statute specifically defines the "minimum tariff and service requirements for large load customers [that] are required in public utility tariffs." § 366.043(3), Fla. Stat. Such "minimum tariff and service requirements must reasonably ensure that each large load customer *bears its own full cost of service* and that such *cost* is not shifted to the general body of ratepayers. Such *cost of service includes*, but is not limited to, connection, incremental transmission, incremental generation, and other infrastructure *costs*; operations and maintenance expenses; and any other *costs* required to serve a large load customer. The *risk* of nonpayment of such *costs* may not be borne by the general body of ratepayers." § 366.043(3)(a), Fla. Stat. (emphasis added). As shown in more detail below, Florida Rising has attempted to conduct discovery on DEF's anticipated costs to serve large load customers and the risk of improper cost shifting, but DEF has objected and refused to answer discovery on such costs, arguing that such costs are not relevant to this proceeding to determine whether DEF's filing is compliant with to-be-codified section 366.043, Florida Statutes. For the reasons detailed below, Florida Rising maintains that such discovery goes to the very heart of the plain language of the new legislation and that its motion to compel discovery on the costs and cost of service to serve large load customers should therefore be granted.

### **Florida Rising's First Request for Production of Documents**

1. On May 7, 2026, Florida Rising filed and served its First Request for Production of Documents (Nos. 1–7) on DEF (Attachment A).

2. On May 22, 2026, DEF responded to this Request, and provided nonresponsive answers to requests for production Nos. 3–6 (Attachment C). These responses incorporated objections made within DEF's Objections to Florida Rising's First Set of Interrogatories and First Request for Production of Documents of May 22, 2026 (Attachment B).

3. **Request for Production No. 3** requested for DEF to “provide any cost estimates that have been created, in whatever form (including engineering studies), to serve customers and/or perspective customers that would be subject to Duke's proposed Large Load Customer Policy ('LLCP')." Attachment A at 2.

4. **Request for Production No. 4** requested for DEF to “provide all documents including any possible generation additions to serve customers and/or prospective customers that would be subject to Duke's proposed LLCP (including, but not limited to, any possible generation resource additions that would not be added to Duke's system but for new LLCP customers joining Duke's system)." *Id.*

5. **Request for Production No. 5** requested for DEF to “provide any and all cost of service studies that have been conducted regarding any potential customers that would be subject to Duke's LLCP policy, including, but not limited to, hypothetical customers that Duke has used to conduct any cost of service studies." *Id.* at 3.

6. **Request for Production No. 6** requested for DEF to “provide any and all cost of service studies that have been conducted in the last three years which include customers on the GSD-1 or GSDT-1 rate class." *Id.*

7. DEF objected to Requests for Production Nos. 3–6 on the basis that the requests are “not relevant, overbroad, burdensome, and not reasonably calculated to lead to the discovery of admissible evidence to any issue under consideration in this docket.” DEF also claimed that, as a result, “questions seeking information or documents regarding potential cost of service studies are beyond the scope of this proceeding.” Attachment B at 2–4.

### **Florida Rising’s Second Request for Production of Documents**

1. On May 13, 2026, Florida Rising and filed and served its Second Request for Production of Documents (Nos. 8–14) on DEF (Attachment D).

8. On May 28, 2026, DEF responded to this Request, and provided a nonresponsive answer to Request for Production No. 9 (Attachment F). This response incorporated an objection made within DEF’s Objections to Florida Rising’s Second Set of Interrogatories and Second Request for Production of Documents of May 28, 2026 (Attachment E).

2. **Request for Production No. 9** requested for DEF to “provide all interrogatory responses and documents produced by Duke in docket number 20250013-EI [sic] at the Florida Public Service Commission.” Attachment D at 2.

3. DEF objected to Request for Production No. 9 on the basis that the request is “not relevant to any issue under consideration in this docket and not likely to lead to the discovery of admissible evidence.” Attachment E at 3.

### **ARGUMENT**

Pursuant to Rules 1.280 and 1.380, Florida Rules of Civil Procedure (“Fla. R. Civ. P”), Florida Rising seeks to compel answers to its First Request for Production (Nos. 3–6) and Second Request for Production (No. 9), because, contrary to DEF’s objections, the requested information is directly relevant to this proceeding and indeed relates to the heart of the matter.

Before the Florida Public Service Commission (“PSC” or “Commission”) and pursuant to the Florida Rules of Civil Procedure, *see* Fla. Admin. Code R. 28-106.206, the information sought must be “nonprivileged” and “relevant to any party’s claim or defense,” and “need not be admissible in evidence to be discoverable.” Fla. R. Civ. P. 1.280(c)(1); *see also In re Fla. Power & Light Co.*, No. 020262-EI, 2002 WL 31253734 (Fla. Pub. Serv. Comm’n Sept. 27, 2002); *Allstate Ins. Co. v. Langston*, 655 So. 2d 91, 94 (Fla. 1995).

Generally, it seems, DEF has objected to Florida Rising’s discovery regarding the costs and cost of service to serve large load customers as not being relevant in this proceeding because of the current base rate freeze due to the 2024 settlement in DEF’s last rate case. This argument fails for several reasons. DEF has made clear, through its filings in this case, that this is its attempt to comply with Chapter 2026-65, Laws of Fla., and that we cannot expect additional tariffs to comply with the law until DEF’s next rate case, at which time DEF will deem relevant the costs and cost of service of large load customers. *See* Attachment G at 1. However, Chapter 2026-65, Laws of Florida, does not leave this timing in the discretion of the utility. Pursuant to section 366.043(8), Florida Statutes, “No later than October 1, 2026, each public utility shall file, for commission approval, a tariff that complies with this section.” Pursuant to this section, the “*minimum* tariff and service requirements [for large load customers] *must* reasonably ensure that each large load customer bears its own full cost of service and that such *cost* is not shifted to the general body of ratepayers. Such cost of service includes, but is not limited to, connection, incremental transmission, incremental generation, and other infrastructure *costs*; operations and maintenance expenses; and any other *costs* required to serve a large load customer.”

§ 366.043(3)(a), Fla. Stat. (emphasis added). DEF’s argument ignores that any undercollection of statutorily mandated “but for” costs immediately introduces the risk of cost shifting that the new

statute proscribes. *See id.* (“The *risk* of nonpayment of such *costs* may not be borne by the general body of ratepayers.”) (emphasis added). DEF’s unilateral decision to defer filing a compliant tariff that ensures large load customers pay their full costs and cost of service does not defer the requirements of Florida law and does not make irrelevant Florida Rising’s discovery regarding the costs and cost of service to serve large load customers.

Nor can the 2024 settlement provide any shelter for DEF’s arguments. First, a settlement is no exemption from a new law. Second, the 2024 settlement specifically provides that “DEF may seek approval to implement new or revised *tariff provisions or rate schedules* if any such provision or rate schedule is (a) required in order to implement a legislative requirement for which compliance is mandatory during the Term of this 2024 Settlement Agreement . . . .” *In re: Petition for rate increase by Duke Energy Florida, LLC*, Docket No. 20240025-EI, Order No. PSC-2024-0472-AS-EI at Attachment A at 31, ¶ 34 (Nov. 12, 2024) (emphasis added). In other words, DEF is permitted to file approval of a new tariff provision (including rate schedules) if required by a new legislative requirement. There can be no doubt that Chapter 2026-65, Laws of Florida, is such a requirement, requiring the filing of tariffs to ensure that large load customers bear their full costs. Discovery on such costs is plainly relevant, and finding a discovery request *more* relevant to a determination of whether DEF’s filing, made to comply with the new law, *actually* complies with the new law, would be a tall order, as the costs to serve data centers, and whether the rates being charged to them cover such costs, go to the very heart of the new law. Second, pursuant to paragraph 35, subparagraphs a and b of the 2024 settlement, base rates can change if Duke’s earnings fall below an ROE of 9.3% or exceed an 11.3%. The costs to serve large load customers will impact DEF’s achieved ROE (unless DEF can show that there will be no costs, even to serve multiple GWs of new load—but that would still be a discoverable issue as

such requests for information are still designed to find admissible evidence). If DEF incurs enough costs to serve large load customers but does not charge such customers to cover such costs, DEF could easily fall below its range and petition to increase base rates. Such circumstances could cause DEF to mask actual overearnings or to demonstrate entitlement to early exit of the 2024 settlement due to putatively deficient earnings. While admittedly these are hypothetical scenarios, they are sufficient to demonstrate the relevance of the requested information.

In addition, accepting DEF's strained reading of section 366.043(3)(a)'s timing requirements would lead to further untenable results, with all challenges to utility proceedings without an immediate effect on utility rates—i.e., *all* tariffs not petitioned for alongside a rate case, need determinations, etc.—rendered immune from discovery for cost purposes. Under this theory, utilities could block discovery regarding costs in any proceeding with far-reaching rate impacts so long as those impacts are delayed until some future rate case, effectively depriving ratepayers and intervenors of any meaningful challenge to a wide array of actions profit-driven utility companies could pursue. Such a reading would make section 366.043(3)(a) a mere reactive measure, rather than the proactive, customer-protective policy envisioned by the Legislature.

Further, just because there is a base rate freeze does not mean there is no cost shift. For example, if DEF incurs \$1 billion in costs to serve several new GWs of large load customers but does not have the revenue from such customers to cover such costs, the parity of GSD/GSDT customers, mathematically, will drop, and the parity of residential customers will increase. The money to pay for such costs does not come out of thin air, and therefore, even with a base rate freeze, there is a cost shift with residential customers helping to pay the costs of bringing these

large load customers on-line. At a minimum, under the current version of DEF's proposal, such large load customers will stay on the GSD/GSDT rates until *at least* the beginning of 2028. DEF admits that the GSD/GSDT rates were not designed, as part of the 2024 settlement, to cover the costs of new large load customers. Attachment G at 3 (“[L]arge load customer costs are not recovered through the GSD and GSDT rates effective as a result of the 2024 Settlement Agreement.”). With DEF using an embedded cost approach, there is, essentially, a guaranteed cost shift. At a minimum, the scenario introduces a significant risk of a cost shift that would impermissibly place the burden of the Commission and representatives of non-large load customers to ferret the costs shifts out and reverse DEF's actions. Such a cost shift (or risk of an imposition thereof) is expressly prohibited by Chapter 2026-65, Laws of Florida, yet DEF would deny all discovery on the subject while maintaining that its filing is *the* filing meant to comply with the new law. It cannot have it both ways. Waiting, while not only prohibited by the new statute, will make it exceedingly difficult to unwind and properly assign costs to new large load customers and ensure that the general body of ratepayers is not seeing a cost shift (including for new generation, transmission, etc.). The Legislature has directed that these protections be done on a prospective basis, not a retroactive basis as DEF would push.

Additionally, DEF itself has acknowledged the significance of costs in this proceeding. In his pre-filed testimony on behalf of DEF, Mr. Matthew Chatelain claimed that the modifications made to the Large Load Customer Agreement in DEF's attempt to comply with the newly enacted legislation would “mitigate the risks of subsidization by the general body of customers.” DEF Petition, Direct Testimony of Matt Chatelain at 6. “Subsidization” from the general body of customers necessarily implicates costs to serve large load customers. If DEF did not believe the potential costs to general ratepayers as a result of its service to large load customers was

relevant, its key witness would not have discussed that topic. Additionally, even if Florida Rising's discovery were not already relevant given the new legislation (which it certainly is), it would also be relevant to explore and test DEF's assertions that its proposals "mitigate the risks of subsidization by the general body of customers."

Furthermore, DEF, in its discovery on Florida Rising, has propounded significant discovery regarding Florida Rising's analysis of costs to serve large load customers and any cost shift. Attachment H at 5 (ROGs 11, 12, 13, 14); Attachment I at 4–5 (PODs 10, 11, 12, 13). For example, POD 10 specifically requests "all documents supporting [Florida Rising's] contention that DEF's existing rates are insufficient to cover the cost of service"; POD 11 specifically requests "all documents supporting [Florida Rising's] contention that approval of the proposed tariff will result in cost shifting to existing customers"; and Interrogatory 11 specifically asks for "evidence support[ing Florida Rising's] claim that costs will be shifted to existing customers in this proceeding." Attachment I at 4–5. If such discovery has been filed in good faith, DEF has implicitly admitted the relevance of such discovery regarding costs and cost of service to serve large load customers; if this information is relevant from Florida Rising, it is also relevant from DEF. DEF cannot use costs and cost of service to serve large load customers as both a sword and a shield, maintaining that discovery is not relevant from DEF, but that Florida Rising somehow maintains some burden to prove a cost shift. The alternative is that DEF has filed such discovery merely for harassment, which is prohibited and would be subject to sanctions,<sup>1</sup> and

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<sup>1</sup> See § 120.569(e), Fla. Stat. ("All pleadings, motions, or other papers filed in the proceeding . . . [must] not [be] interposed for any improper purposes, such as to harass . . . . If a pleading, motion, or other paper is signed in violation of these requirements, the presiding officer shall impose upon the person who signed it, the represented party, or both, an appropriate sanction.").

Florida Rising does not believe DEF would file such discovery. Therefore, DEF itself admits that such discovery regarding costs and cost of service is relevant in this proceeding.

Additional argument regarding each specific request subject to this motion to compel follows.

### **Failure to Produce Documents for Request No. 3**

In response to Florida Rising's request for the production of cost estimates created to serve customers expected to be subject to DEF's LLCP, Attachment A at 2, DEF refused to respond, raising an objection that such request was "not relevant, overbroad, burdensome, and not reasonably calculated to lead to the discovery of admissible evidence" in the present matter. Attachment B at 2–3. DEF has grounded these assertions in its arbitrarily limited definition of this proceeding's scope, claiming that because "DEF is not seeking approval of any costs or projects to serve potential large load customers in this docket," all "questions seeking information or documents regarding potential costs to serve large load customers are beyond the scope of this proceeding." *Id.* at 3.

Such claims run afoul of the clear language in section 366.043(3)(a), Florida Statutes, which places the question of costs of service to large load customers at the heart of this proceeding. This section requires, in relevant part, that tariffs for large load customers "reasonably ensure that each large load customer bears its own full cost of service and that such cost is not shifted to the general body of ratepayers." § 366.043(3)(a), Fla. Stat. DEF must, as a result, ensure that its tariff is structured in such a way as to reasonably ensure the "connection, incremental transmission, incremental generation, and other infrastructure costs; operations and maintenance expenses; and any other costs required to serve a large load customer" are allocated to that class of customers only. *Id.* In crafting its tariff, DEF must therefore consider the

estimated costs of service to its large load customers to properly divvy up cost responsibilities. By seeking documents on the costs associated with providing service to large load customers, Florida Rising's request is merely an attempt to determine if DEF's petition complies with newly enacted Florida law. Contrary to DEF's assertion, information on such costs is *not* only relevant to approvals of costs or projects to provide service to large load customers. Attachment B at 3. Section 366.043(3)(a) applies to *tariffs*, the very subject of DEF's petition. Thus, Florida Rising's request for the production of cost estimates to serve large load customers is relevant, reasonably calculated to lead to the discovery of admissible evidence, and well within the scope of this proceeding.

Furthermore, Florida Rising's request is not overbroad or unduly burdensome on DEF. Florida Rising's request specifically pertained only to "cost estimates that *have been created*," Attachment A at 2 (emphasis added), and was therefore not a request for the creation of such cost estimates themselves. DEF, if it is indeed in possession of such cost estimates, was expected to produce only those relatively limited, clearly ascertainable cost estimates in response to this request. DEF's failure to explicitly quantify the burden claimed, too, shines poorly on its objection. This Commission has established that objections to overly broad and burdensome discovery requests must be quantified and not merely statements that the "request [is] overly broad and burdensome without any reasoning as to why." *In re Supra Telecomms. & Info. Sys., Inc.*, No. 040301-TP, 2004 WL 2402454, at \*2 (Fla. Pub. Serv. Comm'n Oct. 19, 2004). By merely stating that Florida Rising's request was "overbroad" and "burdensome" without further explanation, DEF's objections fall short of this Commission's standards.

As a result of DEF's failure to comply with its discovery obligations under Fla. R. Civ. P. 1.280 and 1.350, this Commission is empowered to compel a satisfactory response under Fla. R. Civ. P. 1.380(a)(2)(D).

**Failure to Produce Documents for Request No. 4**

DEF's objection to and failure to produce documents for Request for Production No. 4 was, too, unreasonable and in contravention of Fla. R. Civ. P. 1.280 and 1.350. In this request, Florida Rising asked DEF to "provide all documents including any possible generation additions to serve customers and/or prospective customers that would be subject to Duke's proposed LLCP (including, but not limited to, any possible generation resource additions that would not be added to Duke's system but for new LLCP customers joining Duke's system)." Attachment A at 2. In its objection, DEF stated that because it is "not seeking approval of any generation costs or projects in this docket, nor . . . of a cost of service or proposed allocation methodology to recover those costs from any customers," the request was irrelevant, overbroad, burdensome, and not reasonably calculated to lead to the discovery of admissible evidence in this matter. Attachment B at 3. As a result, "questions seeking information or documents regarding potential generation costs or additions are beyond the scope of this proceeding," according to DEF. *Id.*

DEF again appears to misunderstand the nature of section 366.043, Florida Statutes, of which it is subject to. The law necessitates that a public utility's large load customer tariff reasonably ensures that the costs of service to such customers are fully covered by that customer class, and specifically includes a list of costs, including generation costs, that must be considered. § 366.043(3)(a), Fla. Stat. The risk of nonpayment of those costs must be borne by that large load customer class; general ratepayers cannot, per the statute, be the victims of that gamble. *Id.* Infrastructure additions meant to serve large load customers and their associated

costs, are, then, central to this matter. DEF's ability to service such customers depends largely on its plans to increase its generation capacity, which may, without a properly structured tariff, result in rate increases to ratepayers outside the customer class, contravening the requirements in section 366.043. Florida Rising's request is thus both relevant and reasonably calculated to result in admissible evidence, as DEF's compliance with section 366.043 correlates strongly with the new infrastructure expected to result from its potential and current large load customers.

Florida Rising's request is, furthermore, not overbroad or unduly burdensome on DEF. In raising such an objection, Florida law requires DEF to quantify the burden claimed. *Supra Telecomms.*, 2004 WL 2402454 at \*2 (citing *First City Devs. of Fla. v. Hallmark of Hollywood Condo. Ass'n, Inc.*, 545 So. 2d 502, 503 (Fla. 4th DCA 1989)). Instead of providing any sort of reasoning as to how the burden imposed is beyond that burden ordinarily borne by parties in litigation, DEF stated that the matter at hand does not pertain to "approval of any generation costs or projects" or "allocation methodology to recover those costs." By merely offering an unsupported statement that Florida Rising's request is burdensome and overbroad, DEF falls short of the standards for those objections set by this Commission.

Because DEF failed to comply with its discovery obligations under Fla. R. Civ. P. 1.280 and 1.350, this Commission is empowered to compel a satisfactory response under Fla. R. Civ. P. 1.380(a)(2)(D).

#### **Failure to Produce Documents for Request No. 5**

In its Request for Production of Documents No. 5, Florida Rising asked that DEF "provide any and all cost of service studies that have been conducted regarding any potential customers that would be subject to Duke's LLCP policy, including, but not limited to, hypothetical customers that Duke has used to conduct any cost of service studies." Attachment

A at 3. DEF objected on the basis that, because it is “not seeking approval of a cost of service or proposed allocation methodology to recover any costs from any customers,” Florida Rising’s request was irrelevant, overbroad, burdensome, and not reasonably calculated to result in the discovery of admissible evidence for the issues at hand. Attachment B at 3. Any questions “seeking information or documents regarding potential cost of service studies” are thus, according to DEF, “beyond the scope of this proceeding.” *Id.*

In claiming that requests for the production of cost of service studies for potential customers are irrelevant and beyond the scope of this proceeding, DEF fatally misinterprets the requirements of Florida law. Large load customer tariffs must, under section 366.043, “reasonably ensure” that such customers fully bear their costs of service, so as to not offload those costs onto ratepayers in other classes. § 366.043(3)(a), Fla. Stat. Access to cost of service studies for potential large load customers would allow Florida Rising to determine how DEF plans to recover such costs in order to comply with that section. While DEF may not directly seek approval of costs of service or an allocation methodology in this proceeding, a petition for approval of a large load customer tariff implicitly incorporates information on costs of service to ensure the requirements of § 366.043(3)(a), Florida Statutes, are met.

Florida Rising’s request for cost of service studies “*that have been conducted*” relating to a narrow class of “potential customers that would be subject to Duke’s LLC policy” is, furthermore, not overbroad or unduly burdensome. Attachment A at 3 (emphasis added). The limitations explicit in Florida Rising’s request severely restrict any concerns of burdensome production, as only those studies already conducted regarding that narrow customer class are at issue. DEF’s failure to quantify the burden claimed only further negates its objection. *See Supra*

*Telecomms.*, 2004 WL 2402454 at \*2 (requiring party’s objection for undue burden and breadth be “quantified”).

Thus, because DEF’s discovery response failed to comply with the obligations of Fla. R. Civ. P. 1.280 and 1.350, this Commission is empowered to compel a satisfactory response under Fla. R. Civ. P. 1.380(a)(2)(D).

**Failure to Produce Documents for Request No. 6**

Upon Florida Rising’s request that DEF “provide any and all cost of service studies that have been conducted in the last three years which include customers on the GSD-1 or GSDDT-1 rate class,” Attachment A at 3, DEF responded through objection, claiming such a request was “not relevant, overbroad, burdensome, and not reasonably calculated to lead to the discovery of admissible evidence,” because, in its present proceeding, DEF is “not seeking approval of a cost of service or proposed allocation methodology to recover any costs.” Attachment B at 3. DEF further claimed that, as GSD and GSDDT rates were set and approved in a prior proceeding, “[s]eeking discovery now on the cost of service studies related to these already-approved rates would only be relevant if Florida Rising were attempting to argue for a different rate, which would not be allowed under collateral estoppel and res judicata principles.” *Id.* at 3–4. Thus, according to DEF, Florida Rising’s request falls “beyond the scope of this proceeding. *Id.* at 4.

Contrary to DEF’s above statements, requests for cost of service studies for GSD and GSDDT rates are not only relevant to arguments for a change in rate. In attempting to discover information on such costs, in addition to Request No. 5, Florida Rising seeks to determine DEF’s capabilities and efforts to comply with section 366.043, Florida Statutes, which requires public utility companies to reasonably ensure their large load customers bear the full costs of their service. § 366.043(3)(a), Fla. Stat. Request No. 6 is therefore forward-looking and grounded in

ensuring DEF's lawful compliance, not an attempt to impermissibly reargue DEF's established rates.

DEF's attempt to object on grounds of undue breadth and burden is similarly unfounded. By failing to quantify this burden as required by this Commission, *see Supra Telecomms.*, 2004 WL 2402454 at \*2, DEF's objection is inadequate, and particularly so, given Florida Rising's limited request for completed studies from the past three years, and only those including customers of the limited GSD and GSDT classes. Attachment A at 3.

Thus, due to DEF's failure to comply with its discovery obligations under Fla. R. Civ. P. 1.280 and 1.350, this Commission is empowered to compel a satisfactory response under Fla. R. Civ. P. 1.380(a)(2)(D).

#### **Failure to Produce Documents for Request No. 9**

In its Second Request for Production of Documents, No. 9, Florida Rising asked that DEF "provide all interrogatory responses and documents produced by Duke in docket number 20250013-EI [sic] at the Florida Public Service Commission." Attachment D at 2. DEF objected, claiming the request was irrelevant and unlikely to lead to the discovery of admissible evidence, and that, because the Commission denied DEF's own request for discovery responses from the previous docket to be transferred to the present one due to the availability of new discovery in this docket, Florida Rising's request was both unnecessary and inappropriate. Attachment E at 3.

As is evident from DEF's request for the transfer of those discovery responses in Docket No. 20250113-EI, the filings in that docket are, indeed, relevant to this current matter. If such information was wholly irrelevant to this proceeding, why did DEF seek to have it transferred over? In that docket, DEF submitted its initial petition for approval of a large load tariff, and

upon passage of SB 484 (to be codified at section 366.043, Florida Statutes), subsequently withdrew its petition in order to submit an amended one incorporating the law's new requirements. DEF Petition at 1. The significant overlap in the subject matters of the two dockets, as acknowledged by DEF itself, *see id.*, renders DEF's objection to relevance unreasonable.

Furthermore, Florida Rising's request cannot sensibly be deemed "unnecessary and inappropriate" based merely on the Commission's denial of a wholly separate request. The Commission's finding that transfer of those discovery responses to the present docket "may create confusion in this proceeding" which may be avoided through "propound[ing] relevant discovery in this docket, including that which may be similar in substance to what was previously issued," does not relate to the discoverability of those prior responses. *In re: Petition for a limited proceeding to approve large load tariff, by Duke Energy Florida, LLC*, Docket No. 20260064-EI, Order No. PSC-2026-0120-PCO-EI at 12 (May 5, 2026). By requesting the production of such documents in the current matter, Florida Rising attempted to comply with the Commission's suggestion that the parties use discovery in this docket to uncover that which was previously discovered—an attempt DEF's objection has rendered unsuccessful. *Id.*

Therefore, in light of DEF's failure to satisfy its discovery obligations under Fla. R. Civ. P. 1.280 and 1.350, this Commission is empowered to compel an adequate response under Fla. R. Civ. P. 1.380(a)(2)(D).

Pursuant to Rule 28-106.204(3), F.A.C., Florida Rising has conferred with counsel for DEF, the Citizens of the State of Florida through the Office of Public Counsel, PCS Phosphate, and the Florida Industrial Power Users Group ("FIPUG"). The Citizens of the State of Florida support this motion. DEF opposes this motion. PCS Phosphate takes no position at this time.

FIPUG takes no position at this time, but reserves the right to file a response to the motion upon review.

### **REQUESTED RELIEF**

Florida Rising requests that the Commission take the following actions:

1. Florida Rising requests that the Commission compel DEF to answer Florida Rising's First Request for Production of Documents (Nos. 3–6) based on the arguments set forth above. *See* Attachment A.
2. Florida Rising requests that the Commission compel DEF to answer Florida Rising's Second Request for Production of Documents (No. 9) based on the arguments set forth above. *See* Attachment D.

WHEREFORE, Florida Rising respectfully requests that the Commission grant this Motion to Compel Duke Energy Florida, LLC's Response to Discovery.

ESPECTFULLY SUBMITTED this 3rd day of June, 2026.

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***Counsel for Florida Rising***

## **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true copy and correct copy of the foregoing was served on this 3rd day of June, 2026, via electronic mail on:

|                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><b>Duke Energy Florida, LLC</b><br/>Dianne M. Triplett<br/>299 1st Avenue North<br/>St. Petersburg, FL 33701<br/>dianne.triplett@duke-energy.com</p> <p>Matthew R. Bernier<br/>Stephanie Cuello<br/>Robert Pickels<br/>106 E. College Avenue, Ste. 800<br/>Tallahassee, FL 32301<br/>matthew.bernier@duke-energy.com<br/>stephanie.cuello@duke-energy.com<br/>flregulatorylegal@duke-energy.com<br/>robert.pickels@duke-energy.com</p> | <p><b>Office of Public Counsel</b><br/>Walt Trierweiler<br/>Charles J. Rehwinkel<br/>Patricia A. Christensen<br/>Octavio Simoes-Ponce<br/>Austin A. Watrous<br/>c/o The Florida Legislature<br/>111 West Madison Street, Room 812<br/>Tallahassee, FL 32399-1400<br/>trierweiler.walt@leg.state.fl.us<br/>rehwinkel.charles@leg.state.fl.us<br/>christensen.patty@leg.state.fl.us<br/>ponce.octavio@leg.state.fl.us<br/>watrous.austin@leg.state.fl.us</p> |
| <p><b>Florida Public Service Commission<br/>Office of the General Counsel</b><br/>Major Thompson<br/>Saad Farooqi<br/>2540 Shumard Oak Boulevard Tallahassee,<br/>Florida 32399<br/>major.thompson@psc.state.fl.us<br/>sfarooqi@psc.state.fl.us<br/>discovery-gcl@psc.state.fl.us</p>                                                                                                                                                     | <p><b>PCS Phosphate – White Springs</b><br/>James W. Brew<br/>Laura Wynn Baker<br/>Sarah B. Newman<br/>Stone Mattheis Xenopoulos &amp; Brew, PC<br/>1025 Thomas Jefferson Street, NW<br/>Suite E-3400<br/>Washington, DC 20007-5201<br/>jbrew@smxblaw.com<br/>lwb@smxblaw.com<br/>sbn@smxblaw.com</p>                                                                                                                                                      |
| <p><b>Florida Industrial Power Users Group</b><br/>Jon C. Moyle, Jr.<br/>c/o Moyle Law Group<br/>118 North Gadsden Street<br/>Tallahassee, FL 32301<br/>jmoyle@moylelaw.com<br/>kputnal@moylelaw.com<br/>mqualls@moylelaw.com</p>                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                            |

DATED this 3rd day of June, 2026.

/s/ Bradley Marshall  
Attorney

# Attachment A

**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

Dated: May 7, 2026

**FLORIDA RISING’S FIRST REQUEST FOR PRODUCTION OF DOCUMENTS (NOS.  
1-7) TO DUKE ENERGY FLORIDA, LLC**

Pursuant to Rule 28-106.206, F.A.C., Florida Rule of Civil Procedure 1.350, and Order No. PSC-2026-0120-PCO-EI Establishing Procedure, Florida Rising requests that Duke Energy Florida, LLC (“DEF”) produce documents at the Offices of Earthjustice, 111 South Martin Luther King Jr. Blvd., Tallahassee, FL 32301, within fifteen days of service of this request.

**INSTRUCTIONS**

1. The term “Duke,” “DEF,” “Duke Energy Florida,” “Respondent,” “you,” or “yours” refers to the entity to whom this interrogatory is directed, and includes all employees, agents, servants, attorneys, contractors, and representatives of said entity.
2. The terms “referring” and “relating” as used herein shall mean constituting, containing, concerning, indicating, alluding to, responding to, connected with, commenting on, in respect to, discussing, describing, reflecting, analyzing, projecting, embodying, identifying, stating, dealing with, or in any way pertaining to.
3. The words “document” and “documents” shall have the same meaning given to them under the Florida Rules of Civil Procedure, and includes all drafts that you have in your possession.
4. “Communications” means any correspondence, contact, discussion or exchange between any two or more persons, including, but not limited to, documents, telephone conversations, face-to-face conversations, e-mails, meetings, and conferences.

5. “Person” shall mean the plural as well as the singular and includes any natural person, and any firm, agency, company, corporation, association, partnership, the government, or other form of legal entity.
6. Please indicate which documents or group of documents are produced in response to each particular request.
7. Please provide all data in Excel spreadsheet format with cells unlocked and formulas intact.

### **DOCUMENTS TO PRODUCE**

1. Please provide all documents identified in Duke’s response to Florida Rising’s First Set of Interrogatories.
2. Please provide all workpapers, calculations, or other documentation and information used to develop any and all of Duke’s testimony and exhibits filed in Docket No. 20260064-EI, including any cited documents. For any responsive documents created electronically in Excel, please provide those spreadsheets in native format with all data, formulas, and calculations intact.
3. Please provide any cost estimates that have been created, in whatever form (including engineering studies), to serve customers and/or perspective customers that would be subject to Duke’s proposed Large Load Customer Policy (“LLCP”).
4. Please provide all documents including any possible generation additions to serve customers and/or prospective customers that would be subject to Duke’s proposed LLCP (including, but not limited to, any possible generation resource additions that would not be added to Duke’s system but for new LLCP customers joining Duke’s system).

5. Please provide any and all cost of service studies that have been conducted regarding any potential customers that would be subject to Duke's LLCPP policy, including, but not limited to, hypothetical customers that Duke has used to conduct any cost of service studies.
6. Please provide any and all cost of service studies that have been conducted in the last three years which include customers on the GSD-1 or GSDD-1 rate class.
7. Please refer to proposed sheet numbers 7.518 and 7.519 (Exhibit A and Exhibit B to the Large Load Customer Agreement). Please provide all Exhibit As and Exhibit Bs that have been prepared, specifically including, but not limited to, any drafts, samples, or proposals in Duke's possession.

# Attachment B

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

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

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Docket No. 20260064-EI

Dated: May 22, 2026

**DUKE ENERGY FLORIDA, LLC'S OBJECTIONS  
TO FLORIDA RISINGS' FIRST SET OF INTERROGATORIES (NOS. 1-4) AND FIRST  
REQUEST FOR PRODUCTION OF DOCUMENTS (NOS. 1-7)**

Pursuant to Rule 28-106.206, Florida Administrative Code ("F.A.C."), the Order Establishing Procedure ("OEP"), and Rule 1.340, Florida Rules of Civil Procedure, Duke Energy Florida, LLC ("DEF") hereby serves its objections to the Florida Rising Inc.'s ("FL Rising"), First Set of Interrogatories to DEF (Nos. 1-4) and FL Rising's First Request for Production of Documents (Nos. 1-7) as follows:

**GENERAL OBJECTIONS**

With respect to the "Definitions" and "Instructions" in FL Rising's First Set of Interrogatories (Nos. 1-4) and FL Rising's First Request for Production of Documents (Nos. 1-7), DEF objects to any definitions or instructions that are inconsistent with DEF's discovery obligations under applicable rules. If some question arises as to DEF's discovery obligations, DEF will comply with applicable rules and not with any of FL Rising's definitions or instructions that are inconsistent with those rules. Furthermore, DEF objects to any interrogatory or discovery request that calls for DEF to create data or information that it otherwise does not have because there is no such requirement under the applicable rules and law.

DEF objects to any definition or interrogatory or discovery request that seeks to encompass persons or entities who are not parties to this action or that are not subject to discovery under applicable rules.

Additionally, DEF generally objects to FL Rising's interrogatories or discovery requests to the extent that they call for data or information protected by the attorney-client privilege, the work product doctrine, the accountant-client privilege, the trade secret privilege, or any other applicable privilege or protection afforded by law.

Finally, DEF objects to any attempt by FL Rising to evade any numerical limitations set on the interrogatories or document requests by asking multiple independent questions within single individual questions and subparts. By making these general objections at this time, DEF does not waive or relinquish its right to assert additional general and specific objections to OPC as they become known.

## **SPECIFIC OBJECTIONS**

### **Interrogatories**

**Interrogatory No. 1:** DEF objects to Interrogatory No. 1 as not relevant and not reasonably calculated to lead to the discovery of admissible evidence. DEF is not seeking approval of any generation costs or projects in this docket, nor is it seeking approval of a cost of service or proposed allocation methodology to recover those costs from any customers. Accordingly, questions seeking information or documents regarding potential generation costs or plans are beyond the scope of this proceeding.

### **Request for Production of Documents**

**Request No. 3:** DEF objects to Request No. 3 as not relevant, overbroad, burdensome, and not reasonably calculated to lead to the discovery of admissible evidence to any issue under

consideration in this docket. DEF is not seeking approval of any costs or projects to serve potential large load customers in this docket, nor is it seeking approval of a cost of service or proposed allocation methodology to recover those costs from any customers. Accordingly, questions seeking information or documents regarding potential costs to serve large load customers are beyond the scope of this proceeding.

**Request No. 4:** DEF objects to Request No. 4 as not relevant, overbroad, burdensome, and not reasonably calculated to lead to the discovery of admissible evidence to any issue under consideration in this docket. DEF is not seeking approval of any generation costs or projects in this docket, nor is it seeking approval of a cost of service or proposed allocation methodology to recover those costs from any customers. Accordingly, questions seeking information or documents regarding potential generation costs or additions are beyond the scope of this proceeding.

**Request No. 5:** DEF objects to Request No. 5 as not relevant, overbroad, burdensome, and not reasonably calculated to lead to the discovery of admissible evidence to any issue under consideration in this docket. DEF is not seeking approval of a cost of service or proposed allocation methodology to recover any costs from any customers. Accordingly, questions seeking information or documents regarding potential cost of service studies are beyond the scope of this proceeding.

**Request No. 6:** DEF objects to Request No. 6 as not relevant, overbroad, burdensome, and not reasonably calculated to lead to the discovery of admissible evidence to any issue under consideration in this docket. DEF is not seeking approval of a cost of service or proposed allocation methodology to recover any costs from any customers. The GSD and GSDT rates were set in DEF's last rate case, Docket Number 20240025-EI, after Commission approval of a unanimous settlement agreement. While Florida Rising was not a signatory to the settlement agreement, they

were an active participant in the docket and did not oppose the settlement agreement. Seeking discovery now on the cost of service studies related to these already-approved rates would only be relevant if Florida Rising were attempting to argue for a different rate, which would not be allowed under collateral estoppel and res judicata principles. Accordingly, questions seeking information or documents regarding potential cost of service studies are beyond the scope of this proceeding.

Respectfully submitted this 22<sup>nd</sup> day of May, 2026.

/s/ Dianne M. Triplett

**DIANNE M. TRIPLETT**

Deputy General Counsel

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[FLRegulatoryLegal@duke-energy.com](mailto:FLRegulatoryLegal@duke-energy.com)

Attorneys for Duke Energy Florida, LLC

## **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished via electronic mail to the following this 22<sup>nd</sup> day of May, 2026.

/s/ Dianne M. Triplett  
Attorney

|                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
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| <p>M. Thompson / S. Farooqi<br/>Office of General Counsel<br/>Florida Public Service Commission<br/>2540 Shumard Oak Blvd.<br/>Tallahassee, FL 32399-0850<br/><a href="mailto:MThompso@psc.state.fl.us">MThompso@psc.state.fl.us</a><br/><a href="mailto:sfarooqi@psc.state.fl.us">sfarooqi@psc.state.fl.us</a><br/><a href="mailto:discovery-gcl@psc.state.fl.us">discovery-gcl@psc.state.fl.us</a></p>      | <p>Walter L. Trierweiler / Charles J. Rehwinkel<br/>Patricia A. Christensen / Octavio Simoes-Ponce<br/>Austin A. Watrous<br/>Office of Public Counsel<br/>111 W. Madison Street, Room 812<br/>Tallahassee, Florida 32399<br/><a href="mailto:Trierweiler.walt@leg.state.fl.us">Trierweiler.walt@leg.state.fl.us</a><br/><a href="mailto:Rehwinkel.charles@leg.state.fl.us">Rehwinkel.charles@leg.state.fl.us</a><br/><a href="mailto:christensen.patty@leg.state.fl.us">christensen.patty@leg.state.fl.us</a><br/><a href="mailto:ponce.octavio@leg.state.fl.us">ponce.octavio@leg.state.fl.us</a><br/><a href="mailto:watrous.austin@leg.state.fl.us">watrous.austin@leg.state.fl.us</a></p> |
| <p>James W. Brew / Laura Wynn Baker<br/>Sarah B. Newman<br/>Stone Mattheis Xenopoulos &amp; Brew, PC<br/>PCS Phosphate – White Springs<br/>1025 Thomas Jefferson Street, NW<br/>Suite E-3400<br/>Washington, DC 20007-5201<br/><a href="mailto:jbrew@smxblaw.com">jbrew@smxblaw.com</a><br/><a href="mailto:lwb@smxblaw.com">lwb@smxblaw.com</a><br/><a href="mailto:sbn@smxblaw.com">sbn@smxblaw.com</a></p> | <p>Bradley Marshall<br/>Jordan Luebke<br/>Earthjustice/Florida Rising<br/>111 S. Martin Luther King Jr. Blvd.<br/>Tallahassee, Florida 32301<br/><a href="mailto:bmarshall@earthjustice.org">bmarshall@earthjustice.org</a><br/><a href="mailto:jluebke@earthjustice.org">jluebke@earthjustice.org</a><br/><a href="mailto:flcaseupdates@earthjustice.org">flcaseupdates@earthjustice.org</a></p>                                                                                                                                                                                                                                                                                             |

# Attachment C

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

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

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Docket No. 20260064-EI

Dated: May 22, 2026

**DUKE ENERGY FLORIDA, LLC'S RESPONSE TO FLORIDA RISING'S  
FIRST REQUEST FOR PRODUCTION OF DOCUMENTS (NOS. 1-7)**

Duke Energy Florida, LLC, ("DEF") hereby responds to the Florida Rising's ("Florida Rising") First Request for Production of Documents to DEF (Nos. 1-7) as follows:

**DOCUMENTS TO PRODUCE**

1. Please provide all documents identified in Duke's response to Florida Rising's First Set of Interrogatories.

**Response:**

Please see DEF's responses to Florida Rising's First Set of Interrogatories. No documents were identified.

2. Please provide all workpapers, calculations, or other documentation and information used to develop any and all of Duke's testimony and exhibits filed in Docket No. 20260064-EI, including any cited documents. For any responsive documents created electronically in Excel, please provide those spreadsheets in native format with all data, formulas, and calculations intact.

**Response:**

Please see "Attachment for POD 2 – Updated LLC Filing Minimum Bill Calculations – GSDT.xlsx", in Excel format, bearing Bates number 20260064-DEF-000001, that was used to support numbers provided in DEF's Witness Chatelain's Direct Testimony. Additionally, please see the Workpaper figure 1 and 2, in Excel format, bearing Bates number 20260064-DEF-000002 and 20260064-DEF-000003, respectively, used to develop DEF's Witness Wishart's Direct Testimony.

3. Please provide any cost estimates that have been created, in whatever form (including engineering studies), to serve customers and/or perspective customers that would be subject to Duke's proposed Large Load Customer Policy ("LLCP").

**Response:**

DEF restates and incorporates its objection to this request for production submitted on May 22, 2026.

4. Please provide all documents including any possible generation additions to serve customers and/or prospective customers that would be subject to Duke's proposed LLCP (including, but not limited to, any possible generation resource additions that would not be added to Duke's system but for new LLCP customers joining Duke's system).

**Response:**

DEF restates and incorporates its objection to this request for production submitted on May 22, 2026.

5. Please provide any and all cost of service studies that have been conducted regarding any potential customers that would be subject to Duke's LLCP policy, including, but not limited to, hypothetical customers that Duke has used to conduct any cost of service studies.

**Response:**

DEF restates and incorporates its objection to this request for production submitted on May 22, 2026. Subject to and without waiving its objection to this request, please see documents bearing bates numbers 20260064-DEF-000004 through 20260064-DEF-000126 for referenced documents and/or information.

6. Please provide any and all cost of service studies that have been conducted in the last three years which include customers on the GSD-1 or GSDT-1 rate class.

**Response:**

DEF restates and incorporates its objection to this request for production submitted on May 22, 2026. Subject to and without waiving its objection to this request, please see docket 20240025-EI for the referenced documents and/or information.

7. Please refer to proposed sheet numbers 7.518 and 7.519 (Exhibit A and Exhibit B to the Large Load Customer Agreement). Please provide all Exhibit As and Exhibit Bs that have been prepared, specifically including, but not limited to, any drafts, samples, or proposals in Duke's possession.

**Response:**

DEF does not have any documents responsive to this request.

# Attachment D

**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

Dated: May 13, 2026

**FLORIDA RISING’S SECOND REQUEST FOR  
PRODUCTION OF DOCUMENTS (NOS. 8-14) TO DUKE ENERGY FLORIDA, LLC**

Pursuant to Rule 28-106.206, F.A.C., Florida Rule of Civil Procedure 1.350, and Order No. PSC-2026-0120-PCO-EI Establishing Procedure, Florida Rising requests that Duke Energy Florida, LLC (“DEF”) produce documents at the Offices of Earthjustice, 111 South Martin Luther King Jr. Blvd., Tallahassee, FL 32301, within fifteen days of service of this request.

**INSTRUCTIONS**

1. The term “Duke,” “DEF,” “Duke Energy Florida,” “Respondent,” “you,” or “yours” refers to the entity to whom this interrogatory is directed, and includes all employees, agents, servants, attorneys, contractors, and representatives of said entity.
2. The terms “referring” and “relating” as used herein shall mean constituting, containing, concerning, indicating, alluding to, responding to, connected with, commenting on, in respect to, discussing, describing, reflecting, analyzing, projecting, embodying, identifying, stating, dealing with, or in any way pertaining to.
3. The words “document” and “documents” shall have the same meaning given to them under the Florida Rules of Civil Procedure, and includes all drafts that you have in your possession.
4. “Communications” means any correspondence, contact, discussion or exchange between any two or more persons, including, but not limited to, documents, telephone conversations, face-to-face conversations, e-mails, meetings, and conferences.

5. “Person” shall mean the plural as well as the singular and includes any natural person, and any firm, agency, company, corporation, association, partnership, the government, or other form of legal entity.
6. Please indicate which documents or group of documents are produced in response to each particular request.
7. Please provide all data in Excel spreadsheet format with cells unlocked and formulas intact.

### **DOCUMENTS TO PRODUCE**

8. Please provide all documents identified in Duke’s response to Florida Rising’s Second Set of Interrogatories.
9. Please provide all interrogatory responses and documents produced by Duke in docket number 20250013-EI at the Florida Public Service Commission.
10. Please provide all cost of service studies or other analyses demonstrating that large load customers will be charged the full embedded and marginal/incremental generation cost of serving them.
11. Please provide copies of all methods, policies, and/or protocols used by Duke to determine how directly assignable or joint and common incremental generation costs associated with large load customers are quantified and allocated among customers.
12. Please provide cost of service studies or other analyses demonstrating that large load customers will be charged the full embedded and marginal/incremental transmission cost of serving them.

13. Please provide copies of all methods, policies, and/or protocols used by Duke to determine how directly assignable or joint and common incremental transmission costs associated with large load customers are quantified and allocated among customers.
14. To the extent that Duke contends that providing service to new large load customers will provide net benefits to all customers, please provide all documents that support this contention.

# Attachment E

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

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

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Docket No. 20260064-EI

Dated: May 28, 2026

**DUKE ENERGY FLORIDA, LLC’S OBJECTIONS  
TO FLORIDA RISINGS’ SECOND SET OF INTERROGATORIES (NOS. 5-20) AND  
SECOND REQUEST FOR PRODUCTION OF DOCUMENTS (NOS. 8-14)**

Pursuant to Rule 28-106.206, Florida Administrative Code (“F.A.C.”), the Order Establishing Procedure (“OEP”), and Rule 1.340, Florida Rules of Civil Procedure, Duke Energy Florida, LLC (“DEF”) hereby serves its objections to the Florida Rising Inc.’s (“FL Rising”), Second Set of Interrogatories to DEF (Nos. 5-20) and FL Rising’s Second Request for Production of Documents (Nos. 8-14) as follows:

**GENERAL OBJECTIONS**

With respect to the “Definitions” and “Instructions” in FL Rising’s Second Set of Interrogatories (Nos. 5-20) and FL Rising’s Second Request for Production of Documents (Nos. 8-14), DEF objects to any definitions or instructions that are inconsistent with DEF’s discovery obligations under applicable rules. If some question arises as to DEF’s discovery obligations, DEF will comply with applicable rules and not with any of FL Rising’s definitions or instructions that are inconsistent with those rules. Furthermore, DEF objects to any interrogatory or discovery request that calls for DEF to create data or information that it otherwise does not have because there is no such requirement under the applicable rules and law.

DEF objects to any definition or interrogatory or discovery request that seeks to encompass persons or entities who are not parties to this action or that are not subject to discovery under applicable rules.

Additionally, DEF generally objects to FL Rising's interrogatories or discovery requests to the extent that they call for data or information protected by the attorney-client privilege, the work product doctrine, the accountant-client privilege, the trade secret privilege, or any other applicable privilege or protection afforded by law.

Finally, DEF objects to any attempt by FL Rising to evade any numerical limitations set on the interrogatories or document requests by asking multiple independent questions within single individual questions and subparts. By making these general objections at this time, DEF does not waive or relinquish its right to assert additional general and specific objections to OPC as they become known.

## **SPECIFIC OBJECTIONS**

### **Interrogatories**

**Interrogatory No. 9:** DEF objects to Interrogatory No. 9 as it relates to the parity of the GSD and GSdT rates as not relevant and not reasonably calculated to lead to the discovery of admissible evidence in this docket, as that is not an issue in this proceeding. The GSD and GSdT rates were set in DEF's last rate case, Docket Number 20240025-EI, after Commission approval of a unanimous settlement agreement. While Florida Rising was not a signatory to the settlement agreement, they were an active participant in the docket and did not oppose the settlement agreement. Seeking discovery now on the parity of these already-approved rates would only be relevant if Florida Rising were attempting to argue for a different rate, which would not be allowed under collateral estoppel and res judicata principles.

### **Request for Production of Documents**

**Request No. 9:** DEF objects to Request No. 9 as not relevant to any issue under consideration in this docket and not likely to lead to the discovery of admissible evidence. FL Rising was not a party to Docket No. 20250113. Further, DEF's request that the discovery responses from Docket 20250113-EI be transferred to this new docket was denied in Order No. 2026-0120-PCO-EI. That order found that parties could ask discovery in this docket, and the parties have been doing so. The wholesale production of discovery documents from the previous docket is unnecessary and inappropriate.

**Request No. 10:** DEF objects to Request No. 10 as not relevant, overbroad, burdensome, and not reasonably calculated to lead to the discovery of admissible evidence to any issue under consideration in this docket. DEF is not seeking approval of a cost of service or proposed allocation methodology to recover any costs from any customers. Accordingly, questions seeking information or documents regarding potential cost of service studies are beyond the scope of this proceeding.

**Request No. 11:** DEF objects to Request No. 11 as as not relevant, overbroad, burdensome, and not reasonably calculated to lead to the discovery of admissible evidence to any issue under consideration in this docket. DEF is not seeking approval of a cost of service or proposed allocation methodology to recover any costs from any customers. Accordingly, questions seeking information or documents regarding potential cost of service studies are beyond the scope of this proceeding.

**Request No. 12:** DEF objects to Request No. 12 as not relevant, overbroad, burdensome, and not reasonably calculated to lead to the discovery of admissible evidence to any issue under consideration in this docket. DEF is not seeking approval of a cost of service or proposed allocation

methodology to recover any costs from any customers. Accordingly, questions seeking information or documents regarding potential cost of service studies are beyond the scope of this proceeding.

**Request No. 13:** DEF Objects to Request No. 13 as not relevant, overbroad, burdensome, and not reasonably calculated to lead to the discovery of admissible evidence to any issue under consideration in this docket. DEF is not seeking approval of a cost of service or proposed allocation methodology to recover any costs from any customers. Accordingly, questions seeking information or documents regarding potential cost of service studies are beyond the scope of this proceeding.

Respectfully submitted this 28<sup>th</sup> day of May, 2026.

/s/ Dianne M. Triplett

**DIANNE M. TRIPLETT**

Deputy General Counsel

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Attorneys for Duke Energy Florida, LLC

## **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished via electronic mail to the following this 28<sup>th</sup> day of May, 2026.

/s/ Dianne M. Triplett  
Attorney

|                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>M. Thompson / S. Farooqi<br/>Office of General Counsel<br/>Florida Public Service Commission<br/>2540 Shumard Oak Blvd.<br/>Tallahassee, FL 32399-0850<br/><a href="mailto:MThompso@psc.state.fl.us">MThompso@psc.state.fl.us</a><br/><a href="mailto:sfarooqi@psc.state.fl.us">sfarooqi@psc.state.fl.us</a><br/><a href="mailto:discovery-gcl@psc.state.fl.us">discovery-gcl@psc.state.fl.us</a></p>      | <p>Walter L. Trierweiler / Charles J. Rehwinkel<br/>Patricia A. Christensen / Octavio Simoes-Ponce<br/>Austin A. Watrous<br/>Office of Public Counsel<br/>111 W. Madison Street, Room 812<br/>Tallahassee, Florida 32399<br/><a href="mailto:Trierweiler.walt@leg.state.fl.us">Trierweiler.walt@leg.state.fl.us</a><br/><a href="mailto:Rehwinkel.charles@leg.state.fl.us">Rehwinkel.charles@leg.state.fl.us</a><br/><a href="mailto:christensen.patty@leg.state.fl.us">christensen.patty@leg.state.fl.us</a><br/><a href="mailto:ponce.octavio@leg.state.fl.us">ponce.octavio@leg.state.fl.us</a><br/><a href="mailto:watrous.austin@leg.state.fl.us">watrous.austin@leg.state.fl.us</a></p> |
| <p>James W. Brew / Laura Wynn Baker<br/>Sarah B. Newman<br/>Stone Mattheis Xenopoulos &amp; Brew, PC<br/>PCS Phosphate – White Springs<br/>1025 Thomas Jefferson Street, NW<br/>Suite E-3400<br/>Washington, DC 20007-5201<br/><a href="mailto:jbrew@smxblaw.com">jbrew@smxblaw.com</a><br/><a href="mailto:lwb@smxblaw.com">lwb@smxblaw.com</a><br/><a href="mailto:sbn@smxblaw.com">sbn@smxblaw.com</a></p> | <p>Bradley Marshall<br/>Jordan Luebke<br/>Earthjustice/Florida Rising<br/>111 S. Martin Luther King Jr. Blvd.<br/>Tallahassee, Florida 32301<br/><a href="mailto:bmarshall@earthjustice.org">bmarshall@earthjustice.org</a><br/><a href="mailto:jluebke@earthjustice.org">jluebke@earthjustice.org</a><br/><a href="mailto:flcaseupdates@earthjustice.org">flcaseupdates@earthjustice.org</a></p>                                                                                                                                                                                                                                                                                             |

# Attachment F

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

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

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Docket No. 20260064-EI

Dated: May 28, 2026

**DUKE ENERGY FLORIDA, LLC’S RESPONSE TO FLORIDA RISING’S  
SECOND REQUEST FOR PRODUCTION OF DOCUMENTS (NOS. 8-14)**

Duke Energy Florida, LLC, (“DEF”) hereby responds to the Florida Rising’s (“Florida Rising”) Second Request for Production of Documents to DEF (Nos. 8-14) as follows:

**DOCUMENTS TO PRODUCE**

8. Please provide all documents identified in Duke’s response to Florida Rising’s Second Set of Interrogatories.

**Response:**

The Company did not identify any documents in response to Florida Rising’s Second Set of Interrogatories.

9. Please provide all interrogatory responses and documents produced by Duke in docket number 20250013-EI at the Florida Public Service Commission.

**Response:**

DEF restates and incorporates its objection to this request submitted on May 28, 2026.

10. Please provide all cost of service studies or other analyses demonstrating that large load customers will be charged the full embedded and marginal/incremental generation cost of serving them.

**Response:**

DEF restates and incorporates its objection to this request submitted on May 28, 2026. Subject to and without waiving its objection to this request, DEF has no responsive documents.

11. Please provide copies of all methods, policies, and/or protocols used by Duke to determine how directly assignable or joint and common incremental generation costs associated with large load customers are quantified and allocated among customers.

**Response:**

DEF restates and incorporates its objection to this request submitted on May 28, 2026. Subject to and without waiving its objection to this request, DEF does not have documents related to “incremental” generation costs and is not addressing cost allocation in this docket. DEF evaluates investments in generating facilities on a system-wide basis and does not limit consideration to a single customer or customer class. DEF’s investments in generating facilities or its transmission system serve the needs of and benefit DEF’s system as a whole. As stated in paragraph 7, of DEF’s petition and DEF witness Chatelain’s direct testimony, page 14, lines 10-11, DEF will be proposing a new rate schedule in the next base rate proceeding; cost allocation of generation costs will be addressed in DEF’s next base rate proceeding, presumably when there is a signed large load customer and known details of the specific load requirements to allow for reasonably estimated costs.

12. Please provide cost of service studies or other analyses demonstrating that large load customers will be charged the full embedded and marginal/incremental transmission cost of serving them.

**Response:**

DEF restates and incorporates its objection to this request submitted on May 28, 2026. Subject to and without waiving its objection to this request, DEF has no responsive documents.

13. Please provide copies of all methods, policies, and/or protocols used by Duke to determine how directly assignable or joint and common incremental transmission costs associated with large load customers are quantified and allocated among customers.

**Response:**

DEF restates and incorporates its objection to this request submitted on May 28, 2026. Subject to and without waiving its objection to this request, DEF does not have documents related to “incremental” transmission costs and is not addressing cost allocation in this docket. Transmission costs associated with large load customers that are directly attributed as costs to extend service to a specific large load customer will be covered by the customer as a refundable payment per Section 13.07 of the LLCP. As stated in paragraph 7, of DEF’s petition and DEF witness Chatelain’s direct testimony, page 14, lines 10-11, DEF will be proposing a new rate schedule in the next base rate proceeding; cost allocation of transmission costs will be addressed in DEF’s next base rate proceeding, presumably when there is a signed large load customer and known details of the specific load requirements to allow for reasonably estimated costs.

14. To the extent that Duke contends that providing service to new large load customers will provide net benefits to all customers, please provide all documents that support this contention.

**Response:**

The Company is not contending that providing service to new large load customers will provide net benefits in this docket.

# Attachment G

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

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

Docket No. 20260064-EI

Dated: May 28, 2026

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**DUKE ENERGY FLORIDA, LLC'S RESPONSE TO FLORIDA RISING'S  
SECOND SET OF INTERROGATORIES (NOS. 5-20)**

Duke Energy Florida, LLC, ("DEF") hereby responds to the Florida Rising's ("FL Rising") Second Set of Interrogatories to DEF (Nos. 5-20) as follows:

**INTERROGATORIES**

5. If Duke has no responsive documents to Florida Rising's Second Request for Production of Documents, request number 10, please explain how Duke will ensure that non-large load customers will not be required to pay costs that, but-for serving the large load customers, would not be created.

**Response:**

The costs for serving a large load customer will be determined in future rate proceedings and rates applicable to large load customers will be set using the projected billing determinants for customers in that rate class. The proposed provisions in the LLCP and LLCA stipulate the terms and conditions that apply to large load customers and ensures that large load customers cover their fair share of costs of their requested firm load that the Company is obligated to serve.

6. Please indicate whether the interconnection of a new large load customer could ever trigger generation costs that would be allocated to non-large load customers. If the response is anything except an unqualified "no," please explain the basis for such cost allocation, the protocols for making such decisions, and the processing for implementing such a decision. Please identify any documents on which Duke would

rely in implementing such a decision.

**Response:**

DEF evaluates investments in generating facilities on a system-wide basis and does not limit consideration to a single customer or customer class. DEF's investments in generating facilities or its transmission system serve the needs of and benefit DEF's system as a whole. Thus, generation cost allocation is determined in base rate proceedings with cost of service studies that allocate those system costs appropriately and are approved by the Commission.

7. If Duke has no responsive documents to Florida Rising's Second Request for Production of Documents, request number 12, please explain how Duke will ensure that non-large load customers will not be required to pay costs that, but-for serving the large load customers, would not be created.

**Response:**

The costs for serving a large load customer will be determined in future rate proceedings and rates applicable to large load customers will be set using the projected billing determinants for customers in that rate class. The proposed provisions in the LLCP and LLCA stipulate the terms and conditions that apply to large load customers and ensures that large load customers cover their fair share of costs of their requested firm load that the Company is obligated to serve.

8. Please indicate whether the interconnection of a new large load customer could ever trigger transmission costs that would be allocated to non-large load customers. If the answer is anything except an unqualified "no," please explain the basis for such cost allocation, the protocols for making such decisions, and the process for implementing such a decision. Please identify any documents Duke would rely on in implementing such a decision.

**Response:**

DEF evaluates investments in transmission facilities on a system-wide basis and does not limit consideration to a single customer or customer class. DEF's investments in

generating facilities or its transmission system serve the needs of and benefit DEF's system as a whole. Thus, transmission system cost allocation is determined in base rate proceedings with cost of service studies that allocate those system costs appropriately and are approved by the Commission. Transmission costs associated with large load customers that are directly attributed as costs to extend service to a specific large load customer will be covered by the customer as a refundable payment per Section 13.07 of the LLCP.

9. Please explain whether Duke's current commercial customers taking service under the GSD and GSDT rates are at parity, and whether Duke will fully recover the fixed and variable costs associated with serving large load customers under those rate schedules. If the rates are not at parity, please explain how Duke will ensure that no cost shifts to non-large load customers will result from serving large load customers under those rate schedules.

**Response:**

DEF restates and incorporates its objection to this interrogatory submitted on May 28, 2026. Subject to and without waiving its objection to this interrogatory, large load customer costs are not recovered through the GSD and GSDT rates effective as a result of the 2024 Settlement Agreement. Any revenue collected from large load customers before an updated cost of service for the new rate schedule mentioned would be revenue above and beyond the forecasted load and usage determinants used in setting base rates.

10. Please explain whether Duke has any intention or plans to serve large load customers with unused capacity or energy resources already existing on Duke's system or available through wholesale procurement. As part of your answer, please explain what impacts would result from such plans on reserve margins or market surpluses for energy and capacity. As part of your answer, please explain how Duke proposes to address such impacts.

**Response:**

DEF plans to identify resource needs to serve future load increases in a manner consistent with DEF's long standing practice as identified in the 2026 Ten-Year Site Plan. DEF assesses the load for each future year and the capacity available to serve it. New resources are added to meet that load and maintain reliable service. Resources are projected in the years when the need is anticipated. The expansion planning tool assesses the cost effectiveness of different options and proposes alternatives meeting the criteria with the lowest expected cost. Both new construction and power purchase options are considered as available.

11. Please identify any economic analyses of reserve margins under current demand conditions that Duke has conducted or commissioned. If no such studies exist, please explain why Duke has not conducted or commissioned any such studies.

**Response:**

DEF has not performed any economic analyses of reserve margins. DEF is directed by stipulation with the Florida PSC to maintain a minimum 20% reserve margin and maintain an LOLP of less than 0.1 (i.e., meet the 1 event in 10-year criterion).

12. Please identify any economic analyses of reserve margins under demand conditions resulting from large load customer service requests that Duke has conducted or commissioned. If no such studies exist, please explain why Duke has not conducted or commissioned any such studies.

**Response:**

DEF has not performed any economic analyses of reserve margins. DEF is directed by stipulation with the Florida PSC to maintain a minimum 20% reserve margin and maintain an LOLP of less than 0.1 (i.e., meet the 1 event in 10-year criterion).

13. Please explain why Duke is proposing approval of its proposed LLCP and LLCA without also proposing new rates schedule(s) designed for new large load customers. Please explain whether Duke believes that this approach to rate making is in the public interest.

**Response:**

The Company is not proposing specific large load customer rates in this proceeding because the 2024 Settlement Agreement sets base rates through 2027 and limits DEF's ability to set rates until expiration of the Settlement term. Additionally, the Company does not have a signed large load customer but believes that gaining approval of LLCP and LLCA as soon as possible is in the public interest.

Section 13.08 of the LLCP points to the rate setting process with the inclusion of the cost-of-service study that will include and establish a large load customer's own full cost of service at such time as those costs may be known.

14. Please explain whether Duke considered a joint utility proposal for a single model set of tariffs and policies for large load customers in Florida. Please explain what action, if any, was undertaken by Duke to explore such an approach. If no consideration or action occurred, please explain why not. Please identify any documents resulting from such consideration if it occurred.

**Response:**

The Company did not consider a joint utility proposal and limited the scope of this docket to approve general requirements that should apply to large load customers should they request service in the Company's service territory. Until such time as there is a large load customer signed and details of the load are known, there is no need to set a rate specifically for large load customers.

15. If Duke contends that providing service to new large load customers will provide net benefits to all customers, please explain in detail how and when such benefits will be quantified, allocated, and distributed to non-large load customers.

**Response:**

The Company is not contending that providing service to new large load customers will provide net benefits in this docket, rather the petition and witness Chatelain's direct testimony continually point to the need for the additional requirements in the LLCP and LLCA to sufficiently protect the Company and other ratepayers. DEF notes and agrees with witness Wishart's analysis beginning on page 6 of his direct testimony that describes potential benefits from adding new data centers or other large load customers to a utility's system. However, these benefits cannot be quantified without the load

details, updated system resource plans, and known or estimated costs.

16. Please explain what actions Duke intends to take with large load customers to ensure that the customer load is as efficient as possible.

**Response:**

DEF does not play a role directly in determining the efficiency of customer energy use. Electricity is one of the primary inputs to data center operation, which naturally incentivizes efficiency in operation. Also, many data centers operate as part of a larger multi-state network that shifts computing from one area to another to maximize efficiency. DEF works with all its customers to provide energy efficiency solutions as requested.

17. Please explain the technical, economic, policy, and other considerations that Duke evaluated regarding whether its LLCP and LLCA proposals should be made applicable to large loads smaller than 50 MW. As part of your answer, please explain whether there technical, economic, policy, or other considerations that make Duke's large load proposals irrelevant to large loads at smaller amounts—such as 49 MW, 25 MW, 1.1 MW, or some other scale.

**Response:**

In Docket 20250113-EI, the Company proposed 100 MW as the size that should be considered “large load” and did so taking consideration of the peak load of current firm customers on DEF's system and the fact that there is a special provision in all applicable rate schedules with a demand charge which sets potential financial and/or performance obligations to new customers over 50 MW. The Company serves numerous current customers with loads smaller than 50 MW and even some greater than 50 MW through its normal course of business and does not believe that customers with loads smaller than 50 MW necessarily have customer-specific requirements that on their own reflect material impacts to DEF's system resource plan.

Furthermore, the language in SB 484 defines large load customers as 50 MW or greater and as part of the changes made in this docket to accommodate the legislation, a reduction to 50 MW was made to the LLCP and LLCA proposals. The Company did not evaluate a further reduction to its policy other than to present tariffs that meet the language in the legislation.

18. Please detail all measures that Duke will take or plans to take to encourage total or partial self-generation by large load customers.

**Response:**

DEF does not play a role in a customer's decision to install self-service generation. DEF will work with a customer to ensure that installation of self-service generation will interact safely with grid supplied power and will not create instabilities that might cause reliability issues elsewhere on the system.

19. Please explain in detail how Duke intends to address water impacts associated generation operated to serve large load customers, including for both data equipment load and cooling.

**Response:**

DEF is in the business of providing electric service and the details around how a customer may be using that water service is not relevant to setting a broader policy around electric service.

20. Please explain whether data center large load customers will be participants in any interruptible/curtailable load programs. If so, please detail all the applicable terms and conditions, including but not limited to incentive payments, whether incentive payments are conditioned on service interruption, the allocation of incentive payments to other customers, and any impacts on others. Please identify any documents Duke relies on for this answer.

**Response:**

The Company has not had any data center large load customers express interest in interruptible or curtailable load program offerings. As for the proposed LLCP and LLCA these are related to firm load for which the Company must fulfill its obligations to serve and does not include any interruption or curtailment provisions, other than as needed for system emergencies.

AFFIDAVIT

STATE OF FLORIDA

COUNTY OF PINELLAS

Before me, the undersigned authority, personally appeared BENJAMIN BORSCH  
\_\_\_\_\_, who, as Duke Energy Florida, LLC's personal representative,  
(X ) is personally known to me, or  
( ) produced \_\_\_\_\_ as identification and being duly  
sworn, deposes and says that the foregoing answers to Interrogatory Nos. 10, 11, 12, 16 and 18  
of Florida Rising's Second Set of Interrogatories to Duke Energy Florida, LLC (Nos. 5-20), in  
Docket No. 20260064-EI are true and correct to the best of his knowledge, information, and  
belief. This 21<sup>st</sup> day of May, 2026.



Benjamin Borsch  
Benjamin Borsch  
[Signature]  
Notary Public  
State of Florida, at Large

My Commission Expires:

\_\_\_\_\_

AFFIDAVIT

STATE OF NORTH CAROLINA

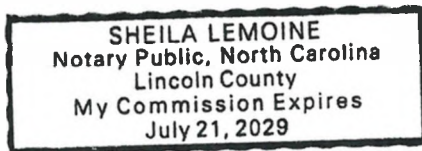
COUNTY OF MECKLENBURG

Before me, the undersigned authority, personally appeared MATT CHATELAIN

\_\_\_\_\_, who, as Duke Energy Florida, LLC's personal representative,

(☒) is personally known to me, or

( ) produced \_\_\_\_\_ as identification and being duly sworn, deposes and says that the foregoing answers to Interrogatory Nos. 5 through 9, 13, 14, 15, 17, 19 and 20, of Florida Rising's Second Set of Interrogatories to Duke Energy Florida, LLC (Nos. 5-20), in Docket No. 20260064-EI are true and correct to the best of his knowledge, information, and belief.



Matt Chatelain  
Matt Chatelain

5/26/2026  
Date

Sheila Lemoine  
Notary Public State of North  
Carolina

My commission expires:

July 21, 2029

# Attachment H

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

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

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Docket No. 20260064-EI

Dated: May 28, 2026

**DUKE ENERGY FLORIDA, LLC'S FIRST SET OF INTERROGATORIES TO  
FLORIDA RISING INC (NOS. 1-40)**

Pursuant to Rule 1.350, Fla. R. Civ. P., Rule 28-106.206, F.A.C., and Order No. PSC-2026-00120-PCO-EI, Duke Energy Florida, LLC ("DEF"), propounds the following interrogatories to Florida Rising, Inc. ("FL Rising"), to be answered within fifteen (15) days of receipt of the interrogatories. These interrogatories shall be answered under oath by FL Rising or its agent, who is qualified and who will be identified. As provided by Rule 1.340(a), Florida Rules of Civil Procedure, each interrogatory shall be answered separately and fully in writing under oath unless it is objected to. Each answer shall be signed by the person making it. Please supply the name, address, and relationship to FL Rising of those persons providing the answers to each of the following interrogatories.

**DEFINITIONS AND INSTRUCTIONS**

1. To the extent a request calls for information which cannot now be precisely and completely furnished, such information as can be furnished should be included in the answer, together with a statement that further information cannot be furnished, and a statement as to the reasons, therefore. If the information which cannot now be furnished is believed to be available to another person, identify such other person and the reasons for believing such person has the described information.
2. In the event any request herein calls for information or documents which you deem to be privileged, in whole or in part, you shall

- (a) make the claim expressly and specify the grounds relied upon for the claim of privilege,
  - (b) produce the information or documents in redacted form, and
  - (c) to the extent any information or documents are withheld, you shall identify and describe the nature of each document not disclosed and each redacted provision in a manner that will enable other parties to assess the applicability of the privilege or protection.
3. Documents or reports to be identified shall include all documents in your possession, custody, and control and all other documents of which you have knowledge. If a document is produced in response to an interrogatory or request for production of documents, please produce a copy of the original and all versions that are different in any way from the original, whether by interlineation, receipt stamp, or notation. If you do not have possession, custody, or control of the originals of the documents requested, please produce a copy of the version(s) in your possession, custody, or control, however made.
  4. Separate answers shall be furnished for each request, although where the context permits, a request may be answered by reference to the answer furnished to another request.
  5. For each request, identify the name, address, telephone number, and position of the person responsible for providing the answer.
  6. Responsive documents available in an electronic format shall be provided in their native electronic format, unless the parties have reached a specific agreement in advance for production of the documents in a different, agreed-upon format or medium. DEF requests that responses for each production of document request be provided in separate electronic folders that include the documents responsive to the request.
  7. Documents should be produced in an OCR (Optical Character Recognition) searchable format.
  8. Please provide all responses to these requests that include workpapers, data, calculations,

and spreadsheets in non-password protected and executable PC-compatible computer program/models/software. Formulae, links, cells, formatting, metadata, and any other original features assisting in calculation should be intact. For example, Excel documents and documents of a similar format shall be produced in their native electronic format, with all spreadsheets, formulas, and links unlocked and intact. To the extent the data requested does not exist in the form requested, please notify the undersigned counsel so that the parties can confer to reach a resolution for timely production.

9. Please construe “and” as well as “or” either disjunctively or conjunctively as necessary to bring within the scope of the request any document which might otherwise be construed to be outside the scope.
10. The words “you,” “your,” and “yourself” mean FL Rising and all other persons acting or purporting to act on behalf of FL Rising during the time period referred to hereafter, including all persons offering testimony on FL Rising’s behalf in this proceeding.
11. The words “person” or “persons” mean all natural persons and entities, including but not limited to: corporations, companies, partnerships, limited partnerships, joint ventures, trusts, estates, associations, public agencies, departments, bureaus, or boards.
12. The terms “document” or “documents” shall have the same meaning given to them under the Florida Rules of Civil Procedure.
13. The use of the singular shall be deemed to include the plural and use of the masculine shall be deemed to include the feminine as appropriate, and vice versa.
14. The term “Commission” means the Florida Public Service Commission.
15. “Docket” means Commission Docket No. 20260064-EL.
16. The words “relating to” or “pertaining to” shall mean concerning, respecting, referring to, summarizing, digesting, embodying, reflecting, establishing, tending to establish, tending not to establish, evidencing, comprising, connected with, commenting on, responding to, disagreeing with, showing, describing, analyzing, representing, constituting, or including.

17. Please indicate which documents or groups of documents are produced in response to each particular request.
18. These requests are continuing in nature, such that You must provide a supplemental response if and when You discover, obtain, or recollect other or further information responsive to any Request. In addition, You must amend the answer to any Request if and when You discover or ascertain that the answer was incorrect.

### **INTERROGATORIES**

1. How many total members does FL Rising have?
2. How many of FL Rising's members are current DEF customers?
3. What is the precise number of FL Rising members located within DEF's service territory?
4. Please identify these members account status (residential, commercial, etc.) and the basis for concluding that such member receives electric service from DEF.
5. Describe in detail the methodology You used to determine whether any of Your Members are customers within DEF's service territory.
6. Confirm whether any of FL Rising's members take service under DEF's GSD or GSDD rate schedules.
7. Describe the specific injury FL Rising alleges its members will suffer as a result of the Commission approving DEF's proposed tariff in this Proceeding.
8. For each injury identified in response to Interrogatory No. 7, state whether such injury is actual or imminent, not speculative and describe all facts supporting Your characterization.
9. Describe FL Rising's organizational purpose and explain how participation in this Proceeding is germane to that purpose.
10. State whether the claims You assert in this Proceeding require the participation of individual Members and explain the basis for Your response.

11. What evidence supports your claim that costs will be shifted to existing customers in this proceeding?
12. Identify all documents supporting the allegation that existing rates are “below parity” and/or large load customers will cause cost shifting.
13. Identify all documents, studies, analyses, or data supporting Your contention that DEF’s existing rates do not cover the cost of service.
14. State whether FL Rising has conducted any economic or rate impact analysis concerning the impact of DEF’s proposed tariff in this Proceeding.
15. Identify by full name, title, employer, and business address each expert witness FL Rising intends to present testimony in this docket, including any witness whose work product, analysis, or opinions are incorporated into or relied upon by any other FL Rising witness.
16. For each expert witness identified in response to Question 15, provide a complete and current curriculum vitae, including all educational degrees, institutions, and years conferred; all professional certifications or licenses; all prior employment; and all professional affiliations or memberships.
17. For each expert witness identified in response to Question 15, provide a complete list of all cases including docket numbers, forum (e.g., FPSC, other state PUC, federal agency, court), and year — in which the witness has provided written testimony, an affidavit, or oral testimony in the preceding ten (10) years.
18. For each expert witness identified in response to Question 15, provide copies of all written direct, rebuttal, or surrebuttal testimony filed in any proceeding in the preceding five (5) years that relates to: (a) large load customer tariffs; (b) data center rate design; (c) cost of service

methodology for large commercial or industrial customers; or (d) compliance of utility tariffs with state statutes governing large load customers.

19. For each expert witness identified in response to Question 15, identify any instance in the preceding ten (10) years in which a presiding officer, administrative law judge, or court has declined to qualify the witness as an expert, limited the scope of the witness's expertise, criticized the witness's methodology, or struck or declined to admit the witness's testimony, in whole or in part.
20. State FL Rising's position on what a "compliant" tariff must include under Section 366.043, Florida Statutes, to satisfy the requirement in §366.043(3)(a) that the tariff "reasonably ensure that each large load customer bears its own full cost of service."
21. State whether FL Rising contends that §366.043(3)(a) requires a utility to use incremental cost of service methodology (rather than average embedded cost methodology) in setting rates for large load customers and provide the full legal and factual basis for that position.
22. State whether FL Rising contends that DEF's interim placement of large load customers on GSD-1 or GSDT-1 pending a new rate case satisfies or fails to satisfy the requirement in §366.043(3)(a) and provide the full legal and factual basis for that position, including any reference to the language of LLCP §13.08.
23. State whether FL Rising contends that any of the following provisions of §366.043(5) are mandatory (as opposed to permissive) components of a compliant tariff: (a) CIAC or customer infrastructure investments; (b) demand charges including minimum demand charges; (c) incremental generation charges; (d) financial guarantees; (e) minimum load factors; (f) take-or-pay provisions; (g) minimum period of service contract requirements

including early termination fees. For each item listed, provide the full legal basis for FL Rising's position.

24. State whether FL Rising contends that DEF's tariff is required to include an incremental generation charge ("IGC") like the one proposed by Florida Power & Light Company in Docket No. 20250011-EI to comply with §366.043(3)(a) and provide the full legal and factual basis for that position.
25. If FL Rising contends an IGC is required, state FL Rising's position on how such a charge should be calculated, what costs should be included, and how it should be recovered from large load customers.
26. State FL Rising's position on the meaning of the phrase "cost of service" as used in §366.043(3)(a), including whether the term encompasses only incremental costs, only embedded average costs, or some combination, and identify the legal authority supporting that interpretation.
27. State whether FL Rising contends that DEF's proposed minimum demand billing requirement of 75% to 85% of contract capacity, as set forth in LLCP §13.03, satisfies or fails to satisfy any requirement of the Act, and if it fails to satisfy any requirement, identify the specific statutory provision and explain the alleged deficiency.
28. State whether FL Rising contends that DEF's proposed 20-year minimum contract term, as set forth in LLCP §13.02, satisfies or fails to satisfy any requirement of the Act, and if it fails to satisfy any requirement, identify the specific statutory provision and explain the alleged deficiency.
29. State whether FL Rising contends that DEF's proposed early termination provisions

specifically, the Termination Fee equal to three years of Minimum Monthly Bills plus net book value of CIAC facilities as set forth in LLCP §13.05 satisfy or fail to satisfy any requirement of the Act, and if they fail, identify the specific statutory provision and explain the alleged deficiency.

30. State whether FL Rising contends that DEF's proposed CIAC requirement specifically, the requirement that large load customers pay 100% of total estimated costs to extend service in advance, subject to refund over five years as set forth in LLCP §13.07 satisfies or fails to satisfy any requirement of the Act and provide the full legal and factual basis for that position.
31. State whether FL Rising contends that DEF's proposed security requirements, as set forth in LLCP §13.04, satisfy or fail to satisfy any requirement of the Act, and if they fail, identify the specific statutory provision and explain the alleged deficiency.
32. State whether FL Rising contends that DEF's proposed foreign entity prohibition, as implemented through the affidavit requirement in the LLCA recitals and the prohibition in LLCP §13.01 cross-referencing §366.043(2)(c), Fla. Stat., satisfies or fails to satisfy the requirements of §366.043(3)(b) and §366.043(7), and provide the full legal and factual basis for that position.
33. State whether FL Rising contends that the anti-disaggregation provision in LLCP §13.06 satisfies or fails to satisfy the requirement of §366.043(4) and provide the full legal and factual basis for that position.
34. State whether FL Rising contends that LLCA §4 which preserves DEF's right to curtail or interrupt service to large load customers to ensure grid stability, reduce wider outages, or ensure public safety satisfies or fails to satisfy the requirement of §366.043(6), and provide

the full legal and factual basis for that position.

35. State whether FL Rising contends that large load customers served on GSD-1 or GSDT-1 would be paying rates that are lower than their incremental cost of service, and if so, provide any analysis, calculations, or studies supporting that contention.
36. State whether FL Rising intends to offer any quantitative analysis of the cost of serving a large load customer under DEF's current rate structure, and if so, produce all supporting work papers and calculations.
37. State whether FL Rising contends that placement of large load customers on GSD-1 or GSDT-1 creates a cross-subsidy from existing customers to large load customers, and if so, provide the quantitative basis for that contention.
38. State whether FL Rising has analyzed any other utility's large load tariff, and if so, identify each such tariff and produce any comparative analysis.
39. State whether FL Rising's witnesses have reviewed the large load tariff proposals of any of the following utilities in preparing their testimony: AEP Ohio, Dominion Energy Virginia, Indiana Michigan Power, Evergy (Kansas and Missouri), Consumers Energy (Michigan), Florida Power & Light, Wisconsin Electric Power, Santee Cooper, Kentucky Power, or Ameren Missouri. For each utility reviewed, identify the specific tariff or filing reviewed and produce any comparative analysis.
40. State whether FL Rising contends that DEF's proposed contract terms are materially less protective of the general body of customers than the tariffs of any of the utilities identified in the preceding question, and if so, identify the specific provisions at issue and explain FL Rising's contention.

Respectfully submitted this 28th day of May, 2026.

/s/ Dianne M. Triplett

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Attorneys for Duke Energy Florida, LLC

**AFFIDAVIT**

STATE OF

COUNTY OF

I hereby certify that on this \_\_\_\_\_ day of \_\_\_\_\_, 2026, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared \_\_\_\_\_, who is personally known to me, and he/she acknowledged before me that he/she provided the answers to interrogatory number(s) \_\_\_\_\_ from DEF'S FIRST SET OF INTERROGATORIES TO FL RISING, INC. (NOS. 1-40) in Docket No. 20260064-EI, and that the responses are true and correct based on his/her personal knowledge.

In Witness Whereof, I have hereunto set my hand and seal in the State and County aforesaid as of this \_\_\_\_\_ day of \_\_\_\_\_, 2026.

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Notary Public  
State of

My Commission Expires:  
\_\_\_\_\_

**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 this 28th day of May, 2026, to the following:

/s/ Dianne M. Triplett  
Dianne M. Triplett

|                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
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# Attachment I

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

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

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Docket No. 20260064-EI

Dated: May 28, 2026

**DUKE ENERGY FLORIDA, LLC'S FIRST REQUEST FOR THE PRODUCTION OF  
DOCUMENTS TO FLORIDA RISING, INC. (NOS. 1-16)**

Pursuant to Rule 1.350, Fla. R. Civ. P., Rule 28-106.206, F.A.C., and Order No. PSC-2026-00120-PCO-EI, Duke Energy Florida, LLC ("DEF"), propounds the following document requests to Florida Rising, Inc. ("FL Rising"), to be answered within fifteen (15) days of receipt of the document request.

**DEFINITIONS AND INSTRUCTIONS**

1. To the extent a request calls for information which cannot now be precisely and completely furnished, such information as can be furnished should be included in the answer, together with a statement that further information cannot be furnished, and a statement as to the reasons, therefore. If the information which cannot now be furnished is believed to be available to another person, identify such other person and the reasons for believing such person has the described information.
2. In the event any request herein calls for information or documents which you deem to be privileged, in whole or in part, you shall
  - (a) make the claim expressly and specify the grounds relied upon for the claim of privilege,
  - (b) produce the information or documents in redacted form, and
  - (c) to the extent any information or documents are withheld, you shall identify and describe the nature of each document not disclosed and each redacted provision in a manner that will enable other parties to assess the applicability of the privilege or

protection.

3. Documents or reports to be identified shall include all documents in your possession, custody, and control and all other documents of which you have knowledge. If a document is produced in response to an interrogatory or request for production of documents, please produce a copy of the original and all versions that are different in any way from the original, whether by interlineation, receipt stamp, or notation. If you do not have possession, custody, or control of the originals of the documents requested, please produce a copy of the version(s) in your possession, custody, or control, however made.
4. Separate answers shall be furnished for each request, although where the context permits, a request may be answered by reference to the answer furnished to another request.
5. Responsive documents available in an electronic format shall be provided in their native electronic format, unless the parties have reached a specific agreement in advance for production of the documents in a different, agreed-upon format or medium. DEF requests that responses for each production of document request be provided in separate electronic folders that include the documents responsive to the request.
6. Documents should be produced in an OCR (Optical Character Recognition) searchable format.
7. Please provide all responses to these requests that include workpapers, data, calculations, and spreadsheets in non-password protected and executable PC-compatible computer program/models/software. Formulae, links, cells, formatting, metadata, and any other original features assisting in calculation should be intact. For example, Excel documents and documents of a similar format shall be produced in their native electronic format, with all spreadsheets, formulas, and links unlocked and intact. To the extent the data requested does not exist in the form requested, please notify the undersigned counsel so that the parties can confer to reach a resolution for timely production.
8. Please construe “and” as well as “or” either disjunctively or conjunctively as necessary to bring within the scope of the request any document which might otherwise be

construed to be outside the scope.

9. The words “You,” “Your,” and “Yourself” mean FL Rising and all other persons acting or purporting to act on behalf of FL Rising during the time period referred to hereafter, including all persons offering testimony on FL Rising’s behalf in this proceeding.
10. The words “person” or “persons” mean all natural persons and entities, including but not limited to: corporations, companies, partnerships, limited partnerships, joint ventures, trusts, estates, associations, public agencies, departments, bureaus, or boards.
11. The terms “document” or “documents” shall have the same meaning given to them under the Florida Rules of Civil Procedure.
12. The use of the singular shall be deemed to include the plural and use of the masculine shall be deemed to include the feminine as appropriate, and vice versa.
13. The term “Commission” means the Florida Public Service Commission.
14. “Docket” means Commission Docket No. 20260064-EI.
15. The words “relating to” or “pertaining to” shall mean concerning, respecting, referring to, summarizing, digesting, embodying, reflecting, establishing, tending to establish, tending not to establish, evidencing, comprising, connected with, commenting on, responding to, disagreeing with, showing, describing, analyzing, representing, constituting, or including.
16. Please indicate which documents or groups of documents are produced in response to each particular request.
17. These requests are continuing in nature, such that You must provide a supplemental response if and when You discover, obtain, or recollect other or further information responsive to any Request. In addition, You must amend the answer to any Request if and when You discover or ascertain that the answer was incorrect.

### **DOCUMENTS REQUESTED**

1. Provide all documents identified in responses to DEF's First Set of Interrogatories to Florida Rising.
2. Produce all documents sufficient to identify Your Members located within DEF's service territory.
3. Produce all documents sufficient to identify which of Your Members are customers of DEF.
4. Produce all documents reflecting or relied upon to determine that any Member receives electric service from DEF, including but not limited to: (a) Utility bills; (b) Account records; or (c) Membership surveys or databases.
5. Produce all documents supporting Your contention that Your Members will suffer injury as a result of the Commission approving the proposed tariff in this Proceeding.
6. Produce all documents supporting Your contention that the alleged injuries identified in Your Petition are caused by approval of the tariff in this Proceeding.
7. Produce all documents supporting any contention that the proposed tariff will result in increased rates or costs to Your Members.
8. Produce all documents describing Florida Rising's organizational purpose, mission, and/or objectives.
9. Produce all documents reflecting how this Proceeding relates to or advances Florida Rising's organizational purpose.
10. Produce all documents supporting Your contention that DEF's existing rates are insufficient to cover the cost of service.
11. Produce all documents supporting Your contention that approval of the proposed tariff will result in cost shifting to existing customers.

12. Produce all studies, models, analyses, or data relating to the potential economic or rate impacts of DEF's proposed tariff.
13. Produce any economic or rate impact analysis, related to the large load tariff proposed by DEF and conducted by or performed for Florida Rising.
14. Produce each expert witness' FL Rising work product, analysis, or opinions that are incorporated into or relied upon by any other FL Rising witness.
15. Regarding Interrogatory number 18, provide copies of all written direct, rebuttal, or surrebuttal filed in any proceeding in the preceding five (5) years that relates to: (a) large load customer tariffs; (b) data center rate design; (c) cost of service methodology for large commercial or industrial customers; or (d) compliance of utility tariffs with state statutes governing large load customers.
16. Produce all work papers, calculations, spreadsheets, models, notes, memoranda, or other documents prepared by or for any witness sponsored by Florida Rising in connection with this docket.

Respectfully submitted this 28th day of May, 2026.

/s/ Dianne M. Triplett  
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Attorneys for Duke Energy Florida, LLC

**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 this 28th day of May, 2026, to the following:

/s/ Dianne M. Triplett

Dianne M. Triplett

|                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
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