BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for Determination of Need for Andytown-Oasis Transmission Lines Project in Broward and Miami-Dade Counties, by Florida Power & Light Company	DOCKET NO. 20260020-EI DATED: JUNE 8, 2026

THE ENVIRONMENTAL DEFENSE FUND'S
MOTION FOR RECONSIDERATION OF
ORDER NO. PSC-2026-0179-FOF-EI

The Environmental Defense Fund, Inc. ("EDF"), pursuant to Rule 28-106.204, Florida Administrative Code ("F.A.C."), and Rule 25-22.075(1), F.A.C., hereby submits this motion for reconsideration (the "Motion") by which EDF moves the Commission to reconsider certain specified provisions or statements in Order No. PSC-2026-0179-FOF-EI (the "Order"), issued on June 1, 2026. In summary, EDF respectfully asks the Commission to reconsider and correct certain inaccurate statements in the Order regarding EDF's positions, and to address the omission of certain facts that the Commission may have overlooked in rendering the Order.

In support of this Motion, EDF states the following:

Background

This docket is a need determination proceeding pursuant to Section 403.537, Florida Statutes. FPL initiated the docket by filing its petition and supporting information on March 11, 2026. EDF was granted intervention in this case and participated as fully as possible in the case, including presenting the testimony of two witnesses, conducting discovery, and submitting a 74-page post-hearing brief. A hearing was held on April 23, 2026, and the parties filed their post-hearing briefs on April 29, 2026. Following a vote by the Commission on May 11, 2026, the Commission issued the Order on June 1, 2026. Pursuant to the Order and the Commission's applicable rules, EDF hereby moves the Commission to reconsider the Order.

Summary

After carefully reviewing the Order, EDF asks the Commission to reconsider certain provisions of the Order and to modify the Order as requested by EDF in this Motion. EDF's specific requests are based on what EDF believes are factual misstatements in the Order regarding EDF's positions and arguments; reconsideration is the appropriate remedy because the subject misstatements are not based on evidence in the record. EDF is not asking the Commission to re-weigh any evidence, only to correct the Order to accurately reflect EDF's positions and arguments. Additionally, EDF asks the Commission to reconsider the Order and to address two specific factual allegations raised by EDF in its Brief that the Commission may have overlooked.

Standard of Review – Motions for Reconsideration

The standard of review on a motion for reconsideration is whether the motion identifies a point of fact or law that was overlooked or that the Commission failed to consider in rendering its Order. *Diamond Cab Co. of Miami v. King*, 146 So. 2d 889, 891 (Fla. 1962) (purpose of reconsideration "is merely to bring to the attention of . . . the administrative agency, some point which it overlooked or failed to consider when it rendered its order" and "is not intended as a procedure for re-arguing the whole case"); *see also Stewart Bonded Warehouse v. Bevis*, 294 So. 2d 315, 317 (Fla. 1974) (PSC reconsideration "should be based upon specific factual matters set forth in the record and susceptible to review," and cannot be solely based on a "reweighing of the evidence").

Additionally, "[o]ne specific preservation principle comes into play when a final order addresses substantive issues or reaches legal conclusions that have not been previously raised or challenged. If this occurs, a party must file a motion for rehearing to preserve those alleged errors for appellate review." *Citizens of Fla. v. Clark*, 373 So. 3d 1128, 1131 (Fla. 2023).

MOTION FOR RECONSIDERATION

As stated above, in its Motion, EDF does not ask the Commission to re-weigh any evidence. Rather, EDF asks the Commission to reconsider and correct certain specific statements in the Order regarding EDF's positions and requests for relief, and EDF also asks the Commission to reconsider the Order because the Order does not address three specific factual matters, relating to the carrying capacity of FPL's existing transmission facilities and relating to the loads of data centers included in FPL's load forecast, that the Commission may have overlooked in the Order.

<u>EDF's Position Regarding the Grid Bill and FERC Order 1000</u>

This section of the Motion relates to statements in the Order where the Commission inaccurately concludes that EDF has argued that FERC Order No. 1000 is within the Commission's jurisdiction to consider "because of" the Commission's jurisdiction under the Grid Bill. At page 4, the Order states the following:

> EDF argues that FERC Order No. 1000 is within our jurisdiction to consider because of our jurisdiction over the planning and development of transmission facilities to ensure reliability and avoid uneconomic duplication of transmission facilities as well as our overarching statutory mandate to regulate utilities in the public interest.

To the same effect, at page 5, the Order states the following:

> We disagree with EDF's argument that Section 366.04(5), F.S., expands our jurisdiction over the issues in this case to include FERC Order No. 1000. That statute empowers us to avoid "uneconomic duplication of generation, transmission, and distribution facilities" between utilities. Nothing therein brings FERC Order No. 1000 within this Commission's jurisdiction. EDF's assertion that the *possible* use of

> technological alternatives somehow renders the proposed AOP duplicative would mean every project presented to us was, under EDF's reading, always duplicative of some other theoretical option. The record before us, however, does not demonstrate that the underlying need for the AOP is already being addressed by facilities approved for, or facilities to be put in place by, Florida's electric utilities.

EDF respectfully asks the Commission to reconsider this language and to either modify or delete the Order's statements that EDF has argued (a) that FERC Order No. 1000 is within the Commission's jurisdiction "because of" the Commission's jurisdiction over planning and the avoidance of uneconomic duplication of transmission facilities (at page 4), and (b) that Section 366.04(5), Florida Statutes "expands [the PSC's] jurisdiction over the issues in this case to include FERC Order No. 1000" (at page 5). A word search of EDF's Brief, EDF's Prehearing Statement, and the testimonies of EDF's witnesses Thomas and Cranston reveals the following. In its Brief, EDF cited to Section 366.04(5), Florida Statutes, eight times (at pages 2, 9 (twice), 15, 26, 27, 55, and 61) and to the Grid Bill three times (at pages 15, 55, and 61). No reference to FERC Order No. 1000 appears in any of the paragraphs in either EDF's Brief or EDF's Prehearing Statement where EDF cited to Section 366.04(5), Florida Statutes, which is part of the Grid Bill. Generally, EDF's citations to Section 366.04(5), Florida Statutes and the Grid Bill were to the fact that the Commission has express statutory jurisdiction over the planning, development, and maintenance of a coordinated grid and the avoidance of further uneconomic duplication of transmission facilities; EDF believes that these factors are clearly matters within the Commission's jurisdiction that the Commission is authorized to consider by Section 403.537, Florida Statutes. Neither Mr. Thomas's testimony nor Mr. Cranston's testimony includes any reference at all to Section 366.04(5), Florida Statutes, nor to the "Grid Bill" as a recognized term applicable to that section.

Further, a word search for "uneconomic duplication," "duplication," or "duplicative" in reference to the potential uneconomic duplication of transmission facilities[1] reveals that EDF used those terms 16 times in its Brief, at pages 2, 8, 14, 15, 16 (twice), 26, 27 (twice), 28, 29, 55, 56, 61, 71, and 72. Nowhere in any of the paragraphs where these terms appear in EDF's Brief is there any reference to FERC Order No. 1000. Moreover, there are no references to these terms in EDF's Prehearing Statement or in the testimonies of Mr. Thomas or Mr. Cranston.

Thus, there is no evidence in the record to support the language in the Order asserting that EDF has argued that the Commission's Grid Bill jurisdiction over planning and avoiding uneconomic duplication of

[1] The word "duplicate" appears at page 44 in reference to the possible tendency of data centers to submit duplicate interconnection requests across multiple jurisdictions. EDF did not argue this in any event.

facilities brings FERC Order No. 1000 into the PSC's jurisdiction. (As stated elsewhere in its Brief, EDF believes that the Commission, as a matter of its jurisdiction over the prudency of FPL's decisions and investments, has the jurisdiction to at least consider whether FPL has complied with the FERC Order as it applies to Florida utilities, but that issue is entirely separate from the reconsideration requested here.)

In making this specific request for reconsideration, EDF is not asking the Commission to re-weigh any evidence, nor is EDF attempting to relitigate its position that FPL has failed to demonstrate that the Andytown Project is needed to satisfy the criteria of Section 403.537, Florida Statutes. EDF is simply asking the Commission to correct its Order by removing the inaccurate assertions that EDF has argued that Section 366.04(5), Florida Statutes, brings FERC Order No. 1000 within the Commission's jurisdiction. EDF's arguments with respect to Section 366.04(5), Florida Statutes, are standalone arguments grounded solely in those provisions of the Florida Statutes.

<u>EDF's Position Regarding FPL's Consideration of Alternatives</u>

EDF believes the Order inaccurately characterizes its position on whether technological alternatives could meet FPL's customers' needs more cost-effectively than the Andytown Project/AOP. Accordingly, EDF respectfully asks the Commission to reconsider that language and revise it to reflect EDF's actual position. The specific language that EDF asks the Commission to reconsider is on page 5 of the Order:

> EDF's assertion that the *possible* use of technological alternatives somehow renders the proposed AOP duplicative would mean every project presented to us was, under EDF's reading, always duplicative of some other theoretical option.

EDF did not argue that there are unspecified, "*possible*" technological alternatives that might meet the needs of FPL's customers; EDF argued that FPL did not adequately evaluate a number of specific, known technological options that could have either met the need more cost-effectively or reduced the need for additional transmission facilities, thereby benefitting FPL's customers with a more cost-effective solution. These were not "hypothetical" options, nor were they open-ended as the Order language implies where it states that EDF asserted that the possible use of alternatives "somehow renders the proposed AOP duplicative would mean every project presented to us was, under EDF's reading, always duplicative of some "other theoretical option." This language mischaracterizes EDF's positions. Specifically, in EDF's Brief at 55-56, EDF identified a number of specific technological alternatives that may better meet the needs of FPL's customers, as follows:

> Specifically with respect to the Commission's mandate under the Grid Bill, Section 366.04(5), Florida Statutes, "to ensure the avoidance of further uneconomic duplication of . . . transmission . . . facilities," FPL failed to provide any meaningful evidence that the AOP is not duplicative of other well-known and widely available

> alternatives. These include technologies such as Battery Energy Storage Systems ("BESS"), capacitors, and advanced conductors that carry more power, as well as operational measures like Dynamic Line Ratings, Advanced Power Flow Controllers, and Topology Optimization. (As noted above, FPL also failed to evaluate its claimed need during emergency conditions consistent with the emergency ratings of its existing transmission facilities.) Finally, FPL did not attempt to evaluate whether any combinations of the above available options could reduce or defer the need for the AOP or a similar facility.

These are not hypothetical, nor did EDF argue or suggest any open-ended consideration of options; these are all well-known technologies recognized in the industry.

EDF repeatedly asked for the opportunity to present additional analyses addressing the need for the AOP, but EDF's requests to alter the case schedule to permit such additional analyses were denied by the Commission's procedural orders. That is a separate issue; the issue here is simply that the Order's language inaccurately characterizes EDF's positions and arguments. EDF's argument is that FPL imprudently failed to consider specifically identified, available, known, and recognized technological alternatives to the high-voltage transmission facilities proposed by FPL. (Any consideration of alternatives in any particular need case would be limited to the evidence of such case, not open-ended.)

Again, EDF is not asking the Commission to re-weigh any evidence. EDF is simply making the point that EDF's positions and suggested alternatives are not hypothetical; they were specifically defined and not open-ended as the Order makes them appear. Moreover, EDF reiterates that EDF proposed extending the schedule of this proceeding and offered to provide additional evidence regarding FPL's needs and alternatives to meet those needs, but those requests were denied by procedural orders of the Commission.

EDF's Position Regarding Applicable State Planning Requirements

Next, EDF asks the Commission to reconsider statements in the Order concerning EDF's position on state planning requirements relative to FERC's jurisdiction. The language that EDF asks the Commission to reconsider is found at page 7 of the Order:

> As mentioned previously, our jurisdiction is grounded in state statute. At best, EDF would have us impose non-existent state planning requirements for alternatives in transmission line need determination proceedings. At worst, EDF would have us overstep and preemptively decide the adequacy of regional transmission planning in FERC's place.

As an initial matter, EDF agrees that the Commission's jurisdiction in this proceeding, and its authority to grant relief, are grounded in the Florida Statutes. Accordingly, EDF has framed its positions and requested relief consistently and squarely within the scope of the Commission's statutory authority over transmission planning and development under Sections 403.537 and 366.04(5), Florida Statutes, as well as its broader authority to ensure prudent utility management and decision-making.

The Order language that EDF asks the Commission to reconsider is that which asserts that "EDF would have [the Commission] impose non-existent state planning requirements" in transmission line need proceedings and that "EDF would have [the Commission] overstep and preemptively decide the adequacy of regional transmission planning in FERC's place." These statements are inaccurate characterizations of EDF's positions that have no evidentiary basis, and thus EDF simply asks the Commission to correct them.

Regarding state planning, EDF's requests are grounded in the Commission's express jurisdiction over the planning and development of the grid and mandate to avoid uneconomic duplication of transmission facilities. These are <u>state</u> planning requirements. Further to this point, Commission Rule 25-22.076(4), F.A.C., requires a petitioning utility to include the following information:

> (4) A summary discussion of the major alternative transmission lines or transmission improvements which were examined and evaluated by the utility in arriving at the decision to pursue the proposed project. The discussion shall consist of: (a) a general description of the other transmission line alternatives, including, if appropriate, load flow analyses and electrical system diagrams showing power flows and voltage profiles on the transmission lines in the more critical operating conditions and (b) a discussion of the performance of each alternative in terms of economics, reliability, long-term flexibility and usefulness, or other relevant factors.

FPL may argue that it had discretion not to consider the transmission improvements EDF contends a prudent utility should have evaluated, and the Commission may agree that this decision does not justify rejecting the AOP. However, that is a separate issue from the PSC's statement that EDF seeks to impose non-existent state planning requirements.

The specific state planning requirements that EDF has asked the PSC to apply are the avoidance of uneconomic duplication of transmission facilities and the cost-effective provision of abundant, low-cost electrical energy for the economic well-being of all Floridians. The Commission may, subject to further review, decide that FPL's actions were prudent, but again, that is a different issue from the Order's statement that EDF has advocated for the application of <u>non-existent</u> planning requirements.

To the same point, EDF argued that FPL should have considered additional potential transmission improvements beyond the three high-voltage transmission projects that it <u>did</u> consider, but such considerations are plainly within the scope of Rule 25-22.076(4), F.A.C., and therefore, EDF's positions were at least within the Commission's jurisdiction to consider.

While EDF did argue and did present evidence that potential regional alternatives could have provided a better outcome for FPL's customers within the meaning of the criteria of Section 403.537, Florida Statutes, EDF's arguments were again squarely within the scope of the Commission's jurisdiction under that statute, as well as within the Commission's broad jurisdiction to ensure prudent utility decision-making and to regulate in the public interest pursuant to other provisions of Chapter 366, Florida Statutes.

<u>Nowhere</u> has EDF asked the Commission to issue any order that would displace, supplant, or otherwise conflict with FERC's jurisdiction. The Commission has clear authority under its governing statutes and rules to consider whether there is a regional transmission alternative that could better serve FPL's customers and Florida's electric consumers than the AOP.

In this Motion EDF is not asking the PSC to re-weigh any evidence. This request for reconsideration simply asks the Commission to correct the statements in the Order that "EDF would have us impose non-existent state planning requirements for alternatives in transmission line need determination proceedings" and that "EDF would have us overstep and preemptively decide the adequacy of regional transmission planning in FERC's place." EDF has argued that the provisions of Section 366.04(5), Florida Statutes, which direct the Commission to avoid the further uneconomic duplication of transmission facilities through its jurisdiction over transmission planning, should be considered in this proceeding; this is clearly a standard set forth in the Florida Statutes that is within the Commission's jurisdiction. Moreover, Commission Rule 25-22.076 (4), F.A.C., states that a petitioning utility, and thus the Commission, may consider other potential transmission system improvements available to the utility in evaluating a transmission line need petition.

Regarding the Order language stating that EDF would potentially have the Commission overstep its jurisdiction and preemptively decide the adequacy of regional transmission planning, EDF first asks the Commission to reconsider the language in light of EDF's clearly stated position that the Commission has authority over transmission planning pursuant to the Grid Bill as well as the TLSA. Beyond that, it appears that the Commission may have overlooked record evidence regarding the Commission's role recognized by FPL and the FERC in transmission planning and oversight. Specifically, FPL's FERC-approved OATT states that: "The Florida Public Service Commission ("FPSC") is an integral part of the planning process by providing input, guidance, and regulatory oversight under this process." EXH 35 P. 310.

The Commission has made its decision on this matter, with which EDF disagrees for substantive and procedural reasons, but EDF is <u>not</u> in any way asking the Commission to re-weigh the evidence on this issue.

Rather, this Motion simply asks the Commission to recognize that EDF has not requested that the Commission "impose non-existent planning requirements" or "preemptively decide the adequacy of regional transmission planning in FERC's place." Asking the Commission to consider whether a regional alternative might be available that would better meet the needs of FPL's customers and the electric consumers of Florida than the AOP is a matter that the Commission is able to review under its governing statutes and rules.

<u>Facts Potentially Overlooked by the Commission in the Order</u>

In view of the somewhat ambiguous state of the law as to what a party must identify in a motion for reconsideration in order to preserve such issues for possible appeals, *see Citizens of Fla.*, 373 So. 3d at 1131, EDF asks the Commission to reconsider its Order to the extent that the Order did not specifically address three particular issues raised by EDF in its Brief: (1) FPL's allocation of large loads, likely from data centers, to Miami-Dade County in its load projections that formed the basis for FPL's projected capacity need upon which its decision to pursue the AOP was based, (2) the combined effect of this allocation of large loads with the use of a P80 load factor, and (3) the use of transmission line capacity ratings that are inconsistent with the operating standards for the contingency events assessed in the NERC TPL-001-5.1 reliability assessment.

EDF called these issues to the Commission's attention in its Brief. The large load (data center load) issue was addressed at pages 42-44 of EDF's Brief. As explained in EDF's Brief, FPL's load for the Miami-Dade County area to be served by the AOP included an allocated share of FPL's total projected data center load, even though the record shows that there are no large loads being planned for the Miami-Dade County area at present. EXH 192 at H50-51. EDF also explained how the misallocation of load is particularly problematic when a P80 load factor is used, such as in this case, because by multiplying the inflated load by the P80 factor the underlying load diverges further from the expected load. The inconsistent use of different line capacity values for evaluating existing capacity vs. the actual emergency capacity of its existing lines was addressed at pages 47-50. On pages 48-49 of the Brief, EDF specifically called the Commission's attention to the fact that the NERC Reliability criterion TPL-001-5.1, which is the criterion upon which FPL's claimed reliability need is based, requires the use of applicable line ratings, while FPL's OATT specifically mandates the use of emergency line ratings in these assessments.

Because the Order does not address these issues, it appears that the Commission may have overlooked these relevant facts in making its decision. Accordingly, EDF respectfully asks the Commission to reconsider its decision and modify the Order accordingly.

Statement of Conferral. Pursuant to Rule 28-106.204(3), F.A.C., counsel for EDF conferred with the other parties in this case regarding this Motion to Alter Schedule. EDF can represent that FPL opposes the Motion, that the Office of Public Counsel takes no position on the Motion, and that the Commission Staff take no position on the Motion.

CONCLUSION AND PRAYER FOR RELIEF

WHEREFORE, the Environmental Defense Fund, Inc., respectfully moves the Commission to enter its order granting reconsideration of its Order as set forth above.

Respectfully submitted this 8th day of June, 2026.

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by electronic mail on this 8th day of June, 2026, to the following:

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