

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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

Docket No. 20260020-EI

Filed: June 12, 2026

**FLORIDA POWER & LIGHT COMPANY’S RESPONSE IN OPPOSITION
TO THE MOTION OF ENVIRONMENTAL DEFENSE FUND, INC. FOR
RECONSIDERATION OF THE COMMISSION’S FINAL ORDER**

Florida Power & Light Company (“FPL”), pursuant to Rule 25-22.060(3) and Rule 28-106.204, Florida Administrative Code, hereby submits this Response in opposition to the Motion (“Motion”) of the Environmental Defense Fund, Inc. (“EDF”) requesting the Florida Public Service Commission (“Commission”) reconsider Order No. PSC-2026-0179-FOF-EI (the “Final Order”), which found and determined that there is a need for each of the four transmission lines associated with FPL’s proposed Andytown-Oasis Project (“AOP” or the “Project”) pursuant to Section 403.537, Florida Statutes, as required under the Florida Electric Transmission Line Siting Act (“TLSA”), Sections 403.52-403.5365, Florida Statutes.

EDF’s Motion should be denied. Reconsideration is extraordinary and narrow. It is not a vehicle to rewrite a final order, adopt one party’s preferred wording, repackage post-hearing arguments from that party’s brief, force the Commission to address every rejected sub-argument in the manner that party prefers, or preserve appellate issues by turning a final order into an editing exercise. Yet that is exactly what EDF attempts here.

EDF does not identify a single point of fact or law that the Commission overlooked and that would require a different outcome. Instead, EDF asks the Commission to “correct” selected language because EDF dislikes how the Final Order characterized EDF’s arguments. That is not reconsideration. That is post-order wordsmithing. EDF also asks the Commission to revisit three

factual allegations that EDF already raised in its post-hearing brief: large load allocation, P80 load assumptions, and emergency line ratings. That is not reconsideration either. It is reargument of the same claims the Commission considered and rejected when it approved the AOP after a full evidentiary hearing, post-hearing briefing, Staff's recommendation, and deliberation.

EDF's Motion fails for three independent reasons. First, EDF fails to meet the legal standard for reconsideration because it identifies no overlooked point of fact or law. Second, even assuming, *arguendo*, that EDF's arguments satisfied the reconsideration standard, which they do not, the arguments are legally wrong, factually unsupported, and contrary to the competent substantial evidence in the record. Third, none of EDF's requested revisions would materially change the Final Order's findings, conclusions, or ultimate determination that the AOP is needed to resolve mandatory reliability violations and ensure continued safe, reliable, abundant, and low-cost electric service in Miami-Dade County.

EDF's Motion is not a proper request for reconsideration. It is an attempt to continue litigating arguments the Commission has already rejected. The Commission should deny it in full. In further support, FPL states as follows.

I. BACKGROUND

1. On February 9, 2026, pursuant to Section 403.537, Florida Statutes, and Rule 25-22.075, Florida Administrative Code, FPL filed a Notice of Intent to File Petition for Transmission Lines Need Determination. On March 11, 2026, FPL petitioned for an affirmative determination of need for the construction of the proposed AOP in accordance with Section 403.537, Florida Statutes, Chapter 120, Florida Statutes, and Rules 25-22.076 and 28-106.201, Florida Administrative Code.

2. The AOP consists of four high-voltage transmission lines: (1) one 500-kV line starting at FPL's existing Andytown substation in Broward County and ending at FPL's planned Oasis substation in Miami-Dade County; (2) one 500-kV line starting at FPL's existing Quarry substation in Miami-Dade County and ending at FPL's planned Oasis substation in Miami-Dade County; (3) one 230-kV line starting at FPL's planned Oasis substation in Miami-Dade County and ending at FPL's existing Quarry substation in Miami-Dade County; and (4) one 230-kV line starting at FPL's planned Oasis substation in Miami-Dade County and ending at FPL's existing Levee substation in Miami-Dade County.

3. A formal administrative hearing was held on April 23, 2026. Post-hearing briefs were filed by the parties on April 29, 2026. After reviewing all the evidence, and with the benefit of post-hearing briefs and Staff's oral recommendation and summary of issues, positions, and record evidence, the Commission rendered its official vote at the May 11, 2026 Special Agenda Conference approving the need for the AOP.

4. On June 1, 2026, the Commission issued the Final Order. The Final Order addressed the statutory need criteria under Section 403.537(1)(c), Florida Statutes, including the need for electric system reliability and integrity, the need for abundant, low-cost electrical energy to assure the economic well-being of Florida residents, the appropriate starting and ending points of the lines, and other matters within the Commission's jurisdiction deemed relevant to the determination of need.

5. On June 8, 2026, EDF filed the Motion. EDF does not seek reconsideration based on a newly identified controlling statute, rule, case, or record fact that the Commission overlooked. Instead, EDF seeks reconsideration of selected language in the Final Order concerning: (1) EDF's position regarding Section 366.04(5), Florida Statutes, the Grid Bill, and FERC Order No. 1000;

(2) EDF's position regarding technological alternatives to the AOP; (3) EDF's position regarding state planning requirements and regional planning; and (4) three factual allegations concerning large loads/data centers, P80 load assumptions, and transmission line ratings.

6. FPL files this Response to EDF's request for reconsideration of the Final Order. For the reasons explained below, EDF's Motion fails the legal threshold required for reconsideration and should be denied.

II. LEGAL STANDARD FOR RECONSIDERATION

7. Pursuant to Rule 25-22.060(1)(a), Florida Administrative Code, "Any party to a proceeding who is adversely affected by an order of the Commission may file a motion for reconsideration of that order."¹ However, reconsideration is not a do-over or vehicle to reweigh evidence, raise new theories, or supplement the record.

8. The Commission has explained the well-established standard for reconsideration as follows:

The appropriate standard of review for reconsideration of a Commission order is whether the motion identifies a point of fact or law that we overlooked or failed to consider in rendering the order under review. *See Stewart Bonded Warehouse, Inc. v. Bevis*, 294 So. 2d 315 (Fla. 1974); *Diamond Cab Co. v. King*, 146 So. 2d 889 (Fla. 1962); and *Pingree v. Quaintance*, 394 So. 2d 162 (Fla. 1st DCA 1981). It is not appropriate to reargue matters that have already been considered. *Sherwood v. State*, 111 So. 2d 96 (Fla. 3d DCA 1959); citing *State ex. rel. Jaytex Realty Co. v. Green*, 105 So. 2d 817 (Fla. 1st DCA 1958). Furthermore, a motion for reconsideration should not be granted "based upon an arbitrary feeling that a mistake may have been made, but should be based upon specific factual matters set forth in the record and susceptible to review." *Stewart Bonded Warehouse, Inc.*, 294 So. 2d at 317.

¹ For purposes of TLISA need determinations, a petition for reconsideration must be filed within five (5) days of the Commission's decision. Fla. Admin. Code R. 25-22.075(1).

In re: Petition for rate increase by Florida City Gas, Docket No. 20220069-GU, Order No. PSC-2023-0299-FOF-GU at 3, 2023 FLA. PUC LEXIS 290 (FPSC Oct. 2, 2023).²

9. Thus, the “mere fact that a party disagrees with the order is not a basis for rearguing the case” and “reweighing the evidence is not a sufficient rationale for granting reconsideration.” *In re: Petition for arbitration of amendment to interconnection agreements with certain competitive local exchange carriers and commercial mobile radio service providers in Florida by Verizon Florida Inc.*, Docket No. 040156-TP, Order No. PSC-06-0078-FOF-TP, 2006 Fla. PUC LEXIS 51 at *3 (FPSC Feb. 3, 2006) (citing *Diamond Cab*, 146 So. 2d 889 and *Jaytex Realty Co.*, 105 So. 2d 817).

10. A request for reconsideration must “be based upon specific factual matters set forth in the record and susceptible to review.” *In re: Petition by BellSouth Telecommunications, Inc. for arbitration of certain issues in interconnection agreement with Supra Telecommunications and Information Systems, Inc.*, Docket No. 001305-TP, Order No. PSC-02-0878-FOF-TP, 2002 Fla. PUC LEXIS 622 at *24 (FPSC July 1, 2002) (quoting *Stewart Bonded*, 294 So. 2d at 317). Consistent with the legal requirement that the request for reconsideration must be grounded in the record evidence, the Commission has explained that “[a] motion for reconsideration is not an appropriate vehicle ... to introduce new evidence....” *In Re: Application for Amendment of Certificates Nos. 298-W and 248-S in Lake County by JJ's Mobile Homes, Inc.*, Order No. PSC-94-1563-PCO-WS, Docket Nos. 921237-WS and 940264-WS (FPSC Dec. 15, 1994) (emphasis added).

² See also *In re: Application for certificate to provide wastewater service in Charlotte County, by Environmental Utilities, LLC*, Docket No. 20200226-SU, Order No. PSC-2021-0240-FOF-SU at 2, (FPSC July 1, 2021) (same); *In re: Petition for rate increase by Florida Power & Light Company*, Docket No. 20210015-EI, Order No. PSC-2021-0364-FOF-EI at 2 (FPSC Sept. 17, 2021) (same).

11. Further, a motion for reconsideration is not a vehicle to raise new arguments or issues not previously raised by the moving party. *In Re: Application for rate increase in Flagler County by Palm Coast Utility Corporation*, Docket No. 951056-WS, Order No. PSC-97-0388-FOF-WS, 1997 Fla. PUC LEXIS 402 at *25 (FPSC Apr. 7, 1997) (citing *Diamond Cab*). A party that raises an argument or issue for the first time in a motion for reconsideration has not identified anything that the Commission overlooked or failed to consider in rendering its decision.³

12. EDF's reliance on *Citizens of State v. Clark*, 373 So. 3d 1128 (Fla. 2023) does not change this standard. *Clark* addresses appellate preservation of alleged legal errors concerning positions or issues not previously raised by the parties that first appear in a final order.⁴ It does not convert reconsideration into a mechanism for relitigating rejected factual assertions,

³ See *In re: Request for arbitration concerning complaint of American Communication Services of Jacksonville, Inc. d/b/a e.spire Communications, Inc. and ACSI Local Switched Services, Inc. d/b/a e.spire Communications, Inc. against BellSouth Telecommunications, Inc. regarding reciprocal compensation for traffic terminated to internet service providers*, Docket No. 981008-TP, Order No. PSC-99-1453-FOF-TP, 1999 Fla. PUC LEXIS 1143 at *23 (FPSC July 26, 1999) (having raised an argument for the first time in a motion for reconsideration, the party had “not identified anything that [the Commission] overlooked or failed to consider in rendering [its] decision”); *In re: Petition for arbitration of certain terms and conditions of an interconnection agreement with Verizon Florida, LLC by Bright House Networks Information Services (Florida), LLC*, Docket No. 090501-TP, Order No. PSC-11-0141-FOF-TP, 2011 Fla. PUC LEXIS 110 at *9 (FPSC Mar. 1, 2011) (a new argument cannot be raised for the first time as a grounds for reconsideration).

⁴ In *Clark*, alleged legal errors appeared for the first time in the Commission's final order. Specifically, the Office of Public Counsel (“OPC”) filed a motion for reconsideration asserting that reconsideration was warranted because the Commission overlooked that consideration of mitigating factors was not authorized by law. Notably, this request by OPC was a classic example of reconsideration due to the Commission overlooking a point of law in its final order. Nonetheless, the OPC subsequently withdrew its motion for reconsideration and filed an appeal. On appeal, the Court concluded that OPC failed to properly preserve its issues for appeal when a claimed legal error appeared for the first time in a Commission's final order, and OPC filed a motion for reconsideration and then voluntarily “withdrew the motion without giving the Commission a fair opportunity to correct the alleged errors raised in the motion.” *Clark*, at 1132. The Court concluded that OPC's conduct failed to properly preserve the claimed legal error for appeal. *Id.* Failing to preserve a legal argument that the final order overlooked a point of law is materially different than a party's ability to use a motion for reconsideration to raise for the first time a new factual argument or issue that was not previously considered by the Commission – one is overlooked and ripe for reconsideration and the other is not. As Chief Justice Muñiz stated in his concurrence in *Clark*, the unpreserved appellate issues are “ones that the Commission itself created by resolving this case along lines that neither party advocated,” and *Clark* does not address preservation of appellate issues “that are litigated by the parties and then resolved (correctly or not) in a final order.” *Clark*, at 1132-1133.

demanding line edits to final orders, or requiring the Commission to address every rejected argument in the exact language preferred by the losing party.

III. EDF FAILED TO MEET THE LEGAL STANDARD FOR RECONSIDERATION

13. In its Motion, EDF makes four arguments that it claims warrant reconsideration of the Final Order:

- A. The Final Order allegedly mischaracterized EDF's position regarding Section 366.04(5), Florida Statutes, the Grid Bill, and FERC Order No. 1000;
- B. The Final Order allegedly mischaracterized EDF's position regarding technological alternatives;
- C. The Final Order allegedly mischaracterized EDF's position regarding state planning requirements and regional transmission planning; and
- D. The Final Order allegedly failed to address three factual allegations concerning large loads/data centers, P80 load assumptions, and transmission line ratings.

14. As explained below, each of EDF's arguments fail. The first three are requests for editorial revisions to the Final Order, not reconsideration. The fourth is pure reargument of factual assertions already raised in EDF's post-hearing brief. None of EDF's arguments identify an overlooked point of fact or law that would require a different result; none of EDF's arguments undermine the competent substantial evidence supporting the Commission's need determination; and none of EDF's arguments would produce a material change in the Final Order.

A. EDF's Grid Bill and FERC Order 1000 Argument Fails

15. EDF first asks the Commission to reconsider statements in the Final Order discussing EDF's position regarding the Grid Bill, Section 366.04(5), Florida Statutes, and FERC Order No. 1000. EDF claims the Final Order inaccurately states that EDF argued FERC Order No. 1000 is within the Commission's jurisdiction "because of" the Commission's Grid Bill jurisdiction.⁵ This argument fails both procedurally and substantively.

16. EDF's first argument does not identify an overlooked point of fact or law. Instead, EDF asks the Commission to revise or delete language because EDF believes the Final Order did not describe EDF's position with sufficient precision or to EDF's liking. That is not the function of reconsideration.

17. The purpose of reconsideration is to bring to the Commission's attention a point of fact or law the Commission overlooked. It is not to allow a disappointed party to revise the Commission's written explanation so that it more closely tracks that party's preferred framing of its position or argument. Final orders are not party-authored pleadings – they are agency decisions. The Commission was not required to adopt EDF's preferred wording, accept EDF's litigation characterizations, or recite EDF's arguments in the manner EDF now prefers.

18. Even if EDF were correct that certain wording could be refined, which FPL does not concede, EDF still would not be entitled to reconsideration. A motion for reconsideration requires more than a stylistic disagreement. It requires an overlooked point of fact or law that matters, and EDF identifies none.

19. EDF attempts to prove error by conducting word searches of its brief, prehearing statement, and testimony for references to "Section 366.04(5)," "Grid Bill," "FERC Order No.

⁵ See EDF Motion at 4-7.

1000,” and “uneconomic duplication.”⁶ That is not the reconsideration standard. The Commission was not required to parse EDF’s arguments through keyword searches or isolate individual paragraphs from the total litigation position EDF advanced.

20. The Final Order appropriately addressed the substance of EDF’s presentation. EDF’s case was built around an effort to expand this need determination beyond the statutory need criteria into a broader review of FPL’s local and regional transmission planning, FRCC’s regional planning process, alleged FERC Order No. 1000 deficiencies, alleged future Order No. 1920 obligations, and technological or regional alternatives that EDF claims FPL should have evaluated. EDF repeatedly invoked the Commission’s “planning” jurisdiction and the avoidance of uneconomic duplication as a basis to demand broader review of alternatives and regional planning issues.⁷ Whether EDF placed the words “FERC Order No. 1000” in the same paragraph as “Section 366.04(5)” is immaterial. EDF’s briefing attempted to use state-law planning concepts as a basis for asking the Commission to scrutinize the adequacy of FERC-jurisdictional regional planning and alternatives analysis. The Commission correctly rejected that effort because the federal planning issues EDF invokes are not themselves state-law need criteria and are not issues the Commission may adjudicate here.⁸

21. EDF’s position was not subtle. EDF asked the Commission to use this state TLSA need case to evaluate whether FPL’s project should have been considered through broader regional transmission planning processes, whether regional alternatives should have been considered, and

⁶ See EDF Motion at 5-6.

⁷ See, e.g., EDF Br., pp. 2, 8-10, 15-16, 26-29, 31, 34-36, 55-56, 60-61, and 70-72.

⁸ See, e.g., EDF Br., pp. 8-10, 17-22, 24-25, 29-32, and 34-37; Final Order, pp. 4-8.

whether FPL's planning was adequate under federal planning principles.⁹ The Final Order correctly rejected that effort.¹⁰

22. EDF's disagreement with how the Commission summarized the position is not an overlooked fact or law. It is a disagreement with the Commission's characterization of the litigation record. That is not grounds for reconsideration.

23. Even assuming, *arguendo*, that EDF's Motion satisfied the reconsideration threshold, the argument fails on the merits. Section 366.04(5), Florida Statutes, grants the Commission jurisdiction over the planning, development, and maintenance of a coordinated electric power grid throughout Florida to assure adequate and reliable energy for operational and emergency purposes and avoid further uneconomic duplication of generation, transmission, and distribution facilities. That statute is important, but it is not unlimited. Nothing in this statute authorizes the Commission, in this TLSA need proceeding, to adjudicate whether FPL, FRCC, or any other entity complied with the Federal Power Act, a FERC-approved tariff, or FERC's regional planning rules, including Order No. 1000.

24. Section 403.537(1)(c), Florida Statutes, expressly limits the Commission's need-determination review to the statutory need factors and "other matters within its jurisdiction deemed relevant to the determination of need." The phrase "within its jurisdiction" matters. EDF cannot use Section 366.04(5) as a jurisdictional bootstrap to litigate FERC-jurisdictional regional planning issues in a state need determination.

25. EDF's own witnesses admitted that FERC has overall regulatory responsibility for transmission planning and regulation under the Federal Power Act.¹¹ Challenges to FERC-

⁹ See, e.g., EDF Br., pp. 4-5, 10, and 70-72.

¹⁰ See Final Order, pp. 4-8.

¹¹ See Cranston Tr. p.58, ln. 7-9; Thomas Tr. p.94, ln. 5-7.

approved tariffs, regional planning processes, FRCC implementation, or compliance with FERC Orders belong before FERC – not in this need determination.

26. The Final Order correctly drew that line,¹² and EDF has identified no overlooked point of law requiring a different result.

B. EDF's Technological Alternatives Argument Fails

27. EDF next asks the Commission to reconsider language in the Final Order stating that EDF's position would mean every project could be characterized as duplicative of some theoretical option. EDF claims it did not identify open-ended or hypothetical alternatives, but instead identified specific technologies: Battery Energy Storage Systems, capacitors, advanced conductors, Dynamic Line Ratings, Advanced Power Flow Controllers, and Topology Optimization.¹³ This is reargument dressed as a semantic objection and should be rejected.

28. EDF does not identify an overlooked fact or law. EDF identifies language it dislikes. That is not enough for the Commission to grant EDF's Motion.

29. The Commission was not required to accept EDF's characterization that its listed technologies were concrete, fully developed, technically viable alternatives. Nor was the Commission required to describe EDF's position using EDF's preferred adjectives. The Commission was entitled to evaluate the record and conclude that EDF's position, if accepted, would convert every transmission need determination into an open-ended inquiry into other possible technologies that might theoretically reduce or defer the need for a proposed project. EDF's disagreement with that characterization in the Commission's Final Order is not a basis for reconsideration.

¹² See Final Order, pp. 4-8.

¹³ See EDF Motion, pp. 7-10.

30. EDF's fundamental problem is unchanged: EDF did not present a technically supported, cost-effective alternative that would fully resolve the identified reliability violations by the required timeframe. EDF named technologies; it did not present a technically supported alternative. Indeed, EDF provided no complete engineering analysis, no load-flow studies, no cost-effective project design, and no analysis of the siting, interconnection, operational, protection-system, voltage, stability, or reliability impacts for any of EDF's purported alternative technologies. In short, EDF offered no evidence to show that any alternative, alone or in combination, could timely and fully resolve the identified local violations of the mandatory NERC Reliability Standards by December 2033.

31. A list of technologies is not an alternative, a white paper is not a transmission plan, and a generalized assertion that a technology exists is not competent substantial evidence that it solves the specific reliability need before the Commission. The Final Order properly recognized this distinction. EDF's attempt to reframe its list of technologies as concrete alternatives does not change the evidentiary record.

32. EDF relies on Rule 25-22.076(4), Florida Administrative Code, which requires a petitioning utility to provide a summary discussion of major alternative transmission lines or transmission improvements examined and evaluated by the utility in arriving at the decision to pursue the proposed project. FPL complied with that requirement by evaluating major transmission alternatives capable of resolving the identified need and by providing the supporting load-flow analyses and discussion required by the rule.¹⁴

¹⁴ See CEL Ex. 3 (Confidential Exhibit A to FPL Petition, Sections 4 and 5, Attachments 7 and 8, and Appendices A-C); Yanes Tr. p. 34, ln. 10 – p. 35, ln. 5, p. 36, ln. 17 – p. 38, ln. 16; CEL Ex. 7 (Confidential Yanes Ex. MAY-4).

33. Nothing in Rule 25-22.076(4) requires a utility to perform a speculative evaluation of every technology that an intervenor later identifies with no showing that the technology can solve the actual reliability problem. Nothing in the rule requires the Commission to deny a needed transmission project because a party can list technologies that may provide benefits in other contexts. And nothing in the rule transforms unevaluated, unsupported, and non-record-tested concepts into “major alternatives” requiring the Commission’s reconsideration of a final order.

34. EDF’s reading would turn every transmission need determination into an endless exploration of theoretical technologies, possible operational measures, and potential portfolios regardless of whether any party has shown that those measures solve the need. That is precisely the problem the Final Order identified.¹⁵

35. Finally, EDF’s argument improperly asks the Commission to reweigh evidence already considered. Indeed, EDF made this same alternatives argument in its testimony and post-hearing brief.¹⁶ The Commission considered the record and rejected the argument when it found the AOP needed.¹⁷ EDF cannot obtain reconsideration by repeating the argument and insisting that its list of technologies was “specific” rather than “theoretical.”

36. Whether EDF’s named technologies were sufficiently specific, technically viable, or capable of resolving the AOP need was a merits issue. The Commission resolved it. Reconsideration is not an opportunity for EDF to relitigate that point.

C. EDF’s State Planning Requirements Argument Fails

37. EDF next asks the Commission to reconsider language stating that EDF would have the Commission impose “non-existent state planning requirements” for alternatives in

¹⁵ See Final Order, pp. 5, 9.

¹⁶ See EDF Br. 24-25, 54-61; Cranston Tr. p. 52, ln. 14 – p. 53, ln. 4, p. 70, ln. 4 – p. 76, ln. 6.

¹⁷ See Final Order, p. 9.

transmission line need determination proceedings or “overstep and preemptively decide the adequacy of regional transmission planning in FERC’s place.”¹⁸ EDF’s argument fails because the Final Order correctly addressed the substance of EDF’s requested relief.

38. EDF’s third argument is another request for the Commission to rephrase the Final Order. EDF does not identify a controlling statute, rule, case, or record fact that the Commission overlooked. EDF instead argues that the Commission’s wording was unfair to EDF’s litigation position. That is not reconsideration. The Commission was not required to describe EDF’s position in EDF’s preferred terms. Nor was the Commission required to accept EDF’s attempt to recast its broad regional planning challenge as merely an ordinary request to apply state planning law. EDF’s argument should be denied for this reason alone.

39. In further support, EDF argues that the Commission overlooked that Section 366.04(5), Florida Statutes, and Rule 25-22.076(4), Florida Administrative Code, establish state planning requirements. However, the Commission overlooked no such thing. The Final Order expressly discussed Section 366.04(5), Florida Statutes, and rejected EDF’s attempt to use that provision to expand the proceeding into FERC Order No. 1000 issues and broader speculative alternatives. The Final Order also addressed the alternatives evidence in the context of the need determination.¹⁹

40. The issue is not whether Section 366.04(5) exists. It plainly does. The issue is whether Section 366.04(5) creates the specific state-law obligations EDF seeks to impose in this proceeding – namely, a requirement that FPL conduct the type of regional, technology, economic,

¹⁸ See EDF Motion, pp. 10-15.

¹⁹ See Final Order, pp. 5, 9.

or portfolio planning analysis EDF believes should have occurred before the Commission may approve the AOP. It does not.

41. Similarly, Rule 25-22.076(4) requires discussion of major alternative transmission lines or transmission improvements examined and evaluated by the utility. It does not create a free-standing obligation to perform the open-ended alternatives analysis EDF demands. Nor does it give the Commission jurisdiction to adjudicate FERC regional planning compliance.

42. The Final Order correctly rejected EDF's effort to convert these provisions into requirements that do not exist.

43. EDF further contends that the Commission overlooked language from FPL's FERC-approved Open Access Transmission Tariff ("OATT") stating that the Commission is "an integral part of the planning process by providing input, guidance, and regulatory oversight under this process."²⁰ That argument is misplaced.

44. A FERC-approved tariff cannot expand the Commission's statutory jurisdiction beyond what the Florida Legislature has conferred. The Commission is a creature of statute. Its authority must come from Florida law. A tariff reference to the Commission's role in providing input, guidance, and regulatory oversight does not authorize the Commission to expand its statutory authority and enforce FERC Order No. 1000, decide whether FRCC's regional planning process is adequate, adjudicate alleged OATT violations, or require FPL to conduct "true" regional planning as EDF defines it.

45. At most, the OATT language recognizes that the Commission has an important role in Florida utility planning within the scope of its lawful authority. It does not transform this TLSA

²⁰ See EDF Motion, p. 14.

need determination case into a FERC compliance proceeding. It does not make EDF's preferred regional planning issues relevant. It does not make reconsideration appropriate.

46. In its Motion, EDF now claims it was not asking the Commission to decide the adequacy of regional planning in FERC's place.²¹ However, EDF's testimony and briefing demonstrate otherwise. EDF's witnesses criticized FRCC governance, attacked the efficacy of the FERC Order No. 1000 regional planning process, argued that FRCC's process has produced no regional projects, invoked future FERC Order No. 1920 planning obligations, and urged the Commission to deny the AOP and require further regional planning and stakeholder processes.²² That is exactly the kind of collateral regional planning challenge the Final Order properly rejected.

47. The Commission's need determination authority is substantial, but it is not boundless. Nothing in Sections 403.537 or 366.04(5), Florida Statutes, gives the Commission authority to enforce, supervise, revise, or adjudicate the merits of FERC's regional transmission planning framework. To the extent EDF believes FRCC's process is inadequate, FPL has violated an OATT, or FERC Orders require a different planning process, EDF's remedy is before FERC. The Final Order correctly found that these issues are beyond the Commission's jurisdiction and not relevant to the AOP need determination.²³

48. Finally, the Third Circuit's decision in *Transource Pennsylvania, LLC v. DeFrank*, 156 F.4th 351 (3d Cir. 2025), underscores the federal-state jurisdictional line. While states retain traditional authority over siting, permitting, and construction under state law, a state commission may not substitute its judgment for FERC on matters federal law places in FERC's hands,

²¹ See EDF Motion, pp. 14-15.

²² See Cranston Tr. p. 52, ln. 3 – p. 53, ln.7, p. 60, ln. 6 – 14, p. 75, ln. 4 - p. 76, ln. 6; Thomas Tr. p. 93, ln. 7 - 19, p. 97, ln. 10 – p. 98, ln. 17, p. 110, ln. 8 – 18, p. 111, ln. 1 – p. 112, ln. 6, p. 119, ln. 4 – p. 120, ln. 12; EDF Br., pp. 4-6, 29-37.

²³ See Final Order, pp. 4-8.

including regional planning determinations. EDF's position would push the Commission toward precisely the kind of federal regional planning adjudication that belongs elsewhere. The Commission properly refused to do so.

D. EDF's "Overlooked Facts" Argument Fails

49. EDF finally argues that the Commission may have overlooked three factual issues raised in EDF's post-hearing brief: (1) FPL's allocation of large loads, likely from data centers, to Miami-Dade County in its load projections; (2) the combined effect of that allocation with use of a P80 load factor; and (3) the use of transmission line capacity ratings that EDF claims are inconsistent with the operating standards for the contingency events assessed under NERC TPL-001-5.1.²⁴ This argument fails for multiple reasons.

1. Repeating arguments from a post-hearing brief does not show the Commission overlooked them

50. EDF admits these issues were raised in its post-hearing brief. That admission defeats the Motion. At the time of its approval of the AOP need determination, the Commission had EDF's brief; the Commission had FPL's brief; the Commission had the evidentiary record; the Commission had Staff's summary of the issues, party positions, and record evidence and oral recommendation on the issues. The Commission issued a Final Order after considering the record.

51. EDF's argument is not that these facts were unavailable or undiscoverable. EDF's argument is that the Final Order did not discuss them in the manner EDF wanted. That is not reconsideration.

52. No rule requires a Commission final order to catalogue and reject every evidentiary contention in a party's post-hearing brief. The Commission was required to make findings and explain its decision based on the statutory need criteria. It did so. The fact that EDF would have

²⁴ See EDF Motion, pp. 15-17.

preferred more discussion of its rejected sub-arguments does not mean the Commission overlooked them.

2. EDF offered no competent technical evidence showing the load forecast was wrong

53. EDF's large-load/data-center argument fails on the merits. FPL presented competent evidence supporting the Miami-Dade County load forecast and the reliability need. FPL explained that, over the past three years, FPL's service area in Miami-Dade County reported summer peak loads between approximately 6,014 MW and 6,239 MW, and FPL's 2025 forecast projects that by 2033, the summer peak load in Miami-Dade County will be approximately 7,200 MW.²⁵ FPL further explained that this growing customer base and associated demand will cause the transmission system serving Miami-Dade County to exceed thermal ratings and result in low voltage conditions in violation of mandatory NERC Reliability Standards.²⁶

54. FPL also explained that it develops its summer peak load forecasts annually as part of its system-wide and regional load-forecasting process conducted in conjunction with the Ten-Year Site Plan ("TYSP").²⁷ The Miami-Dade County summer peak load forecast used in this proceeding is the same load forecast used in FPL's 2025 TYSP filed with the Commission.²⁸ Those forecasts reflect existing and approved demand response and demand-side management programs.²⁹

55. EDF did not rebut that evidence with a competent alternative load forecast. The record is clear that EDF's witnesses offered no alternative load forecast, no reliability study using

²⁵ See Yanes Tr. p. 35, ln. 21 – p. 36, ln. 1.

²⁶ See Yanes Tr. p. 36, ln. 1-8.

²⁷ See CEL Ex. 39 (FPL Response to Staff Interrogatory No. 22).

²⁸ See CEL Ex. 37 (FPL Response to Staff Interrogatory No. 1).

²⁹ See CEL Ex. 37 (FPL Responses to Staff Interrogatory Nos. 6 and 10).

different load assumptions, no load-flow analysis showing the violations would disappear under EDF's data-center theory, and no quantification of the alleged effect of removing large loads from the load forecast for Miami-Dade County. EDF, therefore, failed to show that FPL's load forecast was unreasonable under applicable planning standards.

56. EDF's argument is a critique, not evidence. It does not meet the reconsideration standard, and it would not change the outcome.

3. EDF's P80 argument is reargument and lacks materiality

57. EDF's P80 argument fails for the same reason. EDF argues that the alleged allocation of large loads becomes more problematic when combined with a P80 load forecast assumption. But EDF offered no competent reliability analysis showing that using a different load forecast assumption would eliminate the mandatory reliability violations, eliminate the need for all four lines, or materially change the Commission's decision.

58. Again, EDF offered no study, no technically supported sensitivity, and no alternative forecast the Commission could adopt. Nor did EDF show that the AOP would be unnecessary under a different load forecast assumption. EDF's argument asks the Commission to reweigh and second-guess FPL's planning evidence based on unsupported conjecture. That is not reconsideration.

59. The Commission approved the AOP based on competent substantial evidence that the Project is needed to resolve reliability violations by December 2033 and that use of a P80 load forecast is appropriate due to the geography of Miami-Dade County.³⁰ EDF's disagreement with the load forecast does not become an overlooked fact merely because EDF repeats it in a reconsideration motion.

³⁰ See Final Order, pp. 8-9.

4. EDF's emergency-ratings argument is a collateral FERC/OATT argument and is unsupported on materiality

60. EDF's transmission line ratings argument also fails. EDF claims FPL should have used emergency ratings and ambient-adjusted ratings ("AAR") and that the Final Order should be reconsidered because it did not specifically address that issue. This is not an overlooked fact. EDF raised the argument in its brief, and the Commission considered the record and approved the AOP. EDF now seeks to reargue that same issue.

61. The argument also fails on the merits. To the extent EDF's emergency ratings argument depends on an alleged violation of FERC Order No. 881 or FPL's OATT, that federal compliance issue belongs before FERC, not in this need determination proceeding. EDF cannot convert an alleged federal tariff-compliance dispute into a basis for reconsideration of a state need determination.

62. Further, EDF provided no competent technical evidence showing that its preferred ratings would resolve the identified reliability violations or eliminate the need for the AOP. EDF also failed to provide the technical showing needed to make that argument material. It offered no load-flow study applying emergency ratings, no evidence that FPL's identified low-voltage conditions or NUC-001-4 concerns would be resolved, and no basis to treat emergency ratings as a substitute for permanent transmission infrastructure needed to maintain reliability compliance over the planning horizon.

63. EDF's position again reduces to this: EDF would have weighed the evidence differently. That is not grounds for reconsideration.

5. EDF's Motion confirms that it seeks reconsideration for preservation, not because the Commission overlooked anything material

64. EDF states that, in view of what it calls the "somewhat ambiguous state of the law" concerning preservation after *Citizens of State v. Clark*, 373 So. 3d 1128 (Fla. 2023), it asks the

Commission to reconsider issues raised in its brief.³¹ That statement is telling. EDF is not seeking reconsideration because it identified a material overlooked fact or law. It is seeking reconsideration to preserve issues for appeal.

65. That is not improper in the abstract if a final order truly raises a new issue or contains a legal error that must first be presented to the agency. But *Clark* does not authorize parties to file reconsideration motions that merely repeat rejected factual arguments. Nor does it require the Commission to reopen a final order so a party can improve its appellate posture. A preservation motive does not satisfy the reconsideration standard.

66. EDF had a full opportunity to present testimony, exhibits, cross-examination, discovery, and briefing. EDF used that opportunity and elected to waive cross-examination. The Commission considered the case and issued a Final Order. EDF's dissatisfaction with that result does not justify reconsideration.

IV. NONE OF EDF'S REQUESTED RELIEF WOULD PRODUCE A MATERIAL CHANGE IN THE FINAL ORDER

67. The Motion should also be denied because EDF does not show that its requested relief would materially change the Final Order. Most of EDF's requested relief is editorial. EDF asks the Commission to delete or revise language, but it does not explain how the requested wording changes would alter the Commission's jurisdictional conclusions, need findings, or ultimate approval of the AOP.

68. Reconsideration is not warranted for immaterial edits. The Commission should not expend additional party and Commission resources revising a final order to accommodate EDF's preferred phrasing when the outcome would remain the same.

³¹ See Footnote 3, *supra*; EDF Motion at 3, 15.

69. The controlling facts remain:

- FPL identified violations of mandatory NERC Reliability Standards TPL-001-5.1 and NUC-001-4 in Miami-Dade County by December 2033.
- The AOP is designed to resolve those violations.
- FPL evaluated major transmission alternatives capable of resolving the identified reliability need.
- EDF did not provide a technically supported alternative that would fully and timely resolve the identified reliability need.
- EDF's regional planning arguments are outside the Commission's jurisdiction and irrelevant to this local reliability need determination.
- EDF's load forecast, P80, and line-rating criticisms were already raised, and EDF has not shown that the Commission overlooked a material fact or law.
- The Commission reviewed FPL's P80 load forecast, considered the arguments of EDF, and found that use of FPL's P80 load forecast was appropriate due to the geographic constraints of Miami-Dade County.³²

70. Those facts support the Final Order. EDF's Motion does not disturb them and, therefore, should be rejected.

V. CONCLUSION

71. EDF's Motion fails on its face. It identifies no overlooked point of fact or law that would require reconsideration of the Commission's Final Order. Instead, EDF asks the Commission to revise selected wording, relitigate arguments that were fully considered and

³² See Final Order, p. 8.

rejected, and revive factual allegations that EDF failed to support with competent technical evidence.

72. The Commission should reject that effort. Reconsideration is not an editing process, a second post-hearing brief, or a vehicle for a disappointed intervenor to continue litigating after the Commission has ruled. It is certainly not a basis to delay or undermine a needed transmission project designed to resolve mandatory reliability violations in Miami-Dade County.

73. For the foregoing reasons, EDF's Motion should be denied in its entirety and the Final Order should be affirmed.

WHEREFORE, FPL respectfully requests the Commission deny EDF's Motion for Reconsideration in its entirety.

Respectfully submitted this 12th 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 to the following parties of record this 12th day of June 2026:

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