

**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: June 26, 2026

**DUKE ENERGY FLORIDA, LLC'S MOTION TO STRIKE  
FLORIDA RISING, INC AS AN INTERVENING PARTY**

Duke Energy Florida, LLC ("DEF"), by and through undersigned counsel and pursuant to Fla. Admin. Code Rule 28-106.204(1), hereby files this motion to strike Florida Rising, Inc ("FL Rising") as an intervening party, because as shown by FL Rising's testimony and sworn discovery responses, they have failed to meet the standards for standing to participate in the above-referenced proceeding. FL Rising seeks to intervene on behalf of its members, alleging that a substantial number of those members are DEF residential customers who will be affected by the outcome of this proceeding. FL Rising has the burden to prove its right to participate in this proceeding before the Public Service Commission ("Commission"), and they have failed to carry that burden. Rather than presenting competent evidence identifying a substantial number of affected DEF customers, FL Rising relies principally on a statistical estimate derived from unverified geographic assumptions and uncorroborated hearsay. FL Rising has also failed to establish standing because the alleged injury is too speculative and not sufficiently imminent. Accordingly, DEF requests that FL Rising be stricken as an intervening party, and that their pleadings and evidence be stricken from the record. In support, DEF states:

**BACKGROUND**

1. DEF filed its Petition in the above-referenced docket on April 22, 2026. The Petition presents a tariff, specifically a large load customer policy ("LLCP") and a large load

customer agreement (“LLCA”), that complies with the newly enacted Chapter 2026-65, Law of Fla., which the Governor signed into law on May 7, 2026 (“Chapter 2026-65”).

2. On May 5, 2026, FL Rising filed its Petition to Intervene in the above-referenced docket. Before the Commission ruled on its petition, Florida Rising served discovery on DEF. FL Rising also served discovery responses to DEF on June 6, 2026 regarding their allegations of standing (see Attachment A to this Motion). On June 23, 2026, the Commission issued an order, stating that “its petition to intervene shall be granted *subject to proof of standing or stipulations that there are sufficient facts to support all elements for standing.*” Order No. PSC-2026-0233-PCO-EI, p. 2 (e.s.). The Commission set a two-day hearing to consider DEF’s tariff on August 25 and 26, 2026.

3. On June 24, 2026, FL Rising filed testimony of two individuals. One provides substantive comments regarding DEF’s filing, and the other, Katina Rentas Negrón, purports to provide facts to support FL Rising’s associational standing.

4. DEF’s rebuttal testimony is due on July 8, 2026. Discovery is expected to continue until the discovery cut-off date of August 10, 2026. DEF will expend resources, and indeed already has expended resources, responding to testimony, discovery, and continued motion practice from FL Rising, when it is now clear that it has not provided competent evidence to meet the legal standard of associational standing.

5. DEF files this motion now, just two days after receiving the evidence (in the form of testimony) from FL Rising that purports to provide the support and evidence to demonstrate its standing, to seek relief from the unnecessary and burdensome effort of responding to testimony and discovery from an entity that has failed to prove its standing to participate in any facet of this

proceeding. Given the amount of work still remaining in this proceeding, DEF respectfully requests that FL Rising be stricken as a party and that their testimony, be stricken from the record.

### LEGAL STANDARD

6. To have standing, an individual intervenor must meet a two-prong standing test: the prospective intervenor must show that (1) he will suffer injury in fact which is of sufficient immediacy to entitle him to a Section 120.57, F.S., hearing, and (2) this substantial injury is of a type or nature which the proceeding is designed to protect. *See Agrico Chem. Co. v. Dep't of Envtl. Reg'l*, 406 So. 2d 478, 482 (Fla. 2d DCA 1981). The first prong of the test addresses the degree of injury. The second addresses the nature of the injury. *See id.* The "injury in fact" must be both real and immediate and not speculative or conjectural. *International Jai-Alai Players Assn. v. Florida Pari-Mutuel Commission*, 561 So. 2d 1224, 1225-26 (Fla. 3d DCA 1990). *See also, Village Park Mobile Home Assn., Inc. v. State Dept. of Business Regulation*, 506 So. 2d 426, 434 (Fla. 1st DCA 1987), rev. den., 513 So. 2d 1063 (Fla. 1987) (speculation on the possible occurrence of injurious events is too remote).

7. The test for associational standing was established in *Florida Home Builders*, 412 So. 2d 351 (Fla. 1982), and *Farmworker Rights Organization, Inc. v. Department of Health and Rehabilitative Services*, 417 So. 2d 753, 754 (Fla. 1st DCA 1982), which is based on the basic standing principles established in *Agrico*. Associational standing may be found where: (1) the association demonstrates that a substantial number of an association's members may be substantially affected by the Commission's decision in a docket; (2) the subject matter of the proceeding is within the association's general scope of interest and activity; and (3) the relief requested is of a type appropriate for the association to receive on behalf of its members. *Fla. Home Builders*, 412 So. 2d at 353-54; *Farmworker Rights Org.*, 417 So. 2d at 754.

8. The court in *Hillsborough County v. FL Restaurant Association*, 603 So. 2d 587 (Fla. 2d DCA 1992) further expands on what “substantial number” means in this context, stating: “we do not find that a specific number or percentage is required in order to meet the standing requirement of *Florida Home Builders* but only that a substantial number of the Association's members have been affected in the instant case.” In this case, the Association showed that 37 of its Hillsborough County members were impacted by the proposed ordinance, which represented 41% of the members in that county. That was deemed substantial.

## ARGUMENT

### **A. FL Rising Has Not Demonstrated That a Substantial Number of Its Members Are Substantially Affected**

9. FL Rising claims to have 1,255 members, and they further *estimate* that 190 of these members are DEF customers. See Response to DEF’s 1st Set of Interrogatories, Numbers 1 and 2; Negrón Testimony at p. 2. According to the testimony, “This *estimate* is based on taking the number of Florida Rising members in each Florida county and applying the pro rata share of customers in the county that DEF serves, rounded down.” See Negrón Testimony at p. 2 (e.s.). FL Rising’s discovery responses provide a chart of the counties in which FL Rising’s members allegedly reside, see Response to Interrogatory Number 2, but the testimony does not include the specific chart. The chart does not appear to be pulled from any FL Rising database, nor is it certified as a business record of FL Rising. In fact, FL Rising’s testimony confirms that it is simply an “estimate” of its members residing in various locations. *Id.* at p. 2., ll. 16, 27, & 22.

10. FL Rising purports to identify three DEF customers who are also FL Rising members, and asserts that Ms. Negrón further “estimate[s] that 15 Florida Rising members have directly identified themselves as DEF customers.” Negrón Testimony at p. 2-3. Ms. Negrón’s

testimony amounts to no more than textbook hearsay unsupported by any other evidence in the record and therefore cannot form the basis for a factual finding sufficient to establish standing. *See* §120.57(1)(c), Fla. Stat. (“Hearsay evidence may be used for the purpose of supplementing or explaining other evidence, but it shall not be sufficient in itself to support a finding unless it would be admissible over objection in civil actions”).

11. Further, FL Rising has not even attempted to factually establish how many of its members are DEF customers. Rather, Ms. Negron affirmatively acknowledges that its methodology for substantiating the number of its members who are also DEF customers is a pure estimate based on a novel methodology. *See* Negron Testimony, at p. 2, Response to DEF’s 1st Set of Interrogatories, Number 2. An estimate is not a fact. Florida Rising bears the burden of proving it has a substantial number of members who will be substantially impacted by this docket, and a mere estimate cannot equate to competent substantial evidence. *See Degroot v. Sheffield*, 95 So. 2d 912, 916 (Fla. 1957) (“the evidence relied upon to sustain the ultimate finding should be sufficiently relevant and material that a reasonable mind would accept it as adequate to support the conclusion reached.”). FL Rising’s pro rata approach assumes that FL Rising’s members are distributed throughout each county in substantially the same manner as DEF customers generally, and that county-wide market share serves as an appropriate proxy for DEF’s actual utility service territory within each county. No witness explains why either assumption is valid, nor has FL Rising produced any analysis validating those assumptions. DEF does not serve customers uniformly throughout any county it serves. Its service territory is defined by specific geographic boundaries that frequently coexist with those of municipal utilities, rural electric cooperatives, and other investor-owned utilities. A member residing in a portion of a county served by a different utility contributes nothing to FL Rising’s DEF customer count regardless of what DEF’s county-wide

market share may be. Applying a uniform county-level ratio to membership that may be concentrated in non-DEF portions of those counties can produce a materially inaccurate result in either direction. No evidence explains or corrects for this distortion.

12. DEF requested that FL Rising “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.” (*See* DEF First Request for Production of Documents, Request 4). In response, FL Rising asserted an objection “that this request violates Florida Rising’s, and possibly others’, First Amendment rights and privileges.” (*Id.*) Then, FL Rising produced one document entitled “County Membership Numbers” in response to this request for production.<sup>1</sup> *See* Attachment B to this Motion. The Commission does not have to reach the issue of whether there actually is any privilege that applies to this discovery request (although DEF doubts that there is any such privilege that applies). The issue is that FL Rising cannot claim that it has standing to represent a substantial number of DEF’s customers in this proceeding but then hide behind an alleged privilege to prevent discovery of the very information that would definitively prove the validity of the assertions. FL Rising introduced membership identity as a material jurisdictional fact voluntarily and for the purpose of obtaining a litigation benefit. “When a party has filed a claim, based upon a matter ordinarily privileged, the proof of which will necessarily require that the privileged matter be offered in evidence, we think that he has waived his right to insist, in pretrial discovery proceedings, that the matter is privileged.” *Savino v. Luciano*, 92 So. 2d 817, 819 (Fla. 1957); *see also Cox v. Administrator U.S. Steel & Carnegie*, 17 F.3d 1386, 1418 (11th Cir. 1994) (privilege waived where party affirmatively

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<sup>1</sup> This chart appears to be the same chart that was pasted into the Interrogatory Response 2 discussed earlier.

relies on privileged communication). Florida Rising placed its members' identity and geographic location directly in issue when it chose to assert associational standing based on those facts. Having done so, it cannot invoke a privilege that may not even apply in this situation.

13. The practical consequence of accepting Florida Rising's position is that the Commission would be asked to accept the organization's own say-so — filtered through a single declarant, immune to cross-examination on the underlying facts, and shielded from any independent verification mechanism — as sufficient to establish a jurisdictional prerequisite. That result is incompatible with the requirements of competent substantial evidence and with the jurisdictional nature of the standing inquiry.

14. However, the Commission does not have to reach the question of privilege — the numbers speak for themselves. Out of 1,255 total FL Rising members, they estimate 190 (15%) are DEF customers using a novel and suspect statistical methodology, as discussed above. They list three purported DEF customers by name. Even assuming all three are DEF customers, that would equate to only 0.2% of the FL Rising members are DEF customers. And if we assume that the 15 hearsay FL Rising members are also DEF customers, that would be 1.1% of the FL Rising members are DEF customers. If we assume that all the purported Pinellas County members are DEF customers (65), that still only amounts to 5.2% of FL Rising's members. None of these numbers, which do not even approach a simple majority, result in a “substantial number” of members so as to satisfy the legal standing requirement. *See Fla. Home Builders*, at 353 (recognizing that a substantial number of an organization's members must be affected, “although not necessarily a majority.”).

15. FL Rising has not produced any competent (non-hearsay) evidence to prove that it has the requisite interest to participate in this docket – as such it should be stricken from any further participation in these proceedings.

**B. Florida Rising's Alleged Injury Is Speculative and Fails the *Agrico* Requirement**

16. Even if FL Rising had demonstrated that a substantial number of its members are DEF customers, its alleged injury fails the first prong of *Agrico* because it is speculative, contingent, and not of sufficient immediacy to confer standing in this proceeding. Between approval of the proposed tariff and any alleged residential rate impact lie multiple independent contingencies: whether any potential large load customer seeks service from DEF; whether development of facilities for that customer requires incremental generation or transmission investment; whether costs associated with such investment are actually incurred during the applicable rate freeze period; whether those costs are presented for recovery in a future base rate proceeding; and how the Commission ultimately allocates those costs among customer classes in that future proceeding. Each of these represents a separate discretionary event that may never occur, or may occur in a manner that produces no residential rate impact or that may possibly occur and presenting intervening parties<sup>2</sup> an opportunity to present such legally-appropriate challenges as they wish. Such a chain of contingent events is precisely the type of speculative injury rejected under *Agrico*.

17. DEF's rates are fixed through the end of 2027 under a Commission-approved settlement. This proceeding neither changes those rates nor authorizes any new charges to existing customers. Any alleged impact on residential customers would arise, if at all, only in a future rate case conducted with a separate evidentiary record, separate parties, and separate procedural

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<sup>2</sup> Including FL Rising, if it can meet standing requirements under applicable law.

protections available to all stakeholders. Further, DEF has indicated that any large load customer would take service on the existing GSD-1 or GSDT-1 rate until that future rate proceeding. But FL Rising admitted in its discovery responses that none of its members even take service on DEF's GSD-1 or GSDT-1 rate, thus further highlighting the speculative nature of their "injury." (*See* FL Rising Response to Interrogatory Number 6).

### **C. FL Rising's Continued Participation Without Established Standing Warrants Immediate Relief**

18. FL Rising has actively litigated this case without having established standing. It has served discovery requests, joined in the Joint Motion to Dismiss, filed a Motion to Compel, and submitted direct testimony. Allowing a party that has not established standing to shape the evidentiary record, influence the disposition of dispositive motions, and compel discovery from other parties produces exactly the harm that threshold standing requirements are designed to prevent. If standing is denied, FL Rising's participation was improper from the outset. Its filings, including its Motion to Compel, its joinder in the Joint Motion to Dismiss, and its direct testimony, should be stricken or given no weight.

### **CONFERRAL**

19. DEF has conferred with the parties to this proceeding and can represent that PCS Phosphate takes no position, OPC and FIPUG reserve their right to respond to the motion, and FL Rising opposes the motion. Staff has not provided a position.

### **CONCLUSION**

For all the reasons above, DEF respectfully requests that the Commission:

- A. Deny FL Rising, Inc.'s Petition to Intervene for lack of standing;
- B. Strike FL Rising's Motion to Compel;
- C. Strike FL Rising's joinder in the Joint Motion to Dismiss;

- D. Strike or give no weight to FL Rising's direct testimony filed June 24, 2026;
- E. Exclude FL Rising from further participation in this docket; and
- F. Grant such other and further relief as the Commission deems just and proper.

Respectfully submitted this 26<sup>th</sup> day of June, 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 26<sup>th</sup> day of June, 2026, to the following:

*/s/ Dianne M. Triplett*

Dianne M. Triplett

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|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 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> | Walter L. Trierweiler / Charles J. Rehwinkel<br>Octavio Simoes-Ponce / 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: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> |
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# 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

**FLORIDA RISING’S OBJECTIONS AND RESPONSES TO  
DUKE ENERGY FLORIDA’S FIRST SET OF INTERROGATORIES (NOS. 1-40)**

Pursuant to Rule 28-106.206, F.A.C. and Florida Rule of Civil Procedure 1.340, Florida Rising, Inc. (“Florida Rising”) hereby responds to Duke Energy Florida, LLC’s (“DEF”) First Set of Interrogatories (Nos. 1-40).

**SPECIFIC OBJECTIONS AND RESPONSES TO INTERROGATORIES**

1. How many total members does FL Rising have?

**Response:**

Florida Rising has 1,255 members.

2. How many of FL Rising's members are current DEF customers?

**Response:**

Florida Rising estimates 190 of its members are current DEF customers. This estimate is based on taking the number of Florida Rising members in each Florida county and applying the pro rata share of customers in the county that DEF serves

([https://www.floridapsc.com/pscfiles/HurricaneReport/2025%20January%20Winter%20Weather%20Event%20-%20ESF12%20Outage%20Report%20-%2001-23-25%202100\\_01-23-25\\_0900\\_PM.pdf](https://www.floridapsc.com/pscfiles/HurricaneReport/2025%20January%20Winter%20Weather%20Event%20-%20ESF12%20Outage%20Report%20-%2001-23-25%202100_01-23-25_0900_PM.pdf)), rounded down.

**County**

**Total Contacts**

|                      |     |
|----------------------|-----|
| Alachua              | 12  |
| Alameda              | 1   |
| Baltimore city       | 1   |
| Black Hawk           | 1   |
| Boulder              | 1   |
| Brevard              | 3   |
| Bristol              | 1   |
| Bronx                | 1   |
| Broward              | 131 |
| Citrus               | 1   |
| Clay                 | 7   |
| Collier              | 3   |
| Cook                 | 3   |
| Dane                 | 1   |
| DeKalb               | 1   |
| District of Columbia | 3   |
| Duval                | 151 |

|              |     |
|--------------|-----|
| El Paso      | 1   |
| Erie         | 1   |
| Escambia     | 1   |
| Fairfax      | 1   |
| Fayette      | 1   |
| Flagler      | 1   |
| Gadsden      | 2   |
| Greene       | 1   |
| Highlands    | 2   |
| Hillsborough | 135 |
| Indian River | 2   |
| Itasca       | 1   |
| King         | 2   |
| Kings        | 2   |
| Lake         | 6   |
| Lee          | 5   |
| Leon         | 25  |

|            |     |
|------------|-----|
| Levy       | 1   |
| Manatee    | 1   |
| Martin     | 4   |
| Miami-Dade | 324 |
| Middlesex  | 1   |
| Mobile     | 1   |
| Monmouth   | 1   |
| Nassau     | 4   |
| New York   | 1   |
| Niagara    | 1   |
| Okaloosa   | 3   |
| Orange     | 125 |
| Osceola    | 44  |
| Palm Beach | 74  |
| Pasco      | 4   |
| Pinellas   | 65  |
| Polk       | 11  |

|                 |       |
|-----------------|-------|
| Prince George's | 1     |
| Providence      | 1     |
| Putnam          | 2     |
| San Francisco   | 1     |
| Santa Clara     | 1     |
| Sarasota        | 4     |
| Seminole        | 37    |
| St. Johns       | 7     |
| St. Lucie       | 7     |
| Suffolk         | 1     |
| Tompkins        | 1     |
| Volusia         | 10    |
| Wakulla         | 1     |
| Westchester     | 1     |
| Unknown         | 4     |
| Total People    | 1,255 |

3. What is the precise number of FL Rising members located within DEF's service territory?

**Response:**

Please see the response to Interrogatory number 2.

4. Please identify these members account status (residential, commercial, etc.) and the basis for concluding that such member receives electric service from DEF.

**Response:**

Florida Rising members are natural persons living within residential structures (single family or multi-family homes), and therefore Florida Rising believes that its members are residential customers. Please also see the response to Interrogatory number 2.

5. Describe in detail the methodology You used to determine whether any of Your Members are customers within DEF's service territory.

**Response:**

See responses to interrogatories numbers 2 and 3. I have also personally talked to about 15 Florida Rising members who confirmed they are DEF customers. Additionally, the following Florida Rising members have volunteered to make their membership with Florida Rising publicly known and are DEF customers:

Amber Woods  
1024 Jordan Park Street South  
St. Petersburg, FL 33712

Sandra Harris  
2432 Kingston St. S.  
St Petersburg, FL 33711

Tornecia Nelson  
4546 10th Avenue South  
St. Petersburg, FL 33711

6. Confirm whether any of FL Rising's members take service under DEF's GSD or GSDT rate schedules.

**Response:**

To the best of Florida Rising's knowledge, no members take service under DEF's GSD or GSDT rate schedules. There may be members who own small businesses that take service under commercial rates.

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.

**Specific Objections:**

Florida Rising objects on the grounds that this interrogatory asks for legal opinions and conclusions. Florida Rising also objects to the extent the interrogatory asks for attorney work product and Florida Rising legal opinions formed on the basis of privileged attorney-client communications. Subject to and without waiving these objections, Florida Rising will provide an appropriate response.

**Response:**

Florida Rising alleges that approval of DEF's proposed tariff in this Proceeding will ultimately result in higher electric rates for residential customers in DEF's next rate case. Many Florida Rising members already struggle to pay their electricity bills, and any increase in rates would place an even greater financial burden on households already facing affordability challenges.

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.

**Specific Objections:**

Florida Rising objects on the grounds that by asking for "all facts" supporting the characterization the request is overly broad, unduly burdensome, and is not reasonably calculated

to lead to the discovery of relevant admissible evidence. Florida Rising also objects on the ground that discovery is ongoing and Florida Rising is still being made aware of additional facts to support its standing allegations. Additionally, by DEF objecting to all discovery regarding costs and cost of service to serve large load customers, DEF has made it exceedingly difficult for Florida Rising to quantify the size of the impact residential customers can be expected to bear through Commission approval in this proceeding. Florida Rising objects on the grounds that this interrogatory asks for legal opinions and conclusions. Florida Rising also objects to the extent the interrogatory asks for attorney work product and Florida Rising legal opinions formed on the basis of privileged attorney-client communications. Subject to and without waiving these objections, Florida Rising will provide an appropriate response.

**Response:**

Florida Rising believes higher rates to pay for large load customers are imminent. Florida Rising believes that DEF will be filing a petition to increase residential rates in 2027, including to recover costs to serve large load customers, further increasing the affordability crisis and therefore the electricity bills of Florida Rising members.

9. Describe FL Rising's organizational purpose and explain how participation in this Proceeding is germane to that purpose.

**Specific Objections:**

Florida Rising objects on the grounds that this interrogatory asks for legal opinions and conclusions. Florida Rising also objects to the extent the interrogatory asks for attorney work product and Florida Rising legal opinions formed on the basis of privileged attorney-client communications. Subject to and without waiving these objections, Florida Rising will provide an appropriate response.

**Response:**

Florida Rising is a membership-based organization dedicated, under their articles of incorporation, to building “broader multiracial movements with individuals from historically marginalized communities to seize power and govern to advance social, economic, and racial justice.” Florida Rising seeks to participate in this proceeding to advance its mission of social, economic, and racial justice.

10. State whether the claims You assert in this Proceeding require the participation of individual Members and explain the basis for Your response.

**Specific Objections:**

Florida Rising objects on the grounds that this interrogatory asks for legal opinions and conclusions. Florida Rising also objects to the extent the interrogatory asks for attorney work product and Florida Rising legal opinions formed on the basis of privileged attorney-client communications. Subject to and without waiving these objections, Florida Rising will provide an appropriate response.

**Response:**

No. No individual Florida Rising member is needed as Florida Rising’s claims are not based on any one specific member’s participation.

11. What evidence supports your claim that costs will be shifted to existing customers in this proceeding?

**Specific Objections:**

Florida Rising objects on the grounds that this interrogatory asks for legal opinions and conclusions. Florida Rising also objects to the extent the interrogatory asks for attorney work product and Florida Rising legal opinions formed on the basis of privileged attorney-client

communications. Florida Rising additionally objects on the grounds that this interrogatory attempts to shift the burden of proof to Florida Rising. Rather, it is DEF's burden to prove that costs will not be shifted to existing customers in this proceeding. Florida Rising also objects on the ground that discovery is ongoing and Florida Rising is still being made aware of additional facts to support its claims. Subject to and without waiving these objections, Florida Rising will provide an appropriate response.

**Response:**

Florida Rising refers DEF to DEF's case, which 1) lacks any evidence that costs to serve large load customers will be recovered from such customers; 2) there will be costs to serve large load customers; 3) DEF is not seeking approval of any plan to recover such costs from large load customers; and 4) DEF has not given any indication that it will not seek recovery of costs to serve large load customers.

12. Identify all documents supporting the allegation that existing rates are "below parity" and/or large load customers will cause cost shifting.

**Specific Objections:**

Florida Rising objects on the grounds that by asking for "all documents" supporting the allegation the request is overly broad, unduly burdensome, and is not reasonably calculated to lead to the discovery of relevant admissible evidence. There are almost endless documents supporting the proposition that a utility must incur costs to serve large load customers, and Florida Rising objects to the extent that DEF is asking Florida Rising to provide such research. Additionally, Florida Rising is still preparing its case and testimony, so such request is premature. Additionally, by DEF objecting to all discovery regarding costs and cost of service to serve GSD/GSDT customers, DEF has made it exceedingly difficult for Florida Rising to

identify “all documents” supporting the allegation. Florida Rising posits that almost all such documents are in DEF’s possession, which DEF has refused to produce in discovery. Subject to and without waiving these objections, Florida Rising will provide an appropriate response.

**Response:**

Florida Rising identifies the 2024 settlement and exhibits, the order approving the 2024 settlement, and the cost of service study DEF produced in Docket 20250113-EI, and JEA’s recently filed need determination proceeding for recent Florida generation construction costs. Please see the documents produced in response to DEF’s First Request for Production of documents, request number 1.

13. Identify all documents, studies, analyses, or data supporting Your contention that DEF’s existing rates do not cover the cost of service.

**Specific Objections:**

Florida Rising objects on the grounds that it is still preparing its case and testimony, so such request is premature. Florida Rising also objects on the grounds to the extent it demands Florida Rising conduct an analysis that DEF is better positioned to conduct. Additionally, by DEF objecting to all discovery regarding costs and cost of service to serve GSD/GSDT customers, DEF has made it exceedingly difficult for Florida Rising to identify “all documents” supporting the contention. Florida Rising posits that almost all such documents are in DEF’s possession, which DEF has refused to produce in discovery. Subject to and without waiving these objections, Florida Rising will provide an appropriate response.

**Response:**

Florida Rising identifies the 2024 settlement and exhibits, the order approving the 2024 settlement, and the cost of service study DEF produced in Docket 20250113-EI. Please see the

documents produced in response to DEF's First Request for Production of documents, request number 1.

14. State whether FL Rising has conducted any economic or rate impact analysis concerning the impact of DEF's proposed tariff in this Proceeding.

**Specific Objections:**

Florida Rising objects on the grounds that it is still preparing its case and testimony, so such request is premature. Florida Rising also objects on the grounds to the extent it demands Florida Rising conduct an analysis that DEF is better positioned to conduct. Additionally, by DEF objecting to all discovery regarding costs and cost of service to serve large load customers, DEF has made it exceedingly difficult for Florida Rising to conduct rate impact analyses. Florida Rising posits that almost all such documents are in DEF's possession, which DEF has refused to produce in discovery. Subject to and without waiving these objections, Florida Rising will provide an appropriate response.

**Response:**

Please see the response to interrogatory number 11. No specific rate impact analysis has been conducted as of this time.

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.

**Response:**

Karl R. Rábago

Principal, Rabago Energy LLC

3058 Leafdale Drive, Castle Rock, CO 80109-3760

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.

**Response:**

Please see the resume of Karl Rábago, produced in response to DEF's First Request for Production of documents, request number 1.

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.

**Response:**

Please see the list of cases, produced in response to DEF's First Request for Production of documents, request number 1.

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.

**Specific Objections:**

Florida Rising objects on the grounds that this appears to be a request for production of documents. Subject to and without waiving these objections, Florida Rising will provide an appropriate response.

**Response:**

Please see the documents provided in response to DEF's First Request for Production of documents, request number 1, including: Rabago Settlement Testimony in FL PSC Docket No. 2021-0015-EI (FPL GRC Settlement Testimony); Rabago Testimony in FL PSC Docket No. 2024-0026-EI (TECO GRC); Rabago Testimony in FL PSC Docket No. 2024-0025-EI (Duke GRC); Rabago Testimony in FL PSC Docket No. 2025-0011-EI (FPL GRC) (Direct & Settlement); Rabago Testimony in PA PUC Docket Np. R-2025-3057164 (PPL GRC) (Corrected Direct, Surrebuttal). While serving as vice president for Distributed Energy Services at Austin Energy (see resume), Mr. Rabago had executive responsibility for "Key Accounts Customers," which included Apple, Dell, Samsung, and other information and computer technology firms.

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.

**Response:**

No instances.

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."

**Specific Objections:**

Florida Rising objects on the grounds that this interrogatory asks for legal opinions and conclusions. Florida Rising also objects to the extent the interrogatory asks for attorney work

product and Florida Rising legal opinions formed on the basis of privileged attorney-client communications.

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.

**Specific Objections:**

Florida Rising objects on the grounds that this interrogatory asks for legal opinions and conclusions. Florida Rising also objects to the extent the interrogatory asks for attorney work product and Florida Rising legal opinions formed on the basis of privileged attorney-client communications.

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.

**Specific Objections:**

Florida Rising objects on the grounds that this interrogatory asks for legal opinions and conclusions. Florida Rising also objects to the extent the interrogatory asks for attorney work product and Florida Rising legal opinions formed on the basis of privileged attorney-client communications.

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.

**Specific Objections:**

Florida Rising objects on the grounds that this interrogatory asks for legal opinions and conclusions. Florida Rising also objects to the extent the interrogatory asks for attorney work product and Florida Rising legal opinions formed on the basis of privileged attorney-client communications.

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.

**Specific Objections:**

Florida Rising objects on the grounds that this interrogatory asks for legal opinions and conclusions. Florida Rising also objects to the extent the interrogatory asks for attorney work product and Florida Rising legal opinions formed on the basis of privileged attorney-client communications.

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.

**Specific Objections:**

Florida Rising objects on the grounds that this interrogatory asks for legal opinions and conclusions. Florida Rising also objects to the extent the interrogatory asks for attorney work product and Florida Rising legal opinions formed on the basis of privileged attorney-client communications.

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.

**Specific Objections:**

Florida Rising objects on the grounds that this interrogatory asks for legal opinions and conclusions. Florida Rising also objects to the extent the interrogatory asks for attorney work product and Florida Rising legal opinions formed on the basis of privileged attorney-client communications.

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 LLC §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.

**Specific Objections:**

Florida Rising objects on the grounds that this interrogatory asks for legal opinions and conclusions. Florida Rising also objects to the extent the interrogatory asks for attorney work product and Florida Rising legal opinions formed on the basis of privileged attorney-client communications. Florida Rising also objects on the grounds that discovery is ongoing and its

positions regarding all aspects of DEF's proposal are not final, and made harder by DEF's refusal to answer meaningful discovery regarding the costs to serve large load customers.

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.

**Specific Objections:**

Florida Rising objects on the grounds that this interrogatory asks for legal opinions and conclusions. Florida Rising also objects to the extent the interrogatory asks for attorney work product and Florida Rising legal opinions formed on the basis of privileged attorney-client communications. Florida Rising also objects on the grounds that discovery is ongoing and its positions regarding all aspects of DEF's proposal are not final, and made harder by DEF's refusal to answer meaningful discovery regarding the costs to serve large load customers.

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.

**Specific Objections:**

Florida Rising objects on the grounds that this interrogatory asks for legal opinions and conclusions. Florida Rising also objects to the extent the interrogatory asks for attorney work product and Florida Rising legal opinions formed on the basis of privileged attorney-client communications. Florida Rising also objects on the grounds that discovery is ongoing and its

positions regarding all aspects of DEF's proposal are not final, and made harder by DEF's refusal to answer meaningful discovery regarding the costs to serve large load customers.

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 LLC §13.07 satisfies or fails to satisfy any requirement of the Act and provide the full legal and factual basis for that position.

**Specific Objections:**

Florida Rising objects on the grounds that this interrogatory asks for legal opinions and conclusions. Florida Rising also objects to the extent the interrogatory asks for attorney work product and Florida Rising legal opinions formed on the basis of privileged attorney-client communications. Florida Rising also objects on the grounds that discovery is ongoing and its positions regarding all aspects of DEF's proposal are not final, and made harder by DEF's refusal to answer meaningful discovery regarding the costs to serve large load customers.

31. State whether FL Rising contends that DEF's proposed security requirements, as set forth in LLC §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.

**Specific Objections:**

Florida Rising objects on the grounds that this interrogatory asks for legal opinions and conclusions. Florida Rising also objects to the extent the interrogatory asks for attorney work product and Florida Rising legal opinions formed on the basis of privileged attorney-client communications. Florida Rising also objects on the grounds that discovery is ongoing and its

positions regarding all aspects of DEF's proposal are not final, and made harder by DEF's refusal to answer meaningful discovery regarding the costs to serve large load customers.

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 LLC §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.

**Specific Objections:**

Florida Rising objects on the grounds that this interrogatory asks for legal opinions and conclusions. Florida Rising also objects to the extent the interrogatory asks for attorney work product and Florida Rising legal opinions formed on the basis of privileged attorney-client communications. Florida Rising also objects on the grounds that discovery is ongoing and its positions regarding all aspects of DEF's proposal are not final, and made harder by DEF's refusal to answer meaningful discovery regarding the costs to serve large load customers.

33. State whether FL Rising contends that the anti-disaggregation provision in LLC §13.06 satisfies or fails to satisfy the requirement of §366.043(4) and provide the full legal and factual basis for that position.

**Specific Objections:**

Florida Rising objects on the grounds that this interrogatory asks for legal opinions and conclusions. Florida Rising also objects to the extent the interrogatory asks for attorney work product and Florida Rising legal opinions formed on the basis of privileged attorney-client communications. Florida Rising also objects on the grounds that discovery is ongoing and its

positions regarding all aspects of DEF's proposal are not final, and made harder by DEF's refusal to answer meaningful discovery regarding the costs to serve large load customers.

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.

**Specific Objections:**

Florida Rising objects on the grounds that this interrogatory asks for legal opinions and conclusions. Florida Rising also objects to the extent the interrogatory asks for attorney work product and Florida Rising legal opinions formed on the basis of privileged attorney-client communications. Florida Rising also objects on the grounds that discovery is ongoing and its positions regarding all aspects of DEF's proposal are not final, and made harder by DEF's refusal to answer meaningful discovery regarding the costs to serve large load customers.

35. State whether FL Rising contends that large load customers served on GSD-1 or GSDDT-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.

**Specific Objections:**

Florida Rising objects on the grounds that its testimony in this docket is not yet due, and so it is still working on its testimony in this docket and conducting discovery. Florida Rising also objects on the grounds that discovery is ongoing and its positions regarding all aspects of DEF's proposal are not final, and made harder by DEF's refusal to answer meaningful discovery regarding the costs to serve large load customers. Subject to and without waiving these objections, Florida Rising will provide an appropriate response.

**Response:**

Preliminarily, Florida Rising does so contend. As indicated in Mr. Chatelain's testimony, under the GSD/GSDT rates, a 1 GW large load customer would be expected to produce a minimum bill of only \$157.3 million per year. This is insufficient to cover the likely billions of dollars of incremental costs needed to serve a new 1 GW load.

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.

**Specific Objections:**

Florida Rising objects on the grounds that its testimony in this docket is not yet due, and so it is still working on its testimony in this docket and conducting discovery. Florida Rising also objects on the grounds that discovery is ongoing and its positions regarding all aspects of DEF's proposal are not final, and made harder by DEF's refusal to answer meaningful discovery regarding the costs to serve large load customers. Subject to and without waiving these objections, Florida Rising will provide an appropriate response.

**Response:**

Florida Rising has not yet determined whether it will offer a quantitative analysis of serving a large load customer.

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.

**Specific Objections:**

Florida Rising objects on the grounds that its testimony in this docket is not yet due, and so it is still working on its testimony in this docket and conducting discovery. Florida Rising also objects on the grounds that discovery is ongoing and its positions regarding all aspects of DEF's proposal are not final, and made harder by DEF's refusal to answer meaningful discovery regarding the costs to serve large load customers. Subject to and without waiving these objections, Florida Rising will provide an appropriate response.

**Response:**

Preliminarily, Florida Rising does so contend. As indicated in Mr. Chatelain's testimony, under the GSD/GSDT rates, a 1 GW large load customer would be expected to produce a minimum bill of only \$157.3 million per year. This is insufficient to cover the likely billions of dollars of costs needed to serve a new 1 GW load, thus creating a cross-subsidy.

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.

**Specific Objections:**

Florida Rising objects to the extent that this interrogatory demands that Florida Rising undertake work and produce a "comparative analysis" that does not exist and that DEF is more than capable of producing itself.

**Response:**

Karl Rábago has analyzed other utilities large load tariffs. Please see the documents produced in response to DEF's First Request for Production of documents, request number 1, for such analyses.

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.

**Specific Objections:**

Florida Rising objects on the grounds that, pursuant to the order establishing procedure, the deadline to file intervenor testimony has not passed, and so Florida Rising could change anticipated witnesses. Florida Rising also objects to the extent that this interrogatory demands that Florida Rising undertake work and produce a “comparative analysis” that does not exist and that DEF is more than capable of producing itself. Subject to and without waiving these objections, Florida Rising will provide an appropriate response.

**Response:**

See the previously filed testimonies of Karl Rábago produced in response to DEF’s First Request for Production of documents, request number 1.

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.

**Specific Objections:**

Florida Rising objects on the grounds that its testimony in this docket is not yet due, and so it is still working on its testimony in this docket and conducting discovery. Florida Rising also objects on the grounds that discovery is ongoing and its positions regarding all aspects of DEF’s proposal are not final, and made harder by DEF’s refusal to answer meaningful discovery

regarding the costs to serve large load customers. Subject to and without waiving these objections, Florida Rising will provide an appropriate response.

**Response:**

Florida Rising makes no such contention at this time.

RESPECTFULLY SUBMITTED this 12th day of June, 2026.

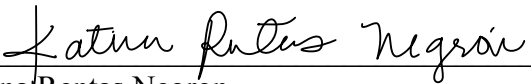
/s/ Bradley Marshall  
Florida Bar No. 98008  
Email: [bmarshall@earthjustice.org](mailto:bmarshall@earthjustice.org)  
Jordan Luebke  
Florida Bar No. 1015603  
Email: [jluebke@earthjustice.org](mailto:jluebke@earthjustice.org)  
Earthjustice  
111 S. Martin Luther King Jr. Blvd.  
Tallahassee, Florida 32301  
Telephone: (850) 681-0031  
Fax: (850) 681-0020

***Counsel for Florida Rising.***

## **DECLARATION**

I, Katina Rentas Negron, sponsor the answers to **Interrogatories No. 1-10** from Duke Energy Florida's ("DEF's") First Set of Interrogatories to Florida Rising in Docket No. 20260064, and the responses are true and correct based on my personal knowledge.

Under penalties of perjury, I declare that I have read the foregoing declaration, and the interrogatory answers identified above, and that the facts stated in it are true.

  
\_\_\_\_\_  
Katina Rentas Negron

Date: 06/10/20

## **DECLARATION**

I, Karl R. Rábago, sponsor the answers to **Interrogatories No. 11-19 and 35-40** from Duke Energy Florida's ("DEF's") First Set of Interrogatories to Florida Rising in Docket No. 20260064, and the responses are true and correct based on my personal knowledge.

Under penalties of perjury, I declare that I have read the foregoing declaration, and the interrogatory answers identified above, and that the facts stated in it are true.

A handwritten signature in cursive script, appearing to read "Karl R. Rábago", is written over a horizontal line.

Karl R. Rábago

Date: 11 June 2026

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

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

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DOCKET NO. 20260064-EI

**FLORIDA RISING’S OBJECTIONS AND RESPONSES TO  
DUKE ENERGY FLORIDA’S FIRST REQUEST FOR PRODUCTION OF  
DOCUMENTS (NOS. 1-16)**

Pursuant to Rule 28-106.206, F.A.C. and Florida Rule of Civil Procedure 1.340, Florida Rising, Inc. (“Florida Rising”) hereby responds to Duke Energy Florida, LLC’s (“DEF”) First Request for Production of Documents (Nos. 1-16).

**SPECIFIC OBJECTIONS AND RESPONSES**

1. Provide all documents identified in responses to DEF’s First Set of Interrogatories to Florida Rising.

**Response:**

These documents can be accessed through this ShareFile link:

<https://earthjustice.sharefile.com/d-sa5d59d6e902c45f79e75a57d60d6bc00>

2. Produce all documents sufficient to identify Your Members located within DEF’s service territory.

**Specific Objections:**

Florida Rising objects on the grounds that this request violates Florida Rising’s, and possibly others’, First Amendment rights and privileges. Subject to and without waiving this objection, Florida Rising will provide an appropriate response.

**Response:**

Please refer to Florida Rising's response to DEF's First Request for Production of Documents, request number 4, including specific objections.

3. Produce all documents sufficient to identify which of Your Members are customers of DEF.

**Specific Objections:**

Florida Rising objects on the grounds that this request violates Florida Rising's, and possibly others', First Amendment rights and privileges. Subject to and without waiving this objection, Florida Rising will provide an appropriate response.

**Response:**

Please refer to Florida Rising's response to DEF's First Request for Production of Documents, request number 4, including specific objections.

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.

**Specific Objections:**

Florida Rising objects on the grounds that this request violates Florida Rising's, and possibly others', First Amendment rights and privileges. Subject to and without waiving this objection, Florida Rising will provide an appropriate response.

**Response:**

Please refer to Florida Rising's Response to DEF's First Set of Interrogatories, interrogatory number 2, and please see the document available at the following ShareFile link:

<https://earthjustice.sharefile.com/d-sa5d59d6e902c45f79e75a57d60d6bc00>

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.

**Specific Objections:**

Florida Rising objects on the grounds that this interrogatory asks for legal opinions and conclusions. Florida Rising also objects to the extent the interrogatory asks for attorney work product and Florida Rising legal opinions formed on the basis of privileged attorney-client communications. Subject to and without waiving these objections, Florida Rising will provide an appropriate response.

**Response:**

Please see documents produced in response to DEF's First Request for Production, request number 1.

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.

**Specific Objections:**

Florida Rising objects on the grounds that this interrogatory asks for legal opinions and conclusions. Florida Rising also objects to the extent the interrogatory asks for attorney work product and Florida Rising legal opinions formed on the basis of privileged attorney-client communications. Subject to and without waiving these objections, Florida Rising will provide an appropriate response.

**Response:**

Please see documents produced in response to DEF's First Request for Production, request number 1.

7. Produce all documents supporting any contention that the proposed tariff will result in increased rates or costs to Your Members.

**Specific Objections:**

Florida Rising objects on the grounds that this interrogatory asks for legal opinions and conclusions. Florida Rising also objects to the extent the interrogatory asks for attorney work product and Florida Rising legal opinions formed on the basis of privileged attorney-client communications. Florida Rising objects on the grounds that it is still preparing its case and testimony, so such request is premature. Subject to and without waiving these objections, Florida Rising will provide an appropriate response.

**Response:**

Please see documents produced in response to DEF's First Request for Production, request number 1.

8. Produce all documents describing Florida Rising's organizational purpose, mission, and/or objectives.

**Specific Objections:**

Florida Rising objects that this request is overly broad, requesting "all documents" describing Florida Rising's organizational purpose, mission, and/or objectives. Subject to and without waiving these objections, Florida Rising will provide an appropriate response.

**Response:**

Please find responsive documents at this link: <https://earthjustice.sharefile.com/d-sa5d59d6e902c45f79e75a57d60d6bc00>

9. Produce all documents reflecting how this Proceeding relates to or advances Florida Rising's organizational purpose.

**Specific Objections:**

Florida Rising objects on the grounds that this interrogatory asks for legal opinions and conclusions. Florida Rising also objects to the extent the interrogatory asks for attorney work product and Florida Rising legal opinions formed on the basis of privileged attorney-client communications. Subject to and without waiving these objections, Florida Rising will provide an appropriate response.

**Response:**

Please see documents produced in response to DEF's First Request for Production, request numbers 1 and 8.

10. Produce all documents supporting Your contention that DEF's existing rates are insufficient to cover the cost of service.

**Specific Objections:**

Florida Rising objects that this request is overly broad, requesting "all documents" that could support the contention. Additionally, by DEF objecting to all discovery regarding costs and cost of service to serve GSD/GSDT customers, DEF has made it exceedingly difficult for Florida Rising to identify "all documents" supporting the contention. Florida Rising posits that almost all such documents are in DEF's possession, which DEF has refused to produce in discovery. Subject to and without waiving these objections, Florida Rising will provide an appropriate response.

**Response:**

Please see documents produced in response to DEF's First Request for Production, request number 1.

11. Produce all documents supporting Your contention that approval of the proposed tariff will result in cost shifting to existing customers.

**Specific Objections:**

Florida Rising objects that this request is overly broad, requesting “all documents” that could support the contention. Additionally, by DEF objecting to all discovery regarding costs and cost of service to serve GSD/GSDT customers, DEF has made it exceedingly difficult for Florida Rising to identify “all documents” supporting the contention. Florida Rising posits that almost all such documents are in DEF’s possession, which DEF has refused to produce in discovery. Florida Rising objects on the grounds that its testimony in this docket is not yet due, and so it is still working on its testimony in this docket and conducting discovery. Subject to and without waiving these objections, Florida Rising will provide an appropriate response.

**Response:**

Please see documents produced in response to DEF’s First Request for Production, request number 1.

12. Produce all studies, models, analyses, or data relating to the potential economic or rate impacts of DEF’s proposed tariff.

**Specific Objections:**

Florida Rising objects on the grounds that its testimony in this docket is not yet due, and so it is still working on its testimony in this docket and conducting discovery. Subject to and without waiving these objections, Florida Rising will provide an appropriate response.

**Response:**

Florida Rising has no responsive documents in its possession at this time.

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.

**Specific Objections:**

Florida Rising objects on the grounds that its testimony in this docket is not yet due, and so it is still working on its testimony in this docket and conducting discovery. Subject to and without waiving these objections, Florida Rising will provide an appropriate response.

**Response:**

Florida Rising has no responsive documents in its possession at this time.

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.

**Specific Objections:**

Florida Rising objects on the grounds that its testimony in this docket is not yet due, and so it is still working on its testimony in this docket and conducting discovery. Subject to and without waiving these objections, Florida Rising will provide an appropriate response.

**Response:**

Florida Rising has no responsive documents in its possession at this time.

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.

**Response:**

Please see documents produced in response to DEF's First Request for Production, request number 1.

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.

**Specific Objections:**

Florida Rising objects on the grounds that its testimony in this docket is not yet due, and so it is still working on its testimony in this docket and conducting discovery. Subject to and without waiving these objections, Florida Rising will provide an appropriate response.

**Response:**

Please see documents produced in response to DEF's First Request for Production, request number 1.

RESPECTFULLY SUBMITTED this 12th day of June, 2026.

/s/ Bradley Marshall  
Florida Bar No. 98008  
Email: [bmarshall@earthjustice.org](mailto:bmarshall@earthjustice.org)  
Jordan Luebke  
Florida Bar No. 1015603  
Email: [jluebke@earthjustice.org](mailto:jluebke@earthjustice.org)  
Earthjustice  
111 S. Martin Luther King Jr. Blvd.  
Tallahassee, Florida 32301  
Telephone: (850) 681-0031  
Fax: (850) 681-0020

***Counsel for Florida Rising.***

# ATTACHMENT B

| <b>County</b>        | <b>Total Contacts</b> |
|----------------------|-----------------------|
| Alachua              | 12                    |
| Alameda              | 1                     |
| Baltimore city       | 1                     |
| Black Hawk           | 1                     |
| Boulder              | 1                     |
| Brevard              | 3                     |
| Bristol              | 1                     |
| Bronx                | 1                     |
| Broward              | 131                   |
| Citrus               | 1                     |
| Clay                 | 7                     |
| Collier              | 3                     |
| Cook                 | 3                     |
| Dane                 | 1                     |
| DeKalb               | 1                     |
| District of Columbia | 3                     |

|              |     |
|--------------|-----|
| Duval        | 151 |
| El Paso      | 1   |
| Erie         | 1   |
| Escambia     | 1   |
| Fairfax      | 1   |
| Fayette      | 1   |
| Flagler      | 1   |
| Gadsden      | 2   |
| Greene       | 1   |
| Highlands    | 2   |
| Hillsborough | 135 |
| Indian River | 2   |
| Itasca       | 1   |
| King         | 2   |
| Kings        | 2   |
| Lake         | 6   |
| Lee          | 5   |

|            |     |
|------------|-----|
| Leon       | 25  |
| Levy       | 1   |
| Manatee    | 1   |
| Martin     | 4   |
| Miami-Dade | 324 |
| Middlesex  | 1   |
| Mobile     | 1   |
| Monmouth   | 1   |
| Nassau     | 4   |
| New York   | 1   |
| Niagara    | 1   |
| Okaloosa   | 3   |
| Orange     | 125 |
| Osceola    | 44  |
| Palm Beach | 74  |
| Pasco      | 4   |
| Pinellas   | 65  |

|                 |       |
|-----------------|-------|
| Polk            | 11    |
| Prince George's | 1     |
| Providence      | 1     |
| Putnam          | 2     |
| San Francisco   | 1     |
| Santa Clara     | 1     |
| Sarasota        | 4     |
| Seminole        | 37    |
| St. Johns       | 7     |
| St. Lucie       | 7     |
| Suffolk         | 1     |
| Tompkins        | 1     |
| Volusia         | 10    |
| Wakulla         | 1     |
| Westchester     | 1     |
| Unknown         | 4     |
| Total People    | 1,255 |