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July 2, 2026

VIA ELECTRONIC FILING

Mr. Adam J. Teitzman, Commission Clerk
Division of Commission Clerk and Administrative Services
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

Re: Docket No. 20260010-EI
FPL's Response to Panama City's Motion for Leave to File Direct Testimony

Dear Mr. Teitzman:

Florida Power & Light Company ("FPL") submits this transmittal pursuant to Rule 28-106.204(1), Florida Administrative Code, to provide a response to the Motion for Leave to File the Direct Testimony of Jonathan Hayes ("Motion"), filed by the City of Panama City ("City") on July 1, 2026.

While FPL does not challenge the City's standing to intervene in this proceeding, nor the Motion, FPL wishes to offer clarifications to certain assertions raised in the City's Motion. In two instances, the City's Motion appears to imply that FPL's responding to the City's discovery is evidence that FPL has accepted or stipulated to the City's standing to intervene, and that therefore no prejudice to FPL will arise through the offered late-filed testimony. *See* Motion at ¶¶ 6, 8. FPL's actions in the case, however, do not provide such evidence.

FPL's participation in discovery with the City should not be construed as a concession that the City has established standing or that no further evidentiary showing should be required. As the Commission's Order granting intervention made clear, the City's intervention is expressly conditioned upon proof of standing or stipulations establishing the facts necessary to support standing. *See* Order No. PSC-2026-0085-PCO-EI, p. 2. This obligation exists notwithstanding FPL's actions taken in the case. FPL's practice, consistent with the Commission's Order Establishing Procedure ("OEP"), is to respond to discovery served by an entity that, like the City, has been provisionally granted intervention. This practice enables adherence to the Commission's procedural schedule and avoids unnecessary discovery disputes. This practice does *not* constitute a waiver of any objection concerning standing, nor does it reflect FPL's agreement that a party has satisfied its burden to establish standing.

Likewise, FPL's responses to a party's discovery do not establish that FPL is not prejudiced by a party's untimely submission of testimony. Compliance with discovery obligations is separate from the procedural prejudice that may result from the filing of testimony after the deadline established by the OEP. Late-filed testimony may prejudice the orderly conduct of a proceeding notwithstanding FPL's compliance with its discovery obligations established under a Commission-issued procedural order.

If you or your staff have any questions regarding this filing, please contact me at (561) 691-7255.

Respectfully submitted,

/s/ Joel T. Baker

Joel T. Baker

Fla. Bar No. 0108202

cc: Ken Hoffman (ken.hoffman@fpl.com)

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that true and correct copies of the foregoing have been furnished by Electronic Mail to the following parties of record this 2nd day of July 2026:

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