

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for a Limited Proceeding to)
Approve Large Load Tariff, by Duke) **DOCKET NO. 20260064-EI**
Energy Florida, LLC) **DATED: August 7, 2026**
_____)

AMENDED PREHEARING STATEMENT OF
WHITE SPRINGS AGRICULTURAL CHEMICALS, INC.
d/b/a PCS PHOSPHATE – WHITE SPRINGS

Pursuant to the Order Establishing Procedure, Order No. PSC-2026-0120-PCO-EI, dated May 5, 2026, White Springs Agricultural Chemicals, Inc. d/b/a PCS Phosphate – White Springs (“PCS Phosphate”), through its undersigned attorneys, files its Amended Prehearing Statement in the above matter.

A. APPEARANCES

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B. WITNESSES

PCS Phosphate intends to offer the testimony of:

Witness	Subject Matter	Issue #
Direct		
Tony Georgis	PCS Phosphate – White Springs’ Standing to Intervene	D

C. EXHIBITS

PCS Phosphate intends to offer the following exhibits:

Witness	Proffered By	Exhibit No.	Description	Issue #
Direct				
Tony Georgis	PCS Phosphate – White Springs	TMG-1	Resume & Record of Testimony of Tony Georgis	D
Tony Georgis	PCS Phosphate – White Springs	TMG-2	DEF’s Response to PCS Phosphate’s First RFA (No. 1)	D
Tony Georgis	PCS Phosphate – White Springs	TMG-3	Excerpt from DEF’s 2026 Ten Year Site Plan	D

D. STATEMENT OF BASIC POSITION

Regulators and legislatures throughout the country are scrambling to address the electric system planning, rate, and related issues posed by the rapid emergence of data centers and other hyper-scale computational loads.¹ On September 5, 2025, in Docket No. 20250113-EI, Duke Energy Florida, LLC (“DEF”) sought to establish a regulatory framework for such looming development by filing a petition for Public Service Commission (“Commission”) approval of a Large Load Customer Policy (“LLCP”), proposed revisions to its Contribution in Aid of Construction (“CIAC”) provisions, a Large Load Customer Agreement (“LLCA”), and a Large Load Customer Rate Schedule. Before the Commission could act on that petition, on March 13, 2026, the Florida Legislature passed Senate Bill 484, Ch. 2026-65, Laws of Florida, entitled “An act relating to data centers” (“2026 Data Center Law”).² The basic intent of the legislation, as noted in the Governor’s signing statement, was to “protect . . . citizens and communities from hyperscale data centers” by, in part, preventing these expected massive computational loads from

¹ See, e.g., Docket EL26-67-000 et al., Order Instituting Proceeding Under Section 206 of the Federal Power Act, 195 FERC ¶ 61,211 (June 18, 2026).

² On May 7, 2026 Governor DeSantis signed SB484 into law, which has been entered into the Laws of Florida as Chapter 2026-65 (hereinafter “2026 Data Center Law”).

passing costs on to consumers, including through electricity costs.³ In light of the bill's passage, DEF withdrew its petition in Docket No. 20250113-EI. On April 22, 2026, DEF filed a revised petition ("Petition") that DEF maintains is fully compliant with the 2026 Data Center Law.⁴ The Petition retains with modifications the LLCP, LLCA, and CIAC provisions proposed in the September 5, 2025 petition, but deletes the Large Load Customer Rate Schedule.⁵ DEF stated its intent to propose a new large load rate schedule applicable to hyperscale loads in its next rate case.⁶

The Petition as filed in this proceeding is compliant with the 2026 Data Center Law. The Petition is reasonably designed to establish a regulatory framework that will safeguard DEF's general body of ratepayers, establish manageable requirements for emerging data center loads, and avoid imposing unnecessary and unintended requirements on DEF's existing industrial customers. PCS Phosphate urges the Commission to approve the Petition at this time with no material modifications and to take such action in DEF's next rate case as the Commission deems necessary and appropriate to further address data center development in DEF's service territory.

E. STATEMENT ON SPECIFIC ISSUES

ISSUE A: Does DEF's petition and associated tariffs comply with the requirements of Section 366.03, Florida Statutes?

PCS Phosphate: Yes.

ISSUE B: Does DEF's petition and associated tariffs comply with the requirements of Section 366.043, Florida Statutes?

PCS Phosphate: Yes.

³ Fla. Exec. Off. of the Gov'r, Governor Ron DeSantis Signs Law to Protect Floridians From Subsidizing Data Centers (May 7, 2026), <https://www.flgov.com/eog/news/press/2026/governor-ron-desantis-signs-law-protect-floridians-subsidizing-data-centers>.

⁴ Petition for Limited Proceeding to Approve Large Load Tariff by Duke Energy Florida, LLC (Apr. 22, 2026).

⁵ *Id.* at 6-7.

⁶ *Id.* at 6.

ISSUE C: Does DEF's petition and associated tariffs comply with the requirements of Section 366.05, Florida Statutes?

PCS Phosphate: Yes.

ISSUE D: Whether the following persons have standing to intervene in this proceeding:

PCS Phosphate: A party's standing to intervene is a threshold matter that concerns whether the party is entitled to initiate or participate in a cause of action, or, in this case, a public regulatory docket.⁷ A party is entitled to perform discovery, submit testimony, conduct depositions and cross-examination, take positions, agree to compromise or settle issues, file briefs and argue contested matters, with all of the time and expense that those matters require.⁸ Other parties are obligated to incur the time and expense of responding to those interrogatory and production of document requests, requests for depositions, and competing positions on issues that a party may take or initiate. Consequently, to the extent practicable, questions regarding party standing should be decided before the evidentiary proceedings begin. PCS Phosphate's credentials concerning its status as a current DEF customer with a substantial interest in the issues presented here are unassailable and its standing to intervene should be confirmed without qualification. In addition, it bears noting that PCS Phosphate and the other listed intervenors have an extensive history of participation in matters before the Commission and are well known by the other parties to this docket. The public interest is not served by further deferring the standing question, and PCS Phosphate is willing to stipulate to the standing of all parties if they are willing to extend the same courtesy to PCS Phosphate.

a. PCS Phosphate – White Springs

PCS Phosphate: Yes. (Tony Georgis)

b. Florida Industrial Power Users Group

PCS Phosphate: See the statement above.

c. Florida Rising, Inc.

PCS Phosphate: See the statement above.

⁷ See, e.g., *Agrico Chemical Co. v. Department of Environmental Regulation*, 406 So.2d 478, 482 (Fla. 2d DCA 1981).

⁸ See, e.g., Rule 28-106.206, Florida Administrative Code ("F.A.C.") (Discovery); Rule 28-106.213, F.A.C. (Evidence); Rule 28-106.215, F.A.C. (Post-Hearing Submittals).

d. Nucor Steel Florida, Inc.

PCS Phosphate: See the statement above.

ISSUE E: Is Commission approval, as-filed or with modifications, of the proposed, Large Load Customer Agreement (Tariff Sheet Nos. 7.510-7.530), the Large Load Customer Policy (Tariff Sheet Nos. 4.130-4.132), and their associated terms and conditions consistent with provisions of the 2024 Settlement Agreement approved in Order No. PSC-2024-0472-AS-EI?

PCS Phosphate: Yes, Commission approval of the as-filed LLCP and LLCA is consistent with the provisions of the 2024 Settlement Agreement based on our understanding that neither will effect a change in rates, terms or conditions of service to existing customers consistent with the 2024 Settlement Agreement approved by the Commission in Order No. PSC-2024-0472-AS-EI. PCS Phosphate reserves the right to take a position regarding any as-yet unspecified modifications to the as-filed LLCP and LLCA that the Commission may order that may alter the rates or terms of service established in the 2024 Settlement Agreement.

ISSUE 1: Should the Commission approve, deny, or deny with leave to refile with modifications the proposed Large Load Customer Policy (Tariff Sheet Nos. 4.130-4.132) and the associated terms and conditions (e.g., minimum term, minimum monthly bill, security requirements, early termination, and special terms provision)? If denied with leave to refile, what should the modifications be?

PCS Phosphate: Yes, the Commission should approve the as-filed LLCP. However, if the Commission determines to adopt modifications that would result in the LLCP applying to existing DEF customers, then the LLCP needs to be revised to establish an existing customer tier as follows:

- To the extent that the existing customer is not currently served on the GSD-1 or GSDT-1 rate schedule, the existing customer should not be forced to migrate to one of those rate schedules;
- To the extent that an existing customer receives service pursuant to a contract, the term of service should remain the customer's current contract term, and termination should be governed by the customer's current rate schedule or contract agreement;
- There should be no Minimum Demand or Minimum Billing Energy Volume for existing customers;
 - An assumed hypothetical data center-oriented minimum load factor should not be applied in calculating monthly energy charges;

- There should not be a take-or-pay requirement in the calculation of demand charges;
- Billing demand should be calculated in accordance with the applicable current tariffs, rather than the LLCP;
- The existing customer should remain subject only to the security provisions in the existing General Rules and Regulations Governing Electric Service (Tariff Sheet No. 4.070) and existing customer rate schedules; and
- There should not be an early termination fee of any kind.

ISSUE 2: Should the Commission approve, deny, or deny with leave to refile with modifications the proposed Large Load Customer Agreement (Tariff Sheet Nos. 7.510-7.530) and the associated terms and conditions (e.g., minimum demand, minimum term, minimum demand charge payments, security requirements, and early termination provision)? If denied with leave to refile, what should the modifications be?

PCS Phosphate: Yes, the Commission should approve the as-filed LLCA. However, if the Commission determines to adopt modifications that would result in an LLCA applying to existing DEF customers, then the LLCA needs to be revised as to those existing customers:

- To the extent that an existing customer receives service pursuant to a contract, the term of service should remain the customer's current contract term, and termination should be governed by the customer's current rate schedule or contract agreement;
- There should be no Minimum Demand or Minimum Billing Energy Volume for existing customers;
 - An assumed hypothetical data center-oriented minimum load factor should not be applied in calculating monthly energy charges;
 - There should not be a take-or-pay requirement in the calculation of demand charges;
 - Billing demand should be calculated in accordance with the applicable current tariffs, rather than the LLCP; and
- The existing customer should remain subject only to the security provisions in the existing General Rules and Regulations Governing Electric Service (Tariff Sheet No. 4.070) and existing customer rate schedules; and
- There should not be an early termination fee of any kind.

ISSUE 3: Should the Commission approve, deny, or deny with leave to refile with modifications the proposed CIAC tariff modifications (Tariff Sheet No. 4.030 and 4.132, paragraph 13.07)? If denied with leave to refile, what should the modifications be?

PCS Phosphate: The Commission should approve the DEF as-filed proposed CIAC tariff modifications. If the Commission adopts modifications to the DEF proposal, it should specify that existing customers will remain subject to the currently approved CIAC provisions of the existing General Rules and Regulations Governing Electric Service (Tariff Sheet No. 4.030, part 3.01).

ISSUE 4: What are the effective dates for the proposed Large Load Customer Policy, Large Load Customer Agreement, and CIAC tariff?

PCS Phosphate: No position at this time.

ISSUE 5: Should this docket be closed?

PCS Phosphate: No position at this time.

F. STIPULATIONS

As of now, there are no issues to which the parties have stipulated.

G. PENDING MOTIONS

None.

H. PENDING REQUESTS OR CLAIMS FOR CONFIDENTIALITY

None.

I. OBJECTIONS TO QUALIFICATIONS OF WITNESS AS EXPERT

None at this time.

J. REQUEST FOR SEQUESTRATION OF WITNESSES

None at this time.

K. REQUIREMENTS OF ORDER ESTABLISHING PROCEDURE

There are no requirements of the Procedural Order with which PCS Phosphate cannot comply.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing has been furnished by electronic mail and/or U.S. Mail this 7th day of August 2026 to the following:

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