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 FILED: August 7, 2026

REVISED PREHEARING STATEMENT OF THE OFFICE OF PUBLIC COUNSEL

The Citizens of the State of Florida, through the Office of Public Counsel ("OPC"), pursuant to the Florida Public Service Commission ("Commission") Order Establishing Procedure ("OEP"), Order No. PSC-2026-0120-PCO-EI, issued May 5, 2026, hereby submit this prehearing statement.

APPEARANCES:

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1. WITNESSES:

Witness	Subject	Issue Numbers
Ron Nelson	Observations and recommendations related to the DEF's proposed CIAC modifications, LLCA, and LLCP.	B, 1, 2, 3, 4.

2. EXHIBITS:

Witness	Proffered by	Exhibit No.	Description
Ron Nelson	OPC	RN-1	CV
Ron Nelson	OPC	RN-2	Response to Interrogatory 24C
Ron Nelson	OPC	RN-3	JLARC Report

3. STATEMENT OF BASIC POSITION:

On May 7, 2026, Governor DeSantis signed SB 484, a historic consumer protection bill. For the first time in Florida, public utility tariffs would have to meet minimum requirements for large load customers pursuant to section 366.043, Florida Statutes. These minimum requirements were designed to ensure that the risk of nonpayment of each large load customer's cost of service may not be borne by the general body of ratepayers. In signing the legislation, Governor DeSantis declared that "SB 484… prevents data center costs from being passed on to consumers, including electricity costs, and protects Florida's water resources from data center consumption."

Despite the Legislature's passage of SB 484 and Governor DeSantis' ratifying signature and remarks, Duke Energy Florida ("DEF") wants to proceed as though it's business as usual. Instead of designing a rate specific to large load customers, DEF warms over its existing GSD-1 and GSDT-1 rates in an attempt to sidestep the requirements of section 366.043, Florida Statutes. These rates were designed as part of a settlement agreement entered into on July 15, 2024, and approved by the Commission on November 12, 2024, which was over a year before SB 484 was filed in the Florida Senate. DEF's attempts to hide behind the 2024 Settlement offers no assurance that the risk of nonpayment of large load customer costs will not be borne by DEF's general body of ratepayers.

The Commission should deny DEF's petition even absent DEF's deficient attempt to serve large load customers under existing rates. For example, although DEF's CIAC change sounds like it requires large load customers to pay "100% of the total estimated costs to extend service in advance," DEF has conceded that these costs do not include the costs of incremental generation. This concession flies in the face of section 366.043, Florida Statutes, which identifies the cost of incremental generation as an example of risks that may not be borne by the general body of rate payers. DEF's tariff also generously bestows upon the company unbridled discretion to relax customer protections to make special changes in its terms when negotiating with large load customers, oversight of which is limited to DEF unless DEF decides otherwise. DEF's early termination policy also lacks protections for its general body of rate payers. These are only a few of the many issues discussed in OPC's witness testimony for why DEF's petition should be denied.

This is a case of first impression for the Commission. Not only are the communities served by DEF watching, but so too are the other utilities who have not yet made their filings. This case represents the Commission's first and best chance both to get it right and give guidance to those waiting utilities. The Commission must deny DEF's petition for failing to comply with the requirements of section 366.043, Florida Statutes. If the Commission gives DEF leave to refile, it should do so with instructions to create a large load customer-specific rate and address all other areas in which the proposed tariffs are deficient.

4. STATEMENT OF FACTUAL ISSUES AND POSITIONS:

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

OPC Position: No. DEF has failed to demonstrate that it is "fair and reasonable" to serve the "unprecedented" loads of large load customers using rates that were not designed to do so. Serving large load customers under GSD-1 and GSDT-1 rates would give those customers undue or unreasonable preference or advantage. DEF has also failed to demonstrate that its proposed CIAC modifications, LLCP, and LLCA are fair and reasonable and do not give large load customers undue or unreasonable preference or advantage. (Nelson)

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

OPC Position: No. At a minimum, the failure to design a large load customer-specific rate and the attempted resort to an existing rate fails to comply with the requirements of section 366.043, Florida Statutes. DEF's proposed CIAC modifications, LLCA, LLCP, and grandfather clause also fail to contain sufficient protections to ensure that the risk that the nonpayment of large load customer costs will not be borne by the general body of ratepayers. (Nelson)

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

OPC Position: No**.** DEF has not met its burden to demonstrate that its petition should be approved by the Commission. DEF's proposed tariff reserves to DEF so much discretion about the application of the tariff provisions that the Commission cannot reasonably approve the associated tariffs with sufficient knowledge of what it has actually approved and whether, as applied, the tariff complies with section 366.03, Florida Statutes. Furthermore, the Commission would be unable to enforce Rule 25-9.034, Florida Administrative Code (based on section 366.05(1), Florida Statutes), because the Commission cannot determine whether a special contract with a customer is specifically covered by the tariff or to what degree arrangements deviate from the tariff.

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

a. PCS Phosphate – White Springs
b. Florida Industrial Power Users Group
c. Florida Rising, Inc.
d. Nucor Steel Florida, Inc.

OPC Position:

a. No position.
b. The Florida Industrial Power Users Group have not demonstrated standing to intervene in this docket.
c. No position.
d. No position.

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?

OPC Position: The 2024 Settlement Agreement does not prohibit a rate or rates, and the associated terms and conditions, resulting from this docket and ordered by the Commission in compliance with SB 484. Section 34 of the 2024 Settlement Agreement provides that a rate or rates, and their associated terms and conditions, resulting from this docket and ordered by the Commission in compliance with legislative requirements like those contained in SB 484, will not violate the terms of the agreement. Furthermore, the base rate freeze provision in Paragraph 5 of the Agreement does not protect existing customers from the risk that the nonpayment of large load customer costs will not be borne by the general body of ratepayers or that costs will otherwise be improperly redistributed among customer classes in a cost-of-service study applicable to future rate setting.

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?

OPC Position: The Commission should deny the proposed LLCP and its associated terms and conditions. The LLCP does not have sufficient protections to ensure that the risk of nonpayment of large load customer costs are not borne by the general body of ratepayers. If the Commission denies the LLCP with leave to refile with modifications, then, at a minimum, the Commission should strip DEF of the discretion to negotiate any changes to provisions without total oversight by the Commission, strengthen the early termination policy and security collateral requirements, and make any other changes recommended by OPC's expert witness or deemed necessary by the Commission to protect the general body of ratepayers. (Nelson)

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?

OPC Position: The Commission should deny the proposed LLCA and associated terms and conditions. If the Commission denies the LLCA with leave to refile with modification, then, at a minimum, the Commission should recommend modifications consistent with the above. (Nelson)

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?

OPC Position: The Commission should deny the proposed CIAC modifications for failing to include recovery of incremental generation costs, failing to clearly specify what exact costs of incremental transmission are included in the CIAC charges, and for not applying a "but for" test to establish the costs to be recovered in the CIAC charges. If the CIAC tariff provisions are denied with leave to refile, the Commission should require DEF to include modifications to make large load customers pay 100% of the "but for" connection costs related to large load customers that include the incremental generation and transmission upgrades costs, including the costs of network transmission upgrades. (Nelson)

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

OPC Position: There should be no effective dates as DEF's Petition should be denied. If DEF's proposals are approved, the effective date(s) should be in compliance with the provisions of SB 484.

ISSUE 5: Should this docket be closed?

OPC Position: No.

5. STIPULATED ISSUES

OPC is not aware of any issues that can be stipulated at this time.

6. **PENDING MOTIONS OR OTHER MATTERS**

The OPC is not aware of any formal motions to be disposed of at this time.

7. **STATEMENT OF PARTY'S PENDING REQUESTS OR CLAIMS FOR CONFIDENTIALITY**

There are no pending requests or claims for confidentiality filed by OPC.

8. **OBJECTIONS TO QUALIFICATION OF WITNESSES AS AN EXPERT**

OPC has no objections to the qualification of any witnesses as an expert in the field in which they pre-filed testimony as of the present date.

9. **SEQUESTRATION OF WITNESSES**

OPC does not request the sequestration of any witnesses at this time.

10. **STATEMENT OF COMPLIANCE WITH ORDER ESTABLISHING PROCEDURE**

OPC is unaware of any aspect of the Order Establishing Procedure in this docket with which it cannot comply. The OPC respectfully requests in Rate Proceedings such as this in future dockets there be a collaborative effort to set schedules with all parties involved.

Respectfully submitted,

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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 on this 7th day of August, 2026, to the following:

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