BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for rate increase by Tampa Electric Company	DOCKET NO. 20260064-EI

FLORIDA RISING'S AMENDED PREHEARING STATEMENT

Florida Rising, Inc. ("Florida Rising"), by and through its undersigned counsel, and pursuant to Order No. PSC-2026-0120-PCO-EI, hereby submits its Prehearing Statement:

I. Witnesses

All Known Witnesses:

Florida Rising Direct Witnesses:	Subject Matter:	Issue Nos:
Karl Rábago	Cost of Service, Early Termination, CIAC, Security	A, B, D, 1-3
Katina Rentas Negrón	Florida Rising Standing	D(c)

All witnesses listed or presented by any other party or intervenor

Impeachment and rebuttal witnesses as needed

Any witnesses revealed during continuing discovery or other investigation

Authentication witnesses or witnesses necessary to lay a predicate for the admissibility of evidence as needed

Standing witnesses as needed

II. Pre-filed Exhibits

Florida Rising will sponsor the direct exhibits as set out below. However, Florida Rising reserves the right to use other exhibits during cross examination of any other party's or intervenor's witnesses.

Witness	Proffered By:	Exhibit No.	Description	Issue Nos.
Karl Rábago	Florida Rising	KRR-1	Karl R. Rábago Resume	
Karl Rábago	Florida Rising	KRR-2	Rábago List of Prior Testimony	
Karl Rábago	Florida Rising	KRR-3	DEF 2024 Settlement Agreement Rate Schedule	A, B, D, 1, 2
Karl Rábago	Florida Rising	KRR-4	DEF Response to Florida Rising's First Request for Admission	A, B, D, 1, 2
Katina Rentas Negrón	Florida Rising	KRN-1	Florida Rising Articles of Incorporation	D(c)

All exhibits listed or introduced into evidence by any other party or intervenor

Standing documents as needed

Impeachment exhibits

Rebuttal exhibits

Exhibits determined necessary by ongoing discovery

All depositions, transcripts, and exhibits attached to depositions

All documents produced in discovery

Blow-ups or reproductions of any exhibit

Demonstrative exhibits

All pleadings, orders, interrogatory answers, or other filings

All documents or data needed to demonstrate the admissibility of exhibits or expert opinion

Maps and summary exhibits

III. Statement of Basic Position

The Commission should deny Duke Energy Florida's ("Duke") petition, including its request for approval of its Large Load Customer Policy ("LLCP") and Large Load Customer Agreement ("LLCA"). Duke's filing does not comply with newly enacted legislation, section 366.043, Florida Statutes, which was designed to protect the general body of ratepayers from increased energy bills and from subsidizing the costs to serve new data centers.

The new legislation, for one, requires Duke to file a compliant tariff by October 1, 2026, that ensures that large load customers, i.e., customers with over 50 MWs of load (generally new data centers), pay all of the costs to serve them. Duke has repeatedly purported that its filing is compliant, though it fails to even include a rate schedule and instead merely adds large load customers to its existing rate classes, GSD-1 or GSDT-1, which, according to Duke's last cost of service analysis, is already below parity and thus does not even recover the costs to serve the existing customers on those rates. Duke thus fails to comply with even the law's most basic requirement.

Furthermore, the statute explicitly requires Duke and its filing to "reasonably ensure that each large load customer bears its own full cost of service and that such cost is not shifted to the general body of ratepayers." § 366.043(3)(a), Fla. Stat. The legislation further details the costs that large load customers are expected to bear, including, but not limited to, connection, incremental transmission, incremental generation, and operations and maintenance expenses. Duke's filing fails this metric, too; by adding large load customers to existing rate classes which are already below parity, Duke guarantees cross-class subsidization, primarily by the residential and small business classes that are already above parity. Given the estimated billions of dollars it would take to serve even *one* data center, the problem is only expected to worsen, with those billions upon billions leading to an increased negative impact on the parity indices of the GSD-1 and GSDT-1 classes and with the minimum bill set by Duke's LLCP falling far short of that needed for full cost recovery.

In the event of early termination, Duke's policy woefully falls short again. In its Termination Payment Obligation, the LLCA limits the costs the customer is on the hook for to only those associated with preparing the site for electric service, leaving ample costs on the table associated with constructing new power facilities, operating and maintaining those facilities, and more for the general body of ratepayers to recover. Even those costs that *are* recoverable from the large load customer upon termination are not guaranteed; only the security amount paid upfront by the customer provides any real assurance. This security provision ends up, however, only generating more concerns rather than resolving them, with only 10% of an already insufficient Termination Payment Obligation or Termination Fee positively assured. This, too, violates the new legislation: Duke's filing does not comply with the Legislature's command to ensure that the risk of nonpayment is not borne by the general body of ratepayers.

Instead of protecting the general body of ratepayers from the costs to serve data centers and other large load customers—the sole mandate and primary goal of the Legislature's new law—Duke attempts to entice such customers instead, proposing a "tariff" that ensures low costs for data centers at the expense of everyone else. To therefore comply with and carry out the goals of the new legislation, the Commission should deny Duke's petition for approval of its LLCP and LLCA and direct it to file tariffs and rates designed to recover the costs to serve large load customers from large load customers.

IV. <u>Statement of Issues and Positions</u>

As discovery is ongoing and the evidentiary hearing has not yet occurred, all positions are initial positions that are subject to change based on the evidence produced.

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

POSITION: No. By forcing the general body of ratepayers to subsidize large load customer costs, Duke's LLCP is neither fair nor reasonable under sections 366.03, Florida Statutes. (Karl Rábago).

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

POSITION: No. Section 366.043, Florida Statutes, contains several mandates to ensure such costs are not passed to the general body of ratepayers, and DEF's petition and associated tariffs falls well-short of those requirements, with no assurance at all that the general body of customers will not be paying the costs for large load customers, among other violations of the statutory requirements. (Karl Rábago)

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

POSITION: No. This statute gives the Commission the power to "prescribe fair and reasonable rates and charges." As discussed in the positions to Issue A and B, Duke's proposal falls far short of ensuring fair and reasonable terms.

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.

POSITION: (a) Yes, PCS Phosphate, as an individual customer whose rates could ultimately be impacted by this proceeding, has standing.

(b) FIPUG claims to have about eight members served by Duke. This would appear to support associational standing, as eight members are a substantial number and this proceeding may greatly impact electric rates. Florida Rising is not waiving its legal arguments regarding incorporation status being necessary to participate in Chapter 120 proceedings, nor its ability to raise such arguments at the appellate level.

(c) Yes. (Katina Rentas Negrón, Karl Rábago)

(d) Yes, Nucor Steel, as an individual customer whose rates could ultimately be impacted by this proceeding, has standing.

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?**

POSITION: Duke's petition fails to create a new rate case for large load customers as required by section 366.043, Florida Statutes. However, even if Duke's petition was modified to add such a new rate class, it would not violate Order No. PSC-2025-0472-AS-EI, given the independent legal obligation to comply with the new intervening law.

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?**

POSITION: The Commission should deny the proposed LLCP or, in the alternative, deny with leave to refile, provided that the new filing contains a separate rate class for large load customers, the minimum monthly bill is adjusted to ensure that it recovers the full costs of serving large load customers, and the security and early termination provisions are revised to include a higher security payment and Termination Payment Obligation or Termination Fee. (Karl Rábago)

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?**

POSITION: The Commission should deny the proposed LLCA or, in the alternative, deny with leave to refile, provided that the security to be rendered is increased and the early termination provisions are revised to include all costs associated with servicing a large load customer. (Karl Rábago)

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?**

POSITION: The CIAC provisions should be made more robust, so as to comply with section 366.043, Florida Statutes, and protect ratepayers. (Karl Rábago)

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

POSITION: Effective date should not be decided until there are proposals that comply with the statutory mandates.

ISSUE 5: **Should this docket be closed?**

POSITION: No. The Commission should deny Duke's proposal and then direct Duke to re-file with a proposal that complies with section 366.043, Florida Statutes.

V. <u>Stipulated Issues</u>

None.

VI. <u>Pending Motions or Other Matters</u>

None.

VII. <u>Pending Request or Claims for Confidentiality</u>

None.

VIII. Objections to Witness' Qualifications as an Expert

None.

IX. Request for Sequestration of Witnesses

None.

X. Compliance with Order Establishing Procedure

Florida Rising has complied with all applicable requirements of the order establishing procedure in this docket.

RESPECTFULLY SUBMITTED this 7th day of August, 2026.

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy and correct copy of the foregoing was served on this 7th day of August, 2026, via electronic mail on:

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DATED this 7th day of August, 2026.

/s/ Bradley Marshall
Attorney