

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for rate increase by Florida
Power & Light Company.

DOCKET NO. 20250011-EI
ORDER NO. PSC-2025-0221-PCO-EI
ISSUED: June 19, 2025

ORDER GRANTING PETITION TO INTERVENE
BY AMERICANS FOR AFFORDABLE CLEAN
ENERGY, INC., CIRCLE K STORES, INC.,
RACETRAC, INC., AND WAWA, INC.

By letter dated January 2, 2025, Florida Power & Light Company (FPL or Company) notified the Florida Public Service Commission (Commission) that it would be filing a petition for base rate increase effective January 2026.¹ On February 28, 2025, FPL filed its petition for base rate increase, minimum filing requirements, and supporting direct testimony. Pursuant to Order No. PSC-2025-0075-PCO-EI, the undersigned Prehearing Officer scheduled the evidentiary hearing on FPL's petition for August 11 through August 22, 2025.

Petition for Intervention

On June 9, 2025, the Americans for Affordable Clean Energy, Inc. (AACE), Circle K Stores, Inc., (Circle K), RaceTrac, Inc. (RaceTrac) and Wawa, Inc. (Wawa) (collectively "Fuel Retailers") filed a Petition to Intervene in this proceeding. The Petition makes the following allegations as to each petitioning intervenor:

1. AACE

AACE is a nonprofit association of fuel retailers. AACE seeks intervention on behalf of "its five fuel retailer members in Florida," who collectively own and operate over 1,500 convenience stores, public travel facilities, and truck stops in the state. These locations offer fuel, goods, services, and other amenities. Intervention is sought for all AACE members who are energy customers (ratepayers) of FPL, and rely on electricity to offer fuel and other services. Electric vehicle (EV) charging stations have or will be deployed at some of the locations owned and operated by AACE members. The membership of AACE includes Circle K, RaceTrac, and Wawa.

2. Circle K

Circle K is currently the global brand of Alimentation Couche-Tard, Inc., which operates more than 16,700 stores in 29 countries and territories. Circle K operates approximately 256 convenience stores in FPL's territory, and pays the Company substantial amounts for electricity.

¹ See Rule 25-6.140, Florida Administrative Code (F.A.C.).

3. RaceTrac

RaceTrac has been in business for 90 years and, together with affiliate RaceWay, currently operates over 800 stores over its entire footprint. RaceTrac has 110 refueling stations in FPL's territory. RaceTrac pays the Company substantial amounts for electricity each year. RaceTrac offers EV chargers outside of FPL's territory, and "is currently working towards three additional Florida locations with EV charging in the FPL service area."

4. Wawa

Wawa currently operates 1,040 convenience stores, approximately 865 of which have motor vehicle refueling stations. Wawa has 113 locations in FPL's territory, 28 of which have EV charging stations. Wawa pays the Company substantial amounts for electricity, and affordable and reliable electrical service is necessary for its operations.

The Fuel Retailers represents that it conferred with the following and was authorized to represent that they take no position on the petition to intervene: Florida Retail Federation, Inc., Walmart, Inc., Florida Industrial Power Users Group, the Southern Alliance for Clean Energy, the Federal Executive Agencies, Florida Rising, Inc., League of United Latin American Citizens Florida, Inc., Environmental Confederation of Southwest Florida, Inc., EVGo Services, LLC, the Office of Public Counsel, Electrify America, and the Florida Energy for Innovation Association.

The Fuel Retailers conferred with FPL and was authorized to represent that it takes no position pending review of the Motion.

No parties have filed a response in opposition to the Petition, and the time for doing so has expired.

Standards for Intervention

Pursuant to Rule 28-106.205, F.A.C., persons, other than the original parties to a pending proceeding, whose substantial interests will be affected by final agency action in the proceeding and who desire to become parties may move for leave to intervene. A person seeking to intervene on the basis that their substantial interests will be affected must plead facts sufficient to demonstrate an injury in fact which is of sufficient immediacy to entitle them to an evidentiary hearing, and that this injury is of a type or nature which the proceeding is designed to protect. *Agrico Chem. Co. v. Dep't of Env't Regul.*, 406 So. 2d 478, 482 (Fla. 1st DCA 1981). An association such as AACE that is seeking to intervene in an administrative proceeding on behalf of its members must specifically plead the following:

- (1) the substantial interests of a substantial number of its members may be affected by the proceeding;
- (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 Ass'n v. Dep't of Lab. & Emp. Sec., 412 So. 2d 351, 354 (Fla. 1982).

Analysis and Ruling

“In determining whether a party has standing to seek a formal administrative hearing, the allegations contained in the party's petition must be taken as true.” *Mid-Chattahoochee River Users v. Fla. Dep't of Env't Prot.*, 948 So. 2d 794, 796 (Fla. 1st DCA 2006). Taken as true, the allegations made by Wawa, Inc., Circle K, Inc., and RaceTrac, Inc., are sufficient under *Agrico*. Specifically, each of these putative intervenors has pleaded that it is a retail energy customer of the Company, and that their substantial interests as ratepayers will be affected by the Commission's action on FPL's request for a rate increase.

Taken as true, AACE's allegations are sufficient to support all elements of associational standing under *Florida Home Builders*. A substantial number of AACE's members will be directly affected by the Commission's action in this docket, protecting the interests of these members is within AACE's general scope of corporate activity, and it would be appropriate for AACE to obtain relief in the form of fair, just, and reasonable rates on behalf of its affected members.

Therefore, the petition to intervene individually by Wawa, Circle K, and RaceTrac, and as an association by AACE, is granted *en toto*, subject to proof of standing or stipulations that there are sufficient facts to support all elements for standing for each intervenor. *See Delgado v. Agency for Health Care Admin.*, 237 So. 3d 432, 437 (Fla. 1st DCA 2018) (proper pretrial stipulations to the facts supporting all elements of standing are binding upon the parties and the court).

As intervenors, AACE, Wawa, Circle K, and RaceTrac, take the case as they find it.

Based on the above representations, it is

ORDERED by Commissioner Mike La Rosa, as Prehearing Officer, that the Petition to Intervene filed by the Americans for Affordable Clean Energy, Inc., Circle K Stores, Inc., RaceTrac, Inc. and Wawa, Inc. is hereby granted as set forth in the body of this Order. It is further

ORDERED that Americans for Affordable Clean Energy, Inc., Circle K Stores, Inc., RaceTrac, Inc. and Wawa, Inc. take the case as they find it. It is further

ORDERED that all parties to this proceeding shall furnish copies of all testimony, exhibits, pleadings, and other documents that may hereinafter be filed in this proceeding to:

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By ORDER of Chairman Mike La Rosa, as Prehearing Officer, this 19th day of June, 2025.



Mike La Rosa
Chairman and Prehearing Officer
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Copies furnished: A copy of this document is provided to the parties of record at the time of issuance and, if applicable, interested persons.

SPS

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing or judicial review will be granted or result in the relief sought.

Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

Any party adversely affected by this order, which is preliminary, procedural or intermediate in nature, may request: (1) reconsideration within 10 days pursuant to Rule 25-22.0376, Florida Administrative Code; or (2) judicial review by the Florida Supreme Court, in the case of an electric, gas or telephone utility, or the First District Court of Appeal, in the case of a water or wastewater utility. A motion for reconsideration shall be filed with the Office of Commission Clerk, in the form prescribed by Rule 25-22.0376, Florida Administrative Code. Judicial review of a preliminary, procedural or intermediate ruling or order is available if review of the final action will not provide an adequate remedy. Such review may be requested from the appropriate court, as described above, pursuant to Rule 9.100, Florida Rules of Appellate Procedure.