

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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

DOCKET NO. 20250011-EI  
ORDER NO. PSC-2025-0344-PCO-EI  
ISSUED: September 12, 2025

ORDER DENYING THE FLORIDA INDUSTRIAL POWER USERS GROUP'S MOTION TO  
QUASH FLORIDA RISING'S, LEAGUE OF UNITED LATIN AMERICAN CITIZENS' AND  
ENVIRONMENTAL CONFEDERATION OF SOUTHWEST FLORIDA'S FIRST SET OF  
INTERROGATORIES (NOS. 1-7) AND FIRST REQUEST FOR PRODUCTION OF  
DOCUMENTS TO FLORIDA INDUSTRIAL POWER USERS GROUP

Background

On June 25, 2025, Florida Rising, the League of United Latin American Citizens, and the Environmental Confederation of Southwest Florida (collectively FEL) served its First Set of Interrogatories (Nos. 1-7) and First Request for Production of Documents to the Florida Industrial Power Users Group (FIPUG) (Contested Discovery). A Notice of Service was filed with the Commission that same day.<sup>1</sup> Under the Order Establishing Procedure (OEP), responses to the Contested Discovery were due within 20 days of the date the request was received.<sup>2</sup> The OEP further established that all discovery was to be completed by July 23, 2025.

On August 8, 2025, Florida Power & Light Company (FPL) filed a Notice of Settlement in Principle and Joint Motion to Suspend Schedule and Amend Procedural Order. On August 11, 2025, the first day of the hearing scheduled by the OEP, the Commission heard argument from the parties and granted the Motion to Suspend Schedule.<sup>3</sup> Subsequently, a First Order Revising Order Establishing Procedure (Revised OEP) was issued which established a new hearing schedule, and a new deadline for discovery actions to be complete of October 3, 2025.<sup>4</sup> Contained within the Revised OEP is a direction that "Discovery shall be limited to the issues in the Settlement Agreement."<sup>5</sup> On August 22, 2025, FEL served its Renewed First Set of Interrogatories (Nos. 1-7) and its Renewed First Request for Production of Documents (Nos. 1-3) to FIPUG (collectively, Renewed Contested Discovery).<sup>6</sup> The Renewed Contested Discovery seeks information regarding the organizational structure and membership of FIPUG.

On August 29, 2025, FIPUG filed a Motion to Quash FEL's Renewed Contested Discovery. On September 2, 2025, FEL filed its Response in Opposition to FIPUG's Motion to Quash (Response). Both the Motion to Quash and the Response acknowledge an informal

<sup>1</sup> Document No. 05210-2025.

<sup>2</sup> Order No. PSC-2025-0075-PCO-EI, issued March 14, 2025, at page 4.

<sup>3</sup> Order No. PSC-2025-0304-PCO-EI, issued August 12, 2025.

<sup>4</sup> Order No. PSC-2025-0323-PCO-EI, issued August 22, 2025, at page 3.

<sup>5</sup> Revised OEP at page 2.

<sup>6</sup> The Renewed Contested Discovery appears identical in all aspects to the initial discovery served by FEL to FIPUG on June 23, 2025, except that Interrogatory 5 contains an additional subpart a in the Renewed Contested Discovery.

agreement between the parties to extend the deadline to respond to the Contested Discovery until the discovery deadline established by the OEP of July 23, 2025.<sup>7</sup>

### Analysis and Decision

FIPUG points to Rule 1.280, Florida Rules of Civil Procedure (Fla. R. Civ. P.), as grounds for the relief requested in its Motion to Quash.<sup>8</sup> FIPUG states that FEL agreed to grant FIPUG an extension of time through July 23, 2025, and that no further discussion or activity relating to FEL's discovery occurred until the afternoon of August 6, 2025, only two business days before the beginning of the rate case and two weeks after the discovery cutoff date.<sup>9</sup> FIPUG argues that this passage of time constitutes a waiver of FEL's rights to pursue the Contested Discovery. FIPUG also argues that, inasmuch as the Renewed Contested Discovery relates to standing, FEL had the opportunity to depose FIPUG's witness who filed testimony on that issue, and that FIPUG has previously been granted standing in Public Service Commission proceedings. Additionally, FIPUG argues that the Revised OEP created only a limited window for narrow discovery on new issues of fact or law that may have emerged as a result of the settlement, and not for discovery that could have been previously pursued but was not.<sup>10</sup>

In its Response, FEL states that the "the baseline test for discovery is always relevance to the disputed issues of the underlying action."<sup>11</sup> FEL argues that the Motion to Quash is untimely and that FIPUG's own failure to file a Motion for Protective Order in turn constitutes a waiver of any objection to the discovery. FEL also argues that regardless of whether or not the initial Contested Discovery was waived, the Renewed Contested Discovery remains relevant and timely and therefore should be answered.<sup>12</sup> FEL argues that FIPUG was only provisionally granted standing and that FIPUG's ability to participate in this proceeding remains within the scope of the Revised OEP, as well as its ability to bind other parties, enter into contracts, and have those contracts enforced.<sup>13</sup>

FIPUG points to no authority to support its assertion that FEL has waived its right to a response to the original Contested Discovery. On the other hand, FEL cites multiple decisions which support its argument that FIPUG's failure to object to the discovery in a timely fashion constitutes a waiver of its objection.<sup>14</sup> Additionally, Rule 1.280(c), Fla. R. Civ. P., states:

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<sup>7</sup> Motion to Quash at page 1, Response at page 2.

<sup>8</sup> Rule 1.280 is incorporated by reference into the Uniform Rules of Procedure, which apply to proceedings before the Commission. *See* Rule 28-106.206, Florida Administrative Code ("After commencement of a proceeding, parties may obtain discovery through the means and in the manner provided in Rules 1.280 through 1.400, Florida Rules of Civil Procedure.")

<sup>9</sup> Motion to Quash at page 1.

<sup>10</sup> *Id.* At page 2.

<sup>11</sup> Response at page 1, *citing Owners Insurance Co. v. Armour*, 303 So. 3d 263, 267 (Fla. 2d DCA 2020).

<sup>12</sup> Response at page 7.

<sup>13</sup> *Id.*

<sup>14</sup> *See Bainter v. League of Women Voters of Florida*, 150 So. 3d 1115, 1127-31 (Fla. 2014); *Insurance Co. of N. Am. v. Noya*, 398 So. 2d 836, 838 (Fla. 5<sup>th</sup> DCA 1981).

Upon motion by a party or by the person from whom discovery is sought, and for good cause shown, the court in which the action is pending may make any order to protect a party or person from annoyance, embarrassment, oppression, or undue burden or expense that justice requires, including one or more of the following: (1) that the discovery not be had; . . . If the motion for a protective order is denied in whole or in part, the court may, on such terms and conditions as are just, order that any party or person provide or permit discovery.

It is therefore within the Prehearing Officer's discretion to protect a party or person from annoyance, embarrassment, oppression, or undue burden or expense under Rule 1.280(d), Fla. R. Civ. P., if good cause is shown. FIPUG has neither alleged nor demonstrated that the Contested Discovery or Renewed Contested Discovery presents an annoyance, embarrassment, oppression, or undue burden or expense, only that the Revised OEP is not intended for the pursuit of discovery that could have been previously pursued but was not. FIPUG has likewise not alleged that the Contested Discovery is not relevant, only that the information FEL seeks could possibly have been obtained previously or through other avenues. Accordingly, FIPUG has failed to demonstrate the good cause necessary for relief under Rule 1.280(d), Fla. R. Civ. P.

Having considered the foregoing, I find that FIPUG's Motion to Quash shall be denied. Further, FIPUG shall respond to the Renewed Contested Discovery by September 19, 2025.

Therefore, it is

ORDERED by Chairman Mike La Rosa, as Prehearing Officer, that the Florida Industrial Power Users Group's Motion to Quash Florida Rising's, League of united Latin American Citizens', and Environmental Confederation of Southwest Florida's Renewed First Set of Interrogatories (Nos. 1-7) and First Request for Production of Documents to Florida Industrial Power Users Group is denied. It is further,

ORDERED that the Florida Industrial Power Users Group must provide responses to the Renewed Contested Discovery by September 19, 2025.

By ORDER of Chairman Mike La Rosa, as Prehearing Officer, this 12th day of September, 2025.



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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.

TPS

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.