

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for rate increase by Tampa) DOCKET NO. 20240026-EI
Electric Company)
_____)

**PETITION TO INTERVENE BY FLORIDA RISING &
LEAGUE OF UNITED LATIN AMERICAN CITIZENS OF FLORIDA**

Pursuant to sections 120.569, 120.57, Florida Statutes, and Rule 28-106.205, Florida Administrative Code, the League of United Latin American Citizens of Florida, also known as LULAC Florida, Inc. (“LULAC”), and Florida Rising, Inc., through its undersigned counsel, petition for leave to intervene in the above captioned proceedings, and in support thereof state:

I. AGENCY AFFECTED

1. The name and address of the agency affected by this petition is

Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

II. IDENTIFICATION OF THE INTERVENORS AND THEIR COUNSEL

2. The names and addresses of Petitioners are:

League of United Latin American Citizens of Florida
1400 Byram Dr.
Clearwater, FL 33744

Florida Rising, Inc.
10800 Biscayne Blvd.,
Suite 1050
Miami, FL 33161

3. The names and addresses of counsel for Petitioners, authorized to receive all notices, pleadings, and other communications in this docket are:

Bradley Marshall
Jordan Luebkemann

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111 S. Martin Luther King Jr. Blvd.
Tallahassee, Florida 32301
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III. RECEIPT OF NOTICE OF AGENCY’S PROPOSED ACTION

4. Petitioners received notice of the Florida Public Service Commission’s (“Commission”) action through a search of the open dockets on the Commission’s website and by electronic notice from Tampa Electric Company (“TECO”).

IV. THE INTERVENORS’ SUBSTANTIAL INTERESTS

5. LULAC Florida is part of the largest and oldest Hispanic civil rights organization in the United States, which advances the economic condition, educational attainment, political influence, housing, health, and civil rights of Hispanic Americans through community-based programs operating through local councils across the nation. Reducing this rate hike will reduce the high-energy burdens on the Hispanic community, implicating LULAC’s interest in the economic condition of its members and the Hispanic population of Florida, including those located in TECO’s territory.

6. In addition to addressing the economic concerns of its members, LULAC has focused on environmental issues to advance its mission. LULAC has established multiple environmental health and protection programs, as well as adopted positions on energy security and climate change in its National Policy Platform. Stopping unneeded fossil-fuel generation is key to this mission. Non-renewable energy generation releases harmful pollutants into the air that have a direct effect on the health of nearby individuals. LULAC has recognized that Hispanic communities are often disproportionately affected by the health effects resulting from

non-renewable energy-related pollution. Similarly, the pollutants released by non-renewable energy generation facilities are direct contributors to global climate change. In a resolution passed by LULAC, the organization has recognized the disproportionate effect of climate change on Hispanic communities and has resolved to address climate change as part of its mission.

LULAC has an acute interest in halting TECO's unnecessary investments in fossil-fuel infrastructure. As these investments have bypassed the state's Power Plant Siting Act process, the proper review of the prudence of these investments is in this case. LULAC believes that TECO's investments fall far short of meeting the prudence requirements of the Commission.

7. LULAC currently has members and leadership in Florida working towards these energy and environment-focused goals, including working to address our generating infrastructure and related economic and environmental concerns. LULAC has a substantial number of members in TECO's service territory which will be substantially affected by the outcome of this proceeding as TECO ratepayers, and have previously been granted intervention against other Florida utility companies, Order Granting Intervention, *In re: Commission review of numeric conservation goals (Florida Power & Light Company)*, Docket No. 20190018-EG, Order No. PSC-2019-0293-PCO-EG (Fla. P.S.C. July 25, 2019), and against TECO in the numeric conservation goal-setting docket, Order Granting Intervention, *In re: Commission review of numeric conservation goals (Tampa Electric Company)*, Docket No. 20190021-EG, Order No. PSC-2019-0293-PCO-EG (Fla. P.S.C. July 25, 2019).

6. Florida Rising is a membership-based organization dedicated, under their articles of incorporation, to building "broader multiracial movements with individuals from historically marginalized communities to seize power and govern to advance social, economic, and racial justice." Florida Rising has a substantial number of members in TECO's service territory that

are TECO customers that will face higher electricity rates and thus higher bills to pay for TECO's unneeded investments in fossil-fuel infrastructure. Beyond advocating for economic equity, which will be a key issue in TECO's rate case, Florida Rising is also committed to climate justice and pushing for a regenerative future and a just transition that puts frontline communities as the center of energy policy, disaster response, food policy, and all climate change initiatives. A substantial number of Florida Rising's members live in TECO's service area and are customers receiving electricity service from TECO and will be substantially affected by the outcome of this proceeding as TECO ratepayers.

7. In furtherance of the mission of Florida Rising, Florida Rising has previously intervened in the most recent Florida Power & Light Company rate case. *See Order Granting Florida Rising Inc.'s Petition to Intervene, In re: Petition for rate increase by Florida Power & Light Company*, Docket No. 20210015-EI, Order No. PSC-2021-0139-PCO-EI (Fla. P.S.C. April 20, 2021).

V. STATEMENT OF AFFECTED INTERESTS

8. In the above-captioned proceeding, the Commission will determine whether to grant TECO's petition to raise its rates and whether to allow TECO to recover funds – and profits – for its investments in fossil-fuel infrastructure that have never been reviewed by the Commission. The proposed rate increase will result in substantial bill increases to LULAC's and Florida Rising's members. The proposed rate hike will further increase the energy burden already suffered by low-income customers in TECO's territory, and will negatively impact LULAC's and Florida Rising's members in TECO's service territory.

9. The substantial interest of members of LULAC and Florida Rising are affected in this case because the Commission's order will determine the rates their members pay in TECO's

service territory. Thus, the Commission's order will directly affect the mission of LULAC and Florida Rising members and their pecuniary interests.

10. Moreover, LULAC and Florida Rising, and their members rely on these proceedings to provide the Commission with expert testimony and opinion about the value and prudence of the investments TECO has been making in fossil-fuel infrastructure.

11. These are the type of interests this proceeding is designed to protect because the purpose of this case coincides with the substantial interests of LULAC and Florida Rising and their members. *Ameristeel Corp. v. Clark*, 691 So.2d 473 (Fla. 1997); *Agrico Chemical Co. v. Department of Environmental Regulation*, 406 So.2d 478 (Fla. 2d DCA 1981), *reh. denied*, 415 So.2d 1359 (Fla. 1982); *Florida Home Builders Ass 'n v. Department of Labor and Employment Security*, 412 So.2d 351, 353-54 (Fla. 1982).

12. LULAC and Florida Rising are authorized to represent their interests and the interests of their members in legal actions, including formal administrative actions such as this. The subject matter of this docket is well within the scope of interest and activities of LULAC and Florida Rising, and the relief requested is the type of relief appropriate for these organizations to receive on behalf of their members. The rights and interests of LULAC and Florida Rising and their members cannot be adequately represented by any other party in this docket, and intervention will not unduly delay or prejudice the rights of other parties.

13. Florida Rising, Inc. and LULAC meet the three-prong standing test from *Florida Home Builders*, in that 1) a substantial number of Florida Rising's and LULAC's members will be substantially affected by the Commission's decision in this docket; 2) the subject matter of this proceeding is within Florida Rising's and LULAC's general scope of interest and activity (i.e., fair and just reasonable rates and Florida Rising's interest in advocating for economic

justice for its members); and 3) the relief requested is of a type appropriate for Florida Rising and LULAC to receive on behalf of its members (i.e., fairer and more just rates).

14. LULAC's and Florida Rising's intervention is timely. R. 28-106.205, F.A.C.

VI. STATEMENT OF DISPUTED ISSUES OF FACT

15. LULAC and Florida Rising cannot at this time provide a complete statement of disputed issues of fact as discovery has not started and TECO has not filed the minimum filing requirements or any pre-filed testimony as of the filing of this petition. It is expected that disputed issues of fact include, but are not limited to, the following:

- a. Whether TECO's proposed return on equity is reasonable.
- b. Whether TECO's proposed equity to debt ratio is reasonable.
- c. Whether TECO's continued investments in fossil-fuel infrastructure are prudent.
- d. Whether the other investments TECO seeks to recover have been prudent.
- e. Whether TECO's requested rate increase is fair, just, and reasonable.
- f. Whether TECO has proven any financial need for rate relief.
- g. Whether TECO's projected revenues and forecasts are appropriate.
- h. Whether TECO's proposed revenue allocation amongst the customer classes is reasonable.

VII. STATEMENT OF ULTIMATE FACT

16. LULAC and Florida Rising cannot at this time provide a complete statement of ultimate facts to be proven because discovery has not started and the minimum filing requirements have not been filed. LULAC's and Florida Rising's allegations of ultimate facts include, but are not limited to, that TECO's requested rate increase is unjust, unreasonable, and

unjustly discriminatory, and includes recovery for investments in fossil-fuel infrastructure and other infrastructure that were not prudent.

VIII. STATUTES AND RULES THAT REQUIRE THE RELIEF REQUESTED

17. The rules and statutes that entitle LULAC and Florida Rising to intervene and participate in this case include, but are not limited to, the following:

- a. § 120.569, Fla. Stat.;
- b. § 120.57, Fla. Stat.;
- c. §§ 366.03-06, Fla. Stat.;
- d. R. 28-106.201, F.A.C.; and
- e. R. 28-106.205, F.A.C.

IX. CONSULTATION WITH OTHER PARTIES

31. Pursuant to Rule 28-106.204(3), F.A.C., LULAC and Florida Rising have conferred with counsel for TECO and for the Office of Public Counsel (“OPC”) regarding this petition. Both OPC and TECO advised that they take no position or do not object to this petition.

X. RELIEF SOUGHT

32. WHEREFORE, LULAC and Florida Rising respectfully request that the Commission enter an order granting them leave to intervene in the above-styled docket as full parties, and further requests parties to provide the undersigned with all pleadings, testimony, evidence, and discovery filed in said dockets.

RESPECTFULLY SUBMITTED this 6th day of March, 2024.

/s/ Bradley Marshall
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***Counsel for League of United Latin
American Citizens of Florida and Florida
Rising***

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy and correct copy of the foregoing was served on this 6th day of March, 2024, via electronic mail on:

<p>Adria Harper Carlos Marquez Timothy Sparks Florida Public Service Commission Office of General Counsel 2540 Shumard Oak Blvd. Tallahassee, FL 32399-0850 aharper@psc.state.fl.us cmarquez@psc.state.fl.us tsparks@psc.state.fl.us</p>	<p>Jeff Wahlen Malcolm N. Means Virginia L. Ponder Ausley McMullen 123 South Calhoun Street Tallahassee, FL 32301 jwahlen@ausley.com mmeans@ausley.com vponder@ausley.com</p>
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DATED this 6th day of March, 2024.

/s/ Bradley Marshall
Attorney