

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Petition for rate increase by Duke ) DOCKET NO. 20240025-EI  
Energy Florida, LLC )  
\_\_\_\_\_ )

**FLORIDA RISING’S & LEAGUE OF UNITED LATIN AMERICAN CITIZENS’  
MOTION FOR RECONSIDERATION OF  
ORDER DENYING ORLANDO-AREA SERVICE HEARING**

Florida Rising and League of United Latin American Citizens of Florida (“LULAC”), pursuant to Rule 25-22.0376, Florida Administrative Code, request that the Florida Public Service Commission reconsider its decision in Order Number PSC-2024-0147-PCO-EI (issued May 8, 2024), Denying the Office of Public Counsel’s Motion for Additional Service Hearings (which had been joined by Florida Rising and LULAC), as the Commission has overlooked the fact that the portion of Duke Energy Florida’s (“Duke”) territory that has more Duke customers than any other portion has no service hearing, nor do its Spanish-language speakers have access to a service hearing with translation services. Florida Rising and LULAC maintain that its Orlando-area members who are Duke customers are just as much Duke customers—and therefore just as entitled to be heard by the Commission—as Duke’s Pinellas County and Duke’s rural customers in Inverness. Therefore, Florida Rising and LULAC move for reconsideration of the Commission’s decision, and request that the Commission schedule a service hearing in the Orlando area, in the evening (or on the weekend), with Spanish-language translation services.

Florida statutes states that “it *shall* be the commission’s duty, to hear service complaints, if any, that may be presented by subscribers and the public during any proceedings involving such rates.” § 366.041, Florida Statutes (emphasis added). In order to carry out that duty, it should be axiomatic that such an opportunity to voice service complaints should be reasonably presented to the bulk of Duke’s customers. Currently, two non-Tallahassee in-person service

hearings have been scheduled (along with two Tallahassee-hybrid meetings).<sup>1</sup> It is worth nothing that although the Tallahassee service hearings allow in-person participation, Tallahassee, Florida is located in Leon County, which has a total of 70 Duke customers. Attachment 1.<sup>2</sup> The two non-Tallahassee in-person service hearings are scheduled to take place in Largo, Florida, in Pinellas County and Inverness, Florida, in Citrus County. Although Pinellas County, which is scheduled for an evening service hearing, has more Duke customers than any other county, Attachment 1, it is rather isolated from the rest of the State and Duke's other customers (for example Tampa Electric Company serves much of the rest of the Tampa-Bay area). During peak-traffic times, for example, at 3pm on a Thursday (in this case, Thursday, May 16, 2024), Google Maps estimates that it would take almost three hours (two hours and thirty-six minutes using toll roads, two-hours and 49 minutes on the more direct, non-toll route) to drive from Alafaya, Florida<sup>3</sup> (a community in Orange County, served by Duke) to reach the in-person service hearing in Largo, Florida. Attachment 2. If this traffic is also present on the Wednesday the service hearing is being held in Largo, Duke customers would have to leave by 3pm to make it in time to reach the 6pm service hearing in Largo. It is not reasonable to expect Duke customers to drive 6 hours round-trip in order to be heard by the Commission at an in-person service hearing.

---

<sup>1</sup> <https://www.duke-energy.com/-/media/pdfs/for-your-home/bill-inserts-2024/04apr/31208-i-0568-def-res-service-hearings-notice.pdf?rev=3323c33225d940d3b0ea4a208dc32d80>

<sup>2</sup> Attachment 1 includes a breakdown of utilities with number of accounts by county, which should approximate number of customers.

<sup>3</sup> Alafaya, Florida, on its own, has an estimated population of 92,452.

<https://data.census.gov/table/DECENNIALPL2020.P1?q=Alafaya%20CDP;%20Florida>. This stands in stark contrast to the population of Inverness, Florida, which has an estimated population of 7,543.

<https://data.census.gov/table/DECENNIALPL2020.P1?q=Inverness%20city;%20Florida>.

Nor are we referring to just a few Duke customers. With 419,517 Duke customers, Orange County is home to nearly *ten* times as many Duke customers as Citrus County, with more Duke customers than any other county except Pinellas County. Attachment 1. Inexplicably, Citrus County was selected for a service hearing while Orange County was not. All told, the Orlando metropolitan area is home to 874,298 Duke customers—out of a total 1,960,476 Duke customers.<sup>4</sup> In addition to Orange County, this includes Seminole County with 165,422 customers, Osceola County with 61,816 customers, Polk County<sup>5</sup> with 131,053 customers, and Lake County with 96,490 customers. Said otherwise, almost half of Duke’s customers are located in the Orlando-area with no in-person service hearing within a reasonable distance.

By contrast, even Pinellas County only has 560,145 Duke customers, and Pasco County (which is sandwiched between Hernando County and Pinellas County) has 159,489 Duke customers. In even stronger contrast, Citrus County, where the other in-person service hearing is being held, is a relatively rural service territory with 51,361 Duke customers,<sup>6</sup> and the surrounding counties count even fewer, with 16,809 Duke customers in Sumter County and 12,734 Duke customers in Hernando County. Attachment 1. There are 76,230 Duke customers

---

<sup>4</sup> It is also worth pointing out that Duke’s Orlando-area customers outnumber all of Tampa Electric Company’s customers combined, yet those customers are getting an in-person service hearing in Tampa, Florida (which Florida Rising and LULAC still maintain is not adequate).

<sup>5</sup> Although Polk County is not a part of the Orlando Metropolitan Statistical Area, it does border Orange County and the population centers in Polk County are significantly closer—adjacent—to Orange County as compared to Pinellas or Citrus County, especially since the western population center—Lakeland, Florida—is primarily served by Lakeland Electric, not Duke.

<sup>6</sup> Florida Rising and LULAC are not advocating that Inverness, Florida should not have an in-person service hearing, but the contrast and fairness of these relatively rural counties with few Duke customers having an in-person service-hearing while the Orlando-area does not get a service hearing, cannot be ignored.

in Marion County, *id.*, though that is already relatively far and probably deserving of its own service hearing.

Although the opportunity for a virtual hearing can be a great option for those unable to travel at all, Florida Rising and LULAC continue to believe that a reasonable opportunity for in-person service hearings also needs to be offered to give Duke's customers the chance to be meaningfully heard. Many people can struggle with the use of websites and technology to participate in a virtual service hearing, nor are any of the virtual service hearings being offered with live Spanish-translation. The Orlando area especially is home to a large Spanish-speaking population, with many Puerto Ricans and others who speak Spanish as their primary language. Reasonable access for these Duke customers to be heard requires an in-person service hearing in the Orlando area with live Spanish-translation.

As part of this motion, the undersigned has conferred with the other parties to this docket via electronic mail (including those that have petitioned to intervene but have not yet been granted intervention). Disappointingly, but unsurprisingly, Duke opposes this motion and the relief requested here and reserves its right to file a response, and thus opposes allowing its Orlando-area customers to have an in-person service hearing. Duke maintains that one of its core values is "Enhancing [their] Customers' Experience." Pre-filed Direct Testimony of Melissa Seixas at 5. In its opening Petition for Rate Increase in this case, Duke identified two key densely populated areas in its system: 1) Pinellas and western Pasco Counties and 2) the "greater Orlando area." Petition of Duke Energy Florida, LLC for Rate Increase at 3. Yet, one of those is conspicuously absent from having the opportunity for an in-person service hearing and Duke actively opposes remedying this disparity. Florida Rising and LULAC have yet to see how opposition to an Orlando-area hearing, which Duke admits is one of its two densely

populated areas, “enhances [their] customers’ experience,” nor do Florida Rising and LULAC believe Duke can muster such an explanation.

The Citizens of the State of Florida through the Office of Public Counsel support this motion, as do Sierra Club and the Florida Retail Federation. Nucor, PCS Phosphate, and EVgo take no position on this motion. As of the time of this filing, the undersigned counsel had not received positions from the other parties.

The Commission, in denying the Office of Public Counsel’s Motion for Additional Service Hearings, did not state why it is in the public interest, nor the interest of Duke’s customers, to deny a service hearing anywhere near where the bulk of Duke’s customers actually live. In doing so, the Commission overlooked the fact that nearly a raw majority of Duke’s customers are in the Orlando area and should, at a minimum, have one in-person service hearing. To afford these customers a meaningful chance to be heard, this hearing must further be conducted at a reasonable hour (i.e., not during business hours when these same customers are working to afford the very bills Duke seeks to raise in this proceeding), and with live Spanish translation services. The Commission also overlooked the fact that Duke’s Orlando customers are just as much Duke customers, paying the same Duke rates and Duke electric bills, as Duke’s Pinellas County and Citrus County customers. Florida Rising and LULAC maintain that their members who are in the Orlando area who are Duke customers should be allowed the same opportunity to be heard at an in-person service hearing, that is, without requiring a six-hour road trip. The ability to address the Commission on the topic of Duke’s performance, in person, should not be arbitrarily reserved to the customers located near Duke’s headquarters, to those in Citrus County, and to the 70 customers around Leon County. Therefore, Florida Rising and LULAC respectfully ask the full Commission reconsider Order Number PSC-2024-0147-PCO-

EI and, at a minimum, hold one in-person service hearing in the Orlando area, in the evening (or on the weekend), with Spanish translation.

RESPECTFULLY SUBMITTED this 17th day of May, 2024.

/s/ Bradley Marshall  
Florida Bar No. 98008  
bmarshall@earthjustice.org  
Jordan Luebke  
Florida Bar No. 1015603  
jluebke@earthjustice.org  
Earthjustice  
111 S. Martin Luther King Jr. Blvd.  
Tallahassee, Florida 32301  
Telephone: (850) 681-0031  
Fax: (850) 681-0020

*Counsel for Florida Rising and League of  
United Latin American Citizens*

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true copy and correct copy of the foregoing was served on this 17th day of May, 2024, via electronic mail on:

Molly Jagannathan Melissa O. New Troutman Pepper, LLC 600 Peachtree St., NE, Ste. 3000 Atlanta, GA 30308 molly.jagannathan@troutman.com melissa.butler@troutman.com	Matthew Bernier Stephanie Cuello Robert Pickels 106 East College Ave., Suite 800 Tallahassee, FL 32301 matthew.bernier@duke-energy.com stephanie.cuello@duke-energy.com robert.pickels@duke-energy.com
Walt Trierweiler Charles Rehwinkel Mary A. Wessling Austin A. Watrous Office of Public Counsel c/o The Florida Legislature 111 W. Madison Street, Room 812 Tallahassee, FL 32399-1400 trierweiler.walt@leg.state.fl.us rehwinkel.charles@leg.state.fl.us wessling.mary@leg.state.fl.us watrous.austin@leg.state.fl.us	Jennifer Crawford Major Thompson Shaw Stiller Florida Public Service Commission Office of General Counsel 2540 Shumard Oak Blvd. Tallahassee, FL 32399-0850 jcrawfor@psc.state.fl.us mthomso@psc.state.fl.us SStiller@psc.state.fl.us discovery-gcl@psc.state.fl.us
Robert Scheffel Wright John T. LaVia Gardner, Bist, Bowden, Dee, LaVia, Wright, Perry & Harper, P.A. 1300 Thomaswood Dr. Tallahassee, FL 32308 schef@gbwlegal.com jlavia@gbwlegal.com	James W. Brew Laura Wynn Baker Sarah B. Newman Stone Mattheis Xenopoulos & Brew, PC 1025 Thomas Jefferson St., NW Washington, DC 20007-5201 jbrew@smxblaw.com lwb@smxblaw.com sbn@smxblaw.com
Tony Mendoza Patrick Woolsey 2101 Webster St., Suite 1300 Oakland, CA 94612 tony.mendoza@sierraclub.org patrick.woolsey@sierraclub.org	Jon C. Moyle, Jr. Karen A. Putnal Moyle Law Firm, P.A. 118 North Gadsden St. Tallahassee, FL 32301 jmoyle@moylelaw.com kputnal@moylelaw.com
Sari Amiel 50 F. St. NW, Eighth Floor Washington, DC 20001 sari.amiel@sierraclub.org	Dianne Triplett Duke Energy Florida 299 First Avenue North St. Petersburg, FL 33701 dianne.triplett@duke-energy.com

<p>Frederick L. Aschauer  Allan J. Charles  Lori Killinger  Lewis, Longman &amp; Walker, P.A.  106 East College Ave. Ste. 1500  Tallahassee, FL 32301  Faschauer@llw-law.com  Acharles@llw-law.com  Lkillinger@llw-law.com</p>	<p>Peter J. Mattheis  Michael K. Lavanga  Joseph R. Briscar  Stone Mattheis Xenopoulos &amp; Brew, PC  1025 Thomas Jefferson St., NW, Suite 800 W  Washington, DC 20007-5201  pjm@smxblaw.com  mkl@smxblaw.com  jrb@smxblaw.com</p>
<p>William C. Garner  Law Office of William C. Garner, PLLC  3245 Bannerman Rd.  Unit 105, No. 414  Tallahassee, FL 32312  bgarner@wcglawoffice.com</p>	<p>Nikhil Vijaykar  Keyes &amp; Fox LLP  580 California St., 12<sup>th</sup> Floor  San Francisco, CA 94104  nvijaykar@keyesfox.com</p>
<p>Lindsey Stegall  EVgo Services, LLC  11835 W. Olympic Blvd., Ste. 900E  Los Angeles, CA 90064  Lindsey.Stegall@evgo.com</p>	

DATED this 17th day of May, 2024.

/s/ Bradley Marshall  
Attorney



# Attachment 1

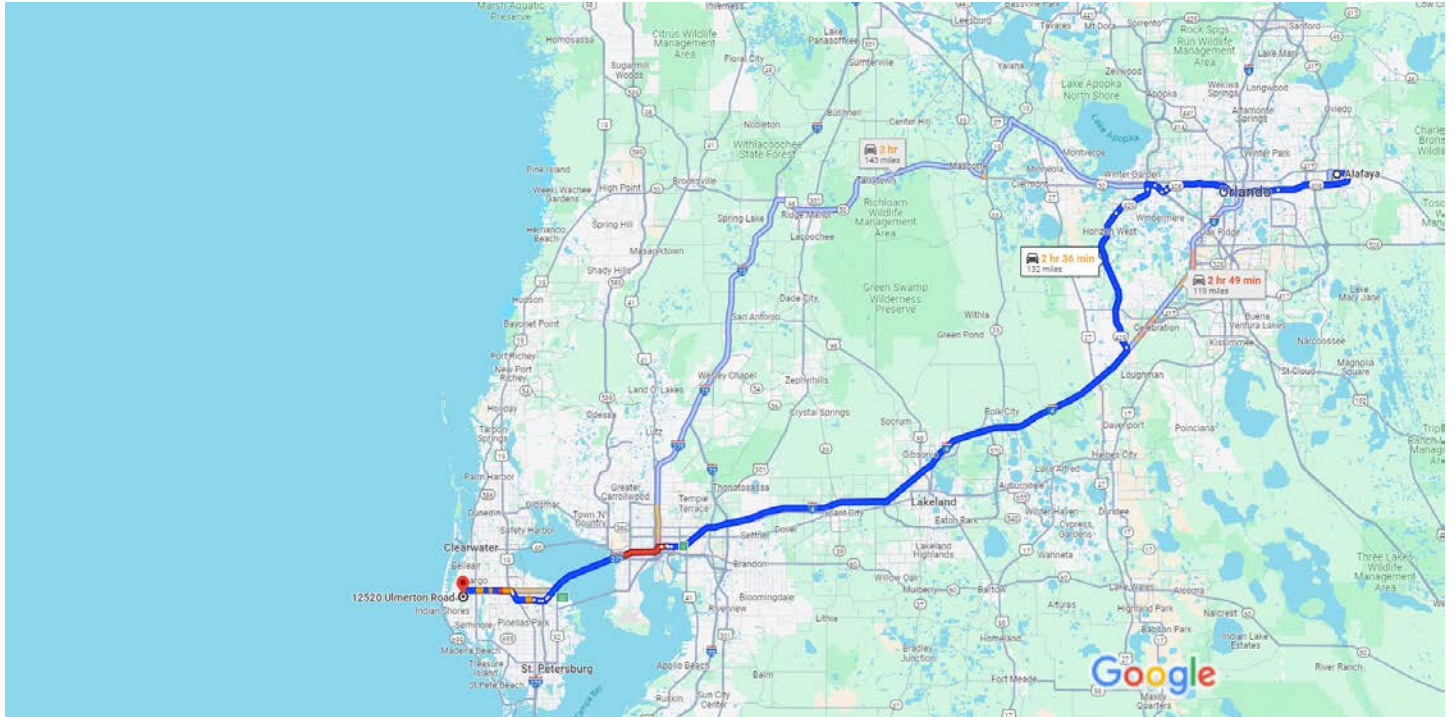
## MAY WEATHER EVENT 2024 - Power Outage Data

Date/Time	Total Accounts Without Power: 895									Percentages: Without 0% With 100%												
County	FPL			Duke Energy			Tampa Electric			FPU			Cooperatives			Municipals			COUNTY TOTALS			
	Number of Accounts	Current Number Out	% of Total	Number of Accounts	Current Number Out	% of Total	Number of Accounts	Current Number Out	% of Total	Number of Accounts	Current Number Out	% of Total	Number of Accounts	Current Number Out	% of Total	Number of Accounts	Current Number Out	% of Total	Current Number Out	Number of Accounts	% With	% Out
ALACHUA	1,268	0	0%	5,442	0	0%				26,714	0	0%				108,061	0	0%	0	141,485	100%	0%
BAKER	5,736	0	0%							6,791	0	0%							0	12,527	100%	0%
BAY	108,843	0	0%	1,969	0	0%				12,468	0	0%							0	123,280	100%	0%
BRADFORD	4,190	0	0%							6,393	0	0%				2,792	0	0%	0	13,375	100%	0%
BREVARD	341,930	0	0%	14	0	0%				55	0	0%							0	341,999	100%	0%
BROWARD	973,080	0	0%							53	0	0%							0	973,133	100%	0%
CALHOUN										837	0	0%				4,810	0	0%	1,319	6,966	100%	0%
CHARLOTTE	135,230	0	0%													872	0	0%	0	136,102	100%	0%
CITRUS				51,361	0	0%										44,273	0	0%	0	95,634	100%	0%
CLAY	950	0	0%													89,975	0	0%	8,922	99,847	100%	0%
COLLIER	234,390	0	0%													38,666	0	0%	0	273,056	100%	0%
COLUMBIA	14,701	0	0%	630	0	0%										20,564	0	0%	0	35,895	100%	0%
DESOTO	18,160	0	0%													1,050	0	0%	0	19,210	100%	0%
DIXIE				1,856	0	0%										8,764	0	0%	0	10,620	100%	0%
DUVAL	10	0	0%													6	0	0%	500,749	0	0%	0
ESCAMBIA	158,729	0	0%													4,245	0	0%	0	162,974	100%	0%
FLAGLER	72,290	0	0%	21	0	0%										3	0	0%	0	72,314	100%	0%
FRANKLIN				11,299	0	0%													0	11,299	100%	0%
GADSDEN																15,431	0	0%	7,358	0	0%	0
GILCHRIST				1,805	0	0%										8,405	0	0%	0	10,210	100%	0%
GLADES	3,860	0	0%													3,248	0	0%	1,004	8,112	100%	0%
GULF				7,700	0	0%										4,463	0	0%	0	12,163	100%	0%
HAMILTON				3,050	0	0%										4,124	0	0%	0	7,174	100%	0%
HARDEE	40	0	0%	15	0	0%										9,538	0	0%	2,882	0	0%	0
HENDRY	11,830	0	0%													5,260	0	0%	4,177	0	0%	0
HERNANDO				12,734	0	0%										90,888	0	0%	0	103,622	100%	0%
HIGHLANDS	560	0	0%	57,167	0	0%										8,317	0	0%	0	66,044	100%	0%
HILLSBOROUGH				23	0	0%	700,157	0	0%							1,213	0	0%	0	701,393	100%	0%
HOLMES	2,736	0	0%													8,291	0	0%	0	11,027	100%	0%
INDIAN RIVER	102,540	0	0%													229	0	0%	0	102,769	100%	0%
JACKSON	7,410	0	0%							10,536	0	0%				14,295	0	0%	0	32,241	100%	0%
JEFFERSON				5,077	0	0%										3,749	0	0%	0	8,826	100%	0%
LAFAYETTE				878	0	0%										3,579	0	0%	0	4,457	100%	0%
LAKE				96,490	0	0%										81,167	0	0%	33,857	0	0%	0
LEE	289,820	0	0%													205,845	0	0%	0	495,665	100%	0%
LEON				70	0	0%										26,054	0	0%	126,309	895	1%	895
LEVY				4,118	0	0%										21,490	0	0%	1,462	0	0%	0
LIBERTY										762	0	0%				3,423	0	0%	0	4,185	100%	0%
MADISON				4,056	0	0%										7,548	0	0%	0	11,604	100%	0%
MANATEE	206,500	0	0%													43,536	0	0%	0	250,036	100%	0%
MARION				76,230	0	0%										88,159	0	0%	53,232	0	0%	0
MARTIN	97,950	0	0%																0	97,950	100%	0%
MIAMI-DADE	1,200,020	0	0%																26,355	0	0%	0
MONROE	100	0	0%													33,838	0	0%	31,361	0	0%	0
NASSAU	28,167	0	0%							17,127	0	0%				7,697	0	0%	0	65,299	100%	0%
OKALOOSA	96,990	0	0%													20,754	0	0%	0	117,744	100%	0%
OKEECHOBEE	20,680	0	0%													2,595	0	0%	0	23,275	100%	0%
ORANGE	10	0	0%	419,517	0	0%													237,657	0	0%	0
OSCEOLA	10	0	0%	61,816	0	0%										971	0	0%	140,574	0	0%	0
PALM BEACH	780,290	0	0%																27,291	0	0%	0
PASCO				159,489	0	0%	26,318	0	0%							131,029	0	0%	0	316,836	100%	0%
PINELLAS				560,145	0	0%	11,179	0	0%										0	571,324	100%	0%
POLK				131,053	0	0%	94,528	0	0%							6,388	0	0%	152,798	0	0%	0
PUTNAM	20,776	0	0%													22,462	0	0%	0	43,238	100%	0%
SANTA ROSA	80,511	0	0%													10,295	0	0%	0	90,806	100%	0%
SARASOTA	301,010	0	0%													38	0	0%	0	301,048	100%	0%
SEMINOLE	63,100	0	0%	165,422	0	0%													0	228,522	100%	0%
ST. JOHNS	119,170	0	0%																51,231	0	0%	0
ST. LUCIE	156,210	0	0%																29,346	0	0%	0
SUMTER				16,809	0	0%										74,022	0	0%	1,639	0	0%	0
SUWANNEE	5,189	0	0%	864	0	0%										18,685	0	0%	0	24,738	100%	0%
TAYLOR				6,293	0	0%										7,630	0	0%	0	13,923	100%	0%
UNION	1,668	0	0%													4,165	0	0%	0	5,833	100%	0%
VOLUSIA	195,770	0	0%	89,420	0	0%										2,252	0	0%	30,638	0	0%	0
WAKULLA				7,643	0	0%										10,614	0	0%	0	18,257	100%	0%
WALTON	26,475	0	0%													47,249	0	0%	0	73,724	100%	0%
WASHINGTON	1,970	0	0%													7,110	0	0%	0	9,080	100%	0%
<b>Totals</b>	<b>5,890,869</b>	<b>0</b>	<b>0%</b>	<b>1,960,476</b>	<b>0</b>	<b>0%</b>	<b>832,182</b>	<b>0</b>	<b>0%</b>	<b>29,262</b>	<b>0</b>	<b>0%</b>	<b>1,331,746</b>	<b>0</b>	<b>0%</b>	<b>1,581,014</b>	<b>895</b>	<b>0%</b>	<b>895</b>	<b>11,625,549</b>	<b>99.99%</b>	<b>0.01%</b>



# Attachment 2





Alafaya, FL 32825 to 12520 Ulmerton Rd, Largo, FL 33778 Drive 132 miles, 2 hr 36 min








Map data ©2024 INEGI, Google 5 mi

 **via I-4 W** **2 hr 36 min**  
 Fastest route now, avoids slowdown and crash on I-4 W  
 132 miles  
 **This route has tolls.**

 **via I-4 W and I-275 S** **2 hr 49 min**  
 Heavy traffic, as usual  
 119 miles

 **via I-275 S** **3 hr**  
 Some traffic, as usual  
 143 miles

### Explore nearby 12520 Ulmerton Rd

-  Restaurants
-  Hotels
-  Gas stations
-  Parking Lots
-  More