

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Energy conservation cost recovery
clause.

DOCKET NO. 20250002-EG
ORDER NO. PSC-2025-0407-PHO-EG
ISSUED: October 30, 2025

PREHEARING ORDER

Pursuant to Notice and in accordance with Rule 28-106.209, Florida Administrative Code (F.A.C.), a Prehearing Conference was held on October 21, 2025, in Tallahassee, Florida, before Commissioner Gabriella Passidomo Smith, as Prehearing Officer.

APPEARANCES:

JOEL T. BAKER, MARIA JOSE MONCADA, and WILLIAM P. COX,
ESQUIRES, 700 Universe Boulevard, Juno Beach, Florida 33408
On behalf of FLORIDA POWER & LIGHT COMPANY (FPL).

DIANNE M. TRIPLETT, ESQUIRE, 299 First Avenue North, St. Petersburg,
Florida 33701
MATTHEW R. BERNIER, and STEPHANIE A. CUELLO, ESQUIRES, 106
East College Avenue, Suite 800, Tallahassee, Florida 32301
On behalf of DUKE ENERGY FLORIDA, LLC (DEF).

J. JEFFRY WAHLEN, MALCOLM N. MEANS, and VIRGINIA L. PONDER,
ESQUIRES, Ausley McMullen, Post Office Box 391, Tallahassee, Florida 32302
On behalf of TAMPA ELECTRIC COMPANY (TECO).

BETH KEATING, ESQUIRE, Gunster, Yoakley & Stewart, P.A., 215 South
Monroe Street, Suite 601, Tallahassee, Florida 32301
On behalf of FLORIDA PUBLIC UTILITIES COMPANY (FPUC).

WALT TRIERWEILER, CHARLES J. REHWINKEL, PATRICIA A.
CHRISTENSEN, MARY A. WESSLING, OCTAVIO PONCE, and AUSTIN
WATROUS, ESQUIRES, c/o The Florida Legislature, 111 West Madison Street,
Suite 812, Tallahassee, Florida 32399
On behalf of the OFFICE OF PUBLIC COUNSEL (OPC).

JON C. MOYLE, JR. and KAREN A. PUTNAL, ESQUIRES, Moyle Law Firm,
P.A. 118 North Gadsden Street, Tallahassee, Florida 32301
On behalf of FLORIDA INDUSTRIAL POWER USERS GROUP (FIPUG).

PETER J. MATTHEIS, MICHAEL K. LAVANGA, and JOSEPH R. BRISCAR, ESQUIRES, Stone, Mattheis, Xenopoulos & Brew, PC, 1025 Thomas Jefferson Street, NW, Eighth Floor, West Tower, Washington, D.C. 20007
On behalf of NUCOR STEEL FLORIDA, INC. (Nucor).

JAMES W. BREW, LAURA WYNN BAKER, and SARAH B. NEWMAN, ESQUIRES, Stone, Mattheis, Xenopoulos & Brew, PC, 1025 Thomas Jefferson Street, NW, Eighth Floor, West Tower, Washington, D.C. 20007
On behalf of WHITE SPRINGS AGRICULTURAL CHEMICALS INC. d/b/a PCS PHOSPHATE – WHITE SPRINGS (PCS Phosphate).

JACOB IMIG, ESQUIRE, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399
On behalf of FLORIDA PUBLIC SERVICE COMMISSION STAFF (Staff).

MARY ANNE HELTON, ESQUIRE, Deputy General Counsel, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850
Advisor to the Florida Public Service Commission.

ADRIA H. HARPER, ESQUIRE, General Counsel, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850
Florida Public Service Commission General Counsel.

I. CASE BACKGROUND

The Energy Conservation Cost Recovery Clause allows electric public utilities to seek recovery of costs for energy conservation programs on an annual basis, pursuant to Sections 366.80–366.83, Florida Statutes (F.S.), and Chapter 25-17, F.A.C. As part of the Florida Public Service Commission’s (Commission) continuing energy conservation cost recovery proceedings, an administrative hearing in this docket is set for November 4 – 7, 2025.

II. CONDUCT OF PROCEEDINGS

Pursuant to Rule 28-106.211, F.A.C., this Prehearing Order is issued to prevent delay and to promote the just, speedy, and inexpensive determination of all aspects of this case.

III. JURISDICTION

This Commission is vested with jurisdiction over this subject matter by the provisions of Chapters 120 and 366, F.S. This hearing will be governed by said Chapters and Chapters 25-6, 25-22, 28-106, and 28-109, F.A.C., as well as any other applicable provisions of law.

IV. PROCEDURE FOR HANDLING CONFIDENTIAL INFORMATION

Information for which proprietary confidential business information status is requested pursuant to Section 366.093, F.S., and Rule 25-22.006, F.A.C., shall be treated by the Commission as confidential. The information shall be exempt from Section 119.07(1), F.S., pending a formal ruling on such request by the Commission or pending return of the information to the person providing the information. If no determination of confidentiality has been made and the information has not been made a part of the evidentiary record in this proceeding, it shall be returned to the person providing the information. If a determination of confidentiality has been made and the information was not entered into the record of this proceeding, it shall be returned to the person providing the information within the time period set forth in Section 366.093, F.S. The Commission may determine that continued possession of the information is necessary for the Commission to conduct its business.

It is the policy of this Commission that all Commission hearings be open to the public at all times. The Commission also recognizes its obligation pursuant to Section 366.093, F.S., to protect proprietary confidential business information from disclosure outside the proceeding. Therefore, any party wishing to use any proprietary confidential business information, as that term is defined in Section 366.093, F.S., at the hearing shall adhere to the following:

- (1) When confidential information is used in the hearing that has not been filed as prefiled testimony or prefiled exhibits, parties must have copies for the Commissioners, necessary staff, and the court reporter, in red envelopes clearly marked with the nature of the contents and with the confidential information highlighted. Any party wishing to examine the confidential material that is not subject to an order granting confidentiality shall be provided a copy in the same fashion as provided to the Commissioners, subject to execution of any appropriate protective agreement with the owner of the material.
- (2) Counsel and witnesses are cautioned to avoid verbalizing confidential information in such a way that would compromise confidentiality. Therefore, confidential information should be presented by written exhibit when reasonably possible.

At the conclusion of that portion of the hearing that involves confidential information, all copies of confidential exhibits shall be returned to the proffering party. If a confidential exhibit has been admitted into evidence, the copy provided to the court reporter shall be retained in the Office of Commission Clerk's confidential files. If such material is admitted into the evidentiary record at hearing and is not otherwise subject to a request for confidential classification filed with the Commission, the source of the information must file a request for confidential classification of the information within 21 days of the conclusion of the hearing, as set forth in Rule 25-22.006(8)(b), F.A.C., if continued confidentiality of the information is to be maintained.

V. PREFILED TESTIMONY AND EXHIBITS; WITNESSES

Testimony of all witnesses to be sponsored by the parties has been prefiled and will be inserted into the record as though read after the witness has taken the stand and affirmed the correctness of the testimony and associated exhibits. All testimony remains subject to timely and appropriate objections. Upon insertion of a witness's testimony, exhibits appended thereto may be marked for identification. Each witness will have the opportunity to orally summarize his or her testimony at the time he or she takes the stand. Summaries of testimony shall be limited to three minutes.

Witnesses are reminded that, on cross-examination, responses to questions calling for a simple yes or no answer shall be so answered first, after which the witness may explain his or her answer. After all parties and Staff have had the opportunity to cross-examine the witness, the exhibit may be moved into the record. All other exhibits may be similarly identified and entered into the record at the appropriate time during the hearing.

The Commission frequently administers the testimonial oath to more than one witness at a time. Therefore, when a witness takes the stand to testify, the attorney calling the witness is directed to ask the witness to affirm whether he or she has been sworn.

The parties shall avoid duplicative or repetitious cross-examination. Further, friendly cross-examination will not be allowed. Cross-examination shall be limited to witnesses whose testimony is adverse to the party desiring to cross-examine. Any party conducting what appears to be a friendly cross-examination of a witness should be prepared to indicate why that witness's direct testimony is adverse to its interests.

VI. ORDER OF WITNESSES

Each witness whose name is preceded by an asterisk (*) is excused from appearing at the final hearing. Their respective testimonies will be entered into the record as though read and exhibits admitted.

<u>Witness</u>	<u>Proffered By</u>	<u>Issues #</u>
<u>Direct</u>		
*Richard L. Hume	FPL	1-8
*Lonzelle Siri Noack	FPL	1-2, 4-5
*Karla Rodriguez	DEF	1-6, 7, 10
*Robert G. Johnston	TECO	1-10

<u>Witness</u>	<u>Proffered By</u>	<u>Issues #</u>
*Brian Goff	FPUC	1
*Kira I. Lake	FPUC	2-7, 10

VII. BASIC POSITIONS

FPL: In the event the Commission approves the proposed 2025 Stipulation and Settlement Agreement currently pending in FPL's 2025 rate case in Docket No. 20250011-EI (the "2025 Rate Case Settlement Agreement"), FPL's alternative 2026 Conservation Cost Recovery Factors ("Alternative 2026 ECCR Factors") as filed on September 25, 2025, which include the 2024 net final true-up for FPL and the 2025 actual/estimated true-up for FPL, are appropriate and reasonable and should be approved. In the event the Commission declines to approve the 2025 Rate Case Settlement Agreement, FPL's 2026 Conservation Cost Recovery Factors for the January 2026 through December 2026 recovery period as filed on August 1, 2025, which include the 2024 net final true-up for FPL and the 2025 actual/estimated true-up for FPL, are appropriate and reasonable and should be approved.

DEF: The Commission should determine that DEF has properly calculated its conservation cost recovery true-up and projection costs and should approve the conservation cost recovery factors for the period January 2026 through December 2026 set forth in the testimony and exhibits of witness Karla Rodriguez.

TECO: The Florida Public Service Commission ("Commission") should determine that Tampa Electric Company ("Tampa Electric") has properly calculated its conservation cost recovery true-up and projections and the conservation cost recovery factors set forth in the testimony and exhibits of witness Robert G. Johnston for the period January 2026 through December 2026.

The Commission should approve the Contracted Credit Value in accordance with Order No. PSC-2021-0423-S-EI, issued November 10, 2021, in Docket No. 20210034-EI for the GSLM-2 and GSLM-3 rate riders for use during the period January 2026 through December 2026.

The Commission should also approve the Residential Price Responsive Load Management (RSVP-1) rate tiers for Tampa Electric for the period January 2026 through December 2026 as set forth in witness Johnston's direct testimony and exhibits.

FPUC: The Commission should approve Florida Public Utilities Company's final net true-up for the period January through December 2024, the estimated true-up for the period January through December 2025, and the projected conservation program expenses for the period January through December 2026.

OPC: The utilities bear the burden of proof to justify the recovery of costs they request in this docket. The utilities must carry this burden regardless of whether or not the intervenors provide evidence to the contrary. Further, the utilities bear the burden of proof to support their proposal(s) seeking the Commission's adoption of policy statements (whether new or changed) or other affirmative relief sought. Even if the Commission has previously approved a program, recovery of a cost, factor, or adjustment as meeting the Commission's *own* requirements, the utilities still bear the burden of demonstrating that the costs submitted for final recovery meet any statutory test(s) and are reasonable in amount and prudently incurred. Further, the utilities bear the burden of proof to support that all costs sought to be recovered through this clause are correctly clause recovery costs and not base rate costs. Further, recovery of even prudently incurred costs is constrained by the Commission's obligation to set fair, just, and reasonable rates. Further, pursuant to Section 366.01, Florida Statutes, the provisions of Chapter 366, Florida Statutes, must be liberally construed to protect the public welfare.

In addition, with regard to FPL, the OPC does not agree that the Commission should presume the validity of a contested non-unanimous and special interest-focused and facially invalid settlement agreement filed on August 20, 2025 can or should give it any weight in determining costs, cost attribution or revenue allocation in this docket. The OPC asserts that the only lawful and proper posture is to determine this case based on the timely filings of evidence and testimony submitted pursuant to the Order Establishing Procedure in this docket, Order No. PSC-2025-0047-PCO-EI, issued February 10, 2025. An exclusionary settlement document that purports to adjudicate rights, costs and revenue responsibility in this or any clause docket and to seek capital recovery of asset-related costs from substantial interests that were not represented in the making of the defective document, cannot be considered in this case, regardless of what the limited special interests agreed-to in private, among themselves. Any assertion by FPL related to return on equity, depreciation expense, deferred taxes and revenue allocation or any other cost that has yet to be determined by the Commission or supported by timely-filed testimony in this docket must be ignored. If the Commission makes a determination after the close of the record in this docket that changes the cost and revenue allocation assumptions, the impact of such can be adjusted in the true-up process in 2026 and in the factor in 2027. To the extent that the Commission were to do anything else would be a violation of due process and demonstrate a prejudgment of the outcome of another case without a record basis.

FIPUG: The utilities bear the burden of proof to justify the recovery of costs they request in this docket as reasonable and prudent. The utilities must carry this

burden regardless of whether FIPUG or other parties introduce evidence to the contrary. The utilities must also carry their burden of proof to support their proposal(s) asking the Commission's adoption of policy statements (whether new or changed) or other affirmative relief sought. **The amounts approved in this docket should reflect the sums as modified by FPL after the settlement agreement was filed in docket 20250011-EI, should such settlement agreement be approved.**

NUCOR: Nucor's basic position is that Duke Energy Florida, LLC ("DEF") bears the burden of proof to justify the costs it seeks to recover through the ECCRC and any other relief DEF requests in this proceeding.

PCS

Phosphate: PCS Phosphate generally adopts the positions taken by the Florida Office of Public Counsel ("OPC") unless a differing position is specifically stated.

STAFF: Staff's positions are preliminary and based on materials filed by the parties and on discovery. The preliminary positions are offered to assist the parties in preparing for the hearing. Staff's final positions will be based upon all the evidence in the record and may differ from the preliminary positions stated herein.

VIII. ISSUES AND POSITIONS

ISSUE 1: **What are the final conservation cost recovery adjustment true-up amounts for the period January 2024 through December 2024?**

Proposed stipulation – See Section X.

ISSUE 2: **What are the appropriate conservation adjustment actual/estimated true-up amounts for the period January 2025 through December 2025?**

Proposed stipulation – See Section X.

ISSUE 3: **What are the appropriate total conservation adjustment true-up amounts to be collected/refunded during the period January 2026 through December 2026?**

Proposed stipulation – See Section X.

ISSUE 4: **What are the total conservation cost recovery amounts to be collected during the period January 2026 through December 2026?**

Proposed stipulation – See Section X.

ISSUE 5: **What are the conservation cost recovery factors for the period January 2026 through December 2026?**

Proposed stipulation – See Section X.

ISSUE 6: **What should be the effective date of the new conservation cost recovery factors for billing purposes?**

Proposed stipulation – See Section X.

ISSUE 7: **Should the Commission approve revised tariffs reflecting the energy conservation cost recovery factors determined to be appropriate in this proceeding?**

Proposed stipulation – See Section X.

ISSUE 8: **What is the Contracted Credit Value for the GSLM-2 and GSLM-3 rate riders for Tampa Electric Company for the period January 2026 through December 2026?**

Proposed stipulation – See Section X.

ISSUE 9: **What are the residential Price Responsive Load Management (RSVP-1) rate tiers for Tampa Electric Company for the period January 2026 through December 2026?**

Proposed stipulation – See Section X.

ISSUE 10: **Should this docket be closed?**

Proposed stipulation – See Section X.

IX. EXHIBIT LIST

<u>Witness</u>	<u>Proffered By</u>	<u>Exhibit No.</u>	<u>Description</u>
<u>Direct</u>			
Richard L. Hume	FPL	LSN-1	2024 Final True-up Schedules CT-1 and CT-4
Richard L. Hume Lonzelle Siri Noack	FPL	LSN-1	2024 Final True-up Schedules CT-2 and CT-3
Lonzelle Siri Noack	FPL	LSN-1	2024 Final True-up Schedules CT-5 and CT-6
Richard L. Hume	FPL	LSN-1	2024 Final True-up Capital Structure/Cost Rates
Richard L. Hume	FPL	LSN-2	2026 Projection Schedule C-1
Richard L. Hume Lonzelle Siri Noack	FPL	LSN-2	2026 Projection Schedule C-2
Richard L. Hume	FPL	LSN-2	2026 Projection Capital Structure/Cost Rates
Richard L. Hume Lonzelle Siri Noack	FPL	LSN-2	2025 Actual/Estimated Schedule C-3
Richard L. Hume	FPL	LSN-2	2025 Actual/Estimated Capital Structure/Cost Rates
Richard L. Hume	FPL	LSN-2	2025 Actual/Estimated Schedule C-4
Lonzelle Siri Noack	FPL	LSN-2	Schedule C-5
Richard L. Hume	FPL	LSN-3	2026 Projection Alternative Schedule C-1
Richard L. Hume Lonzelle Siri Noack	FPL	LSN-3	2026 Projection Alternative Schedule C-2
Richard L. Hume	FPL	LSN-3	2026 Projection Alternative Capital Structure/Cost Rates

<u>Witness</u>	<u>Proffered By</u>	<u>Exhibit No.</u>	<u>Description</u>
Karla Rodriquez	DEF	KR-1T	ECCR Adjusted Net True-Up for January – December 2024, Schedules CT1-CT6
Karla Rodriquez	DEF	KR-1P	Estimated/Actual True-Up, January – December 2025 and ECCR Factors for Billings in January-December 2026, Schedules C1-C6
Robert G. Johnson	TECO	RGJ-1 filed 05/01/25	Schedules supporting cost recovery factor Actual January 2024-December 2024
Robert G. Johnson	TECO	RGJ-2 filed 08/01/25; revised August 15, 2025; supplement filed 9/16/25	Schedules supporting conservation costs projected for the period January 2026-December 2026; Schedules supporting actual/estimated conservation costs for the period January 2025-December 2025.
Brian Goff	FPUC	BG-1 (composite)	Schedules CT-1, CT-2, CT-3, CT-4, CT-5 and CT-6
Kira I. Lake	FPUC	KIL-1 (composite)	Schedules C-1, C-2, C-3, C-4, and C-5

X. PROPOSED STIPULATIONS

There are proposed Type 2 stipulations¹ for all issues as stated below. The Intervenors' (OPC, FIPUG, NUCOR, and PCS Phosphate) position on each Type 2 stipulation stated below is as follows:

The Intervenors take no position on these issues nor do they have the burden of proof related to them. As such, the Intervenors represent that they will not contest or oppose the Commission taking action approving a proposed stipulation between the Company and another party or staff as a final resolution of these issues. No person is authorized to state that the Intervenors are a participant in, or party to, a stipulation on these issues, either in this docket, in an order of the Commission or in a representation to a Court.

FPL, TECO, FPUC, DEF, and Commission staff support the proposed stipulations.

OPC and FPL proposed the following stipulation as it pertains to the impact of FPL's rate case in Docket No. 20250011-EI on the ECCR:

STIPULATION:

OPC's positions on each Type 2 stipulation for FPL stated herein is as follows:

OPC will facilitate a Type 2 Stipulation on the following: (i) approval of FPL's positions reflected in the prehearing order in this Docket in the event the Commission approves the settlement filed on August 20, 2025, in Docket 20250011-EI ("FPL Rate Case Settlement"); and (ii) approval of figures that reflect the schedules included in FPL's August 1, 2025 filing in the event the Commission does not approve the FPL Rate Case Settlement, subject to FPL filing for approval of updated figures that incorporate, for use in rates that will go into effect on January 1, 2026, the Commission's vote in Docket 20250011-EI as soon as practicable after that decision is issued. Nothing in this facilitation shall be used to suggest that the OPC supports approval of the FPL Rate Case Settlement, creates a waiver of its objections to the FPL Rate Case Settlement, or impairs the appellate rights of any party with respect to orders issued in Docket 20250011-EI and any impact such orders have on this Docket. FPL agrees that the willingness of the OPC to facilitate a Type 2 Stipulation on these matters shall obviate the need for the OPC or any other substantially affected party to appeal the final order in this Docket in order for the OPC to preserve its right to require

¹ A Type 2 stipulation occurs on an issue when the utility and the staff, or the utility and at least one party adversarial to the utility, agree on the resolution of the issue and the remaining parties (including staff if they do not join in the agreement) do not object to the Commission relying on the agreed language to resolve that issue in a final order.

the direct impact, if any, of any final decision by a court of competent jurisdiction related to the FPL Rate Case Settlement to be flowed through to this Docket.

ISSUE 1: **What are the final conservation cost recovery adjustment true-up amounts for the period January 2024 through December 2024?**

STIPULATION:

The appropriate final conservation cost recovery adjustment true-up amounts for the period January 2024 through December 2024 are as follows:

Florida Power & Light Company

\$3,826,632, Over-recovery, as reflected in Schedule CT-1, Page 2 of 131, in Exhibit LSN-1.

Duke Energy Florida

\$267,930, Over-recovery, as reflected in Schedule CT-1, Page 1 of 1, in Exhibit KR-1T.

Tampa Electric Company

\$3,649,409, Over-recovery, as reflected in Schedule CT-1, Page 1 of 1, in Exhibit RGJ-1.

Florida Public Utilities Company

\$43,327, Over-recovery, as reflected in Schedule CT-1, Page 1 of 1, in Exhibit BG-1.

ISSUE 2: **What are the appropriate conservation adjustment actual/estimated true-up amounts for the period January 2025 through December 2025?**

STIPULATION:

The appropriate conservation adjustment actual/estimated true-up amounts for the period January 2025 through December 2025 are as follows:

Florida Power & Light Company

\$4,641,992, Over-recovery, which is calculated by taking the difference from the amount in Issue 1 from the \$8,468,624 (Over-recovery), that is reflected in Schedule C-3, Page 30 of 38, in LSN-2.

Duke Energy Florida

\$3,291,225, Over-recovery, which is calculated by taking the difference from the amount in Issue 1 from the \$3,559,155 (Over-recovery), that is reflected in Schedule C-3, Page 4 of 5, in Exhibit KR-1P.

Tampa Electric Company

\$290,553, Under-recovery, as reflected in Schedule C-3, in Schedule C-3, Page 10 of 11, in Exhibit RGJ-2. This amount includes a regulatory adjustment of \$1,138,253.

Florida Public Utilities Company

\$275,382, Under-recovery, which is calculated by taking the difference from the amount in Issue 1 from the \$232,055 (Under-recovery), that is reflected in Schedule C-3, Page 4 of 5, in KIL-1.

ISSUE 3: **What are the appropriate total conservation adjustment true-up amounts to be collected/refunded in the period January 2026 through December 2026?**

STIPULATION:

The appropriate total conservation adjustment true-up amounts to be collected/refunded in the period January 2026 through December 2026 are as follows:

Florida Power & Light Company

\$8,468,624, Over-recovery, as reflected in Schedule C-3, Page 30 of 34, in LSN-2.

Duke Energy Florida

\$3,559,155, Over-recovery, as reflected in Schedule C-3, Page 4 of 5, in Exhibit KR-1P.

Tampa Electric Company

\$2,220,603, Over-recovery, as reflected, Schedule C-3, Page 10 of 11, in Exhibit RGJ-2.

Florida Public Utilities Company

\$232,055, Under-recovery, as reflected in Schedule C-3, Page 4 of 5, Line 11, in KIL-1.

ISSUE 4: **What are the total conservation cost recovery amounts to be collected during the period January 2026 through December 2026?**

STIPULATION:

The appropriate total conservation cost recovery amounts to be collected during the period January 2026 through December 2026 are as follows:

Florida Power & Light Company:

OPC's position on each Type 2 stipulation for FPL is as follows: OPC will facilitate a Type 2 stipulation on the following: (i) approval of \$177,331,489, as total conservation cost to be collected during the period January 2026 through December 2026, which is the difference between projected 2026 costs and true up (overrecovered) costs, as shown in FPL witness Noack's 2025 supplemental direct testimony, Alternative Schedule C-1, Exhibit LSN-3, Page 2 of 15, in the event the Commission *approves* the settlement filed on August 20, 2025, in Docket No. 20250011-EI (FPL Rate Case Settlement), including the proposed alternative clause cost allocation methodology in paragraph 9: (ii) approval of \$166,337,695, as the total conservation cost to be collected during the period January 2026 through December 2026, which is the difference between projected 2026 costs and true up (overrecovered) costs, as shown in FPL witness Noack's 2025 direct testimony, Schedule C-1, Page 2 of 38, in Exhibit LSN-2, in the event the Commission *does not approve* the proposed alternative clause cost allocation methodology in paragraph 9 and instead approves the cost allocation methodology in FPL witness Noack's 2025 direct testimony, Schedule C-1, Page 2 of 38, in Exhibit LSN-2.

In the event the Commission approves a different clause cost allocation methodology than either of those identified above, the total amount of conservation cost to be collected will be consistent with the approved methodology. FPL will file updated clause recovery factors in this Docket for administrative approval as soon as practicable in 2026 after the Commission's vote in Docket No. 20250011-EI.

Nothing in this facilitation shall be used to suggest that OPC supports approval of the FPL Rate Case Settlement, creates a waiver of its objections to the FPL Rate Case Settlement, or impairs the appellate rights of any party with respect to orders issued in Docket No. 20250011-EI and any impact such orders have on this Docket. FPL agrees that the willingness of OPC to facilitate a Type 2 stipulation on these matters shall obviate the need for OPC or any other substantially affected party to appeal the final order in this Docket in order for OPC to preserve its right to require the direct impact, if any, of any final decision by a court of competent jurisdiction related to the FPL Rate Case Settlement to be flowed through to this Docket.

Duke Energy Florida:

\$142,238,585, which is calculated by taking the amount in Issue 3 from the Total Demand and Energy Costs amount, \$145,797,740, as reflected in Schedule C-2, Line 23, Page 1 of 4, in Exhibit KR-1P.

Tampa Electric Company:

\$47,415,903, which is calculated by adding the amount in Issue 3 to the \$49,636,506 amount that is reflected in Schedule C-2, Page 1 of 8, in Exhibit RGJ-2.

Florida Public Utility Company:

\$2,002,020, which is calculated by adding the amount in Issue 3 to the Total Incremental Costs amount, \$1,769,965, as reflected in Schedule C-1, Line 3, Page 1 of 1, in KIL-1.

ISSUE 5: **What are the conservation cost recovery factors for the period January 2026 through December 2026?**

STIPULATION:

The appropriate conservation cost recovery factors for the period January 2026 through December 2026 are as follows:

Florida Power & Light Company:

On August 20, 2025, in Docket No. 20250011-EI (FPL's Rate Case), the signatories to a Stipulation and Settlement Agreement (SSA) proposed a change in the cost allocation methodology to be effective 1/1/26 for this and other cost recovery clause dockets.

If the SSA is approved, the appropriate conservation cost recovery factors for the period January 2026 through December 2026 are as follows:

2026 ECCR Cost Recovery Factors as reflected in Alternate Schedule C-1, Page 4 of 15, in Exhibit LSN-3				
Rate Class	Conservation Recovery Factor (\$/kw)	Conservation Recovery Factor (Cents/kwh)	RDC (\$/KW)	DDC (\$/KW)
RS1/RTR1		0.148	-	-
GS1/GST1	-	0.144	-	-
GSD1/GSDT1/HLFT1/GSD1-EV	0.49	-	-	-
OS2	-	0.085	-	-
GSLD1/GSLDT1/CS1/ CST1/HLFT2/GSLD1-EV	0.55	-	-	-
GSLD2/GSLDT2/CS2/ CST2/HLFT3	0.55	-	-	-
GSLD3/GSLDT3/CS3/CST3	0.55	-	-	-
SST1T	-	-	0.06	0.03
SST1D1/SST1D2/SST1D3	-	-	0.06	0.03
CILC D/CILC G	0.57	-	-	-
CILC T	0.56	-	-	-
MET	0.45	-	-	-
OL1/SL1/SL1M/PL1/OSI/II	-	0.050	-	-
SL2/SL2M/GSCU1	-	0.102	-	-

If the SSA is not approved, the appropriate conservation cost recovery factors for the period January 2026 through December 2026 are as follows:

2026 ECCR Cost Recovery Factors as reflected in Schedule C-1, Page 4 of 34, in Exhibit LSN-2				
Rate Class	Conservation Recovery Factor (\$/kw)	Conservation Recovery Factor (Cents/kwh)	RDC (\$/KW)	DDC (\$/KW)
RS1/RTR1		0.139	-	-
GS1/GST1	-	0.131	-	-
GSD1/GSDT1/HLFT1/GSD1-EV	0.46	-	-	-
OS2	-	0.078	-	-
GSLD1/GSLDT1/CS1/ CST1/HLFT2/GSLD1-EV	0.52	-	-	-

GSLD2/GSLDT2/CS2/ CST2/HLFT3	0.53	-	-	-
GSLD3/GSLDT3/CS3/CST3	0.52	-	-	-
SST1T	-	-	0.06	0.03
SST1D1/SST1D2/SST1D3	-	-	0.06	0.03
CILC D/CILC G	0.55	-	-	-
CILC T	0.55	-	-	-
MET	0.44	-	-	-
OL1/SL1/SL1M/PL1/OSI/II	-	0.045	-	-
SL2/SL2M/GSCU1	-	0.102	-	-

In the event the Commission approves a different clause cost allocation methodology than either of those identified in Issue 4, then the appropriate conservation cost recovery factors for the period January 2026 through December 2026 will be consistent with the approved methodology. FPL will file updated clause recovery factors in this docket for administrative approval by staff as soon as practicable after the Commission's vote in Docket No. 20250011-EI.

Duke Energy Florida:

2026 ECCR Cost Recovery Factors, as reflected in Schedule C-1, Page 2 of 2, in Exhibit KR-1P			
Retail Rate Schedule	Cost Recovery Factor (Cents/kWh) Voltage Level		
	Secondary	Primary	Transmission
Residential: RS-1, RST-1, RSL-1, RSL-2	0.386	N/A	N/A
General Service Non-Demand: GS-1, GST-1, GSLM-1, GLMS-2	0.342	0.339	0.335
General Service (100% Load Factor): GS-2	0.273	N/A	N/A
Lighting: LS-1	0.152	N/A	N/A

2026 ECCR Cost Recovery Factors, as reflected in Schedule C-1, Page 2 of 2, in Exhibit KR-1P			
Retail Rate Schedule	Cost Recovery Factor (Dollars/kW-month) Voltage Level		
	Secondary	Primary	Transmission
General Service Demand: GSD-1, GSDT-1, GSLM-1, GSLM-2, SS-1	1.08	1.07	1.06
Curtaillable: CS-2, CST-2, CS-3, CST-3, SS-3	1.06	1.05	1.04
Interruptible: IS-2, IST-2, SS-2	0.99	0.98	0.97
Standby Monthly: SS-1, SS-2, SS-3	0.106	0.105	0.104
Standby Daily: SS-1, SS-2, SS-3	0.050	0.050	0.049

Tampa Electric Company:

2026 ECCR Cost Recovery Factors, as reflected in Schedule C-1c, Page 1 of 1, in Exhibit RGJ-2			
Retail Rate Schedule	Cost Recovery Factor (Cents/kWh) Voltage Level		
	Secondary	Primary	Subtransmission
RS	0.270	N/A	N/A
GS and CS	0.233	N/A	N/A
GSD Optional	0.194	0.192	0.190
LS1 and LS2	0.070	N/A	N/A

2026 ECCR Cost Recovery Factors, as reflected in Schedule C-1c, Page 1 of 1, in Exhibit RGJ-2			
Retail Rate Schedule	Cost Recovery Factor (Dollars/kW) Voltage Level		
	Secondary	Primary	Subtransmission
GSD SBD and RSD	0.79	0.78	0.78
GSLDPR and SBLDPR	N/A	0.77	N/A
GSLDSU and SBLDSU	N/A	N/A	0.72

FPUC: \$0.321 cents per kWh (consolidated levelized conservation cost recovery factor), as reflected in Schedule C-1, Line 8, Page 1 of 1, in KIL-1.

ISSUE 6: What should be the effective date of the new conservation cost recovery factors for billing purposes?

STIPULATION:

The factors shall be effective beginning with the specified conservation cost recovery cycle and thereafter for the period January 2026 through December 2026. Billing cycles may start before January 1, 2026 and the last cycle may be read after December 31, 2026, so that each customer is billed for twelve months regardless of when the adjustment factor became effective. These charges shall continue in effect until modified by subsequent order of this Commission.

ISSUE 7: Should the Commission approve revised tariffs reflecting the energy conservation cost recovery factors determined to be appropriate in this proceeding?

STIPULATION:

Yes. The Commission should approve revised tariffs reflecting the energy conservation cost recovery factors determined to be appropriate in this proceeding. The Commission should direct staff to verify that the revised tariffs are consistent with the Commission's decision.

Company Specific Issues – Tampa Electric Company

ISSUE 8: **What is the Contracted Credit Value for the GSLM-2 and GSLM-3 rate riders for Tampa Electric Company for the period January 2026 through December 2026?**

STIPULATION:

TECO: In accordance with Order No. PSC-2021-0423-S-EI, issued November 10, 2021 in Docket No. 20210034, the Contracted Credit Value (CCV) by Voltage Level for the forthcoming cost recovery period, January 2026 through December 2026, for the GSLM-2 and GSLM-3 rate riders will be:

<u>Voltage Level</u>	<u>Contracted Credit Value (dollars per kW)</u>
Secondary	11.75
Primary	11.63
Subtransmission	11.52

ISSUE 9: **What are the residential Price Responsive Load Management (RSVP-1) rate tiers for Tampa Electric Company for the period January 2026 through December 2026?**

STIPULATION:

TECO: For the period January 2026 through December 2026 the Residential Price Responsive Load Management (RSVP-1) rates are as follows:

<u>Rate Tier</u>	<u>Cents per kWh</u>
P1	-3.381
P2	-1.324
P3	7.435
P4	41.340

ISSUE 10: Should this docket be closed?

STIPULATION:

No. While a separate docket number is assigned each year, this is a continuing docket and should remain open for administrative convenience.

XI. PENDING MOTIONS

There are no pending motions at this time.

XII. PENDING CONFIDENTIALITY MATTERS

There are no pending confidentiality matters at this time.

XIII. POST-HEARING PROCEDURES

If no bench decision is made, each party shall file a post-hearing statement of issues and positions. A summary of each position, set off with asterisks, shall be included in that statement. If a party's position has not changed since the issuance of this Prehearing Order, the post-hearing statement may simply restate the prehearing position; however, if the prehearing position is longer than 75 words, it must be reduced to no more than 75 words. If a party fails to file a post-hearing statement, that party shall have waived all issues and may be dismissed from the proceeding.

Pursuant to Rule 28-106.215, F.A.C., a party's proposed findings of fact and conclusions of law, if any, statement of issues and positions, and brief, shall together total no more than 40 pages and shall be filed at the same time.

XIV. RULINGS

Opening statements, if any, shall not exceed 3 minutes per party.

It is therefore,

ORDERED by Commissioner Gabriella Passidomo Smith, as Prehearing Officer, that this Prehearing Order shall govern the conduct of these proceedings as set forth above unless modified by the Commission.

ORDER NO. PSC-2025-0407-PHO-EG
DOCKET NO. 20250002-EG
PAGE 22

By ORDER of Commissioner Gabriella Passidomo Smith, as Prehearing Officer,
this 30th day of October, 2025.



Gabriella Passidomo Smith
Commissioner and Prehearing Officer
Florida Public Service Commission
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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.

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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.