

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Environmental cost recovery clause.

DOCKET NO. 20250007-EI
ORDER NO. PSC-2025-0409-PHO-EI
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:

MARIA JOSE MONCADA and JOEL T. BAKER, ESQUIRES, 700 Universe Boulevard, Juno Beach, Florida 33408-2863
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 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 PONDER ESQUIRES, Ausley McMullen, Post Office Box 391, Tallahassee, Florida 32302
On behalf of TAMPA ELECTRIC COMPANY (TECO).

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 32399-1400
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).

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).

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).

CARLOS M. MARQUEZ II, JACOB IMIG, and SHAW STILLER, ESQUIRES, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850
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 E. HARPER, General Counsel, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850
Florida Public Service Commission General Counsel.

I. CASE BACKGROUND

The Environmental Cost Recovery Clause (ECRC) allows investor-owned electric utilities to seek recovery of environmental compliance costs for approved environmental programs on an annual basis, pursuant to Section 366.8255, Florida Statutes (F.S.). As part of the Florida Public Service Commission's (Commission) continuing environmental cost recovery proceeding, an administrative hearing in this docket was 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 subject matter jurisdiction to approve environmental cost recovery pursuant to the provisions of Chapters 120 and 366, F.S. This hearing will be governed by said Chapters and Chapters 25-6, 25-22, and 28-106, 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(3), 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 (and staff) 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	1-9, 12
* Michael Sole ¹	FPL	1-4
* Gary P. Dean	DEF	1-9, 12

¹ By notice dated October 2, 2025, FPL witness Sole adopted the discovery responses and prefiled direct testimony of Katharine MacGregor.

<u>Witness</u>	<u>Proffered By</u>	<u>Issues #</u>
* Eric Szkolnyj	DEF	1–3
* Reginald Anderson	DEF	1–3
* Wyatt Grant ²	DEF	1–3
* Zel D. Jones-Phillips	TECO	1–11
* Byron T. Burrows	TECO	3, 10–11

VII. BASIC POSITIONS

FPL: FPL’s 2025 ECRC factors are reasonable and should be approved.

DEF: DEF’s positions to specific issues are listed below.

TECO: The Commission should approve the compliance programs described in the testimony and exhibits of TECO witnesses Zel D. Jones-Phillips and Byron T. Burrows for environmental cost recovery. The Commission should also approve TECO’s calculation of its environmental cost recovery final true-up for the period January 2024 through December 2024, the actual/estimated environmental cost recovery true-up for the current period January 2025 through December 2025, and the company’s projected ECRC revenue requirement and the company’s proposed ECRC factors for the period January 2026 through December 2026.

OPC: The utilities bear the burden of proof to justify the recovery of costs they request in this docket and 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 all costs is constrained by the Commission’s obligation to set fair, just, and reasonable rates, based on projects and/or costs that are prudent in magnitude and/or costs prudently incurred pursuant to Section 366.01, F.S.

² By notice dated October 2, 2025, DEF witness Grant adopted the discovery responses, prefiled direct testimony, and prefiled exhibits of Patricia Q. West.

Additionally, the provisions of Chapter 366, F.S., must be liberally construed to protect the public welfare.

The Commission must independently determine that each cost submitted for recovery, deferred or new, meets each element of the statutory requirements for recovery through this clause, as set out in Section 366.8255, F.S. Specifically, each activity proposed for recovery must be legally *required* to comply with a governmentally imposed environmental regulation that was enacted, became effective, or whose effect was triggered after the company's last test year upon which rates are based, and such costs may not be costs that are recovered through base rates or any other cost recovery mechanism. Any decision by the Commission on a new project submitted for approval and cost recovery must be limited to the scope and documented cost information provided to the Commission in the company filing in this docket.

In addition, with regard to FPL, 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, or can or should give it any weight in determining costs, cost attribution, or revenue allocation in this docket. In the Storm Protection Plan Cost Recovery Clause docket, Docket No. 20250010-EI, for example, OPC has taken the position 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-2025-0049-PCO-EI, issued February 10, 2025. In this docket, FPL did file testimony on August 25, 2025, seeking to inject the impacts of the proposed settlement agreement into this docket. OPC nevertheless maintains its objection to the unapproved, non-final settlement providing the basis for factors and rates in this docket. 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 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 set forth by FPL as filed in this docket, consistent with the terms of the settlement agreement in Docket No. 20250011-EI, should such settlement agreement be approved.

PCS

Phosphate: PCS Phosphate generally adopts the positions taken by OPC unless a differing position is specifically stated.

NUCOR: Nucor's basic position is that DEF bears the burden of proof to justify the costs it seeks to recover through the ECRC and any other relief DEF requests in this proceeding.

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

Generic Environmental Cost Recovery Issues

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

Proposed stipulation – See Section X.

ISSUE 2: What are the estimated/actual environmental cost recovery true-up amounts for the period January 2025 through December 2025?

Proposed stipulation – See Section X.

ISSUE 3: What are the projected environmental cost recovery amounts for the period January 2026 through December 2026?

Proposed stipulation – See Section X.

ISSUE 4: What are the environmental cost recovery amounts, including true-up amounts, for the period January 2026 through December 2026?

Proposed stipulation – See Section X.

ISSUE 5: What depreciation rates should be used to develop the depreciation expense included in the total environmental cost recovery amounts for the period January 2026 through December 2026?

Proposed stipulation – See Section X.

ISSUE 6: What are the appropriate jurisdictional separation factors for the projected period January 2026 through December 2026?

Proposed stipulation – See Section X.

ISSUE 7: What are the appropriate environmental cost recovery factors for the period January 2026 through December 2026 for each rate group?

Proposed stipulation – See Section X.

ISSUE 8: What should be the effective date of the new environmental cost recovery factors for billing purposes?

Proposed stipulation – See Section X.

ISSUE 9: Should the Commission approve revised tariffs reflecting the environmental cost recovery amounts and environmental cost recovery factors determined to be appropriate in this proceeding?

Proposed stipulation – See Section X.

Company-Specific Environmental Cost Recovery Issues

Tampa Electric Company

ISSUE 10: Should the Commission approve TECO’s Big Bend CCR Rule Legacy Amendment Study project for cost recovery through the environmental cost recovery clause?

Proposed stipulation – See Section X.

ISSUE 11: How should the approved costs related to TECO’s Big Bend CCR Rule Legacy Amendment Study project be allocated to the rate classes?

Proposed stipulation – See Section X.

ISSUE 12: Should this docket be closed?

Proposed stipulation – See Section X.

IX. EXHIBIT LIST

<u>Witness</u>	<u>Proffered By</u>		<u>Description</u>
<u>Direct</u>			
Richard L. Hume	FPL	RLH-1	2024 ECRC Final True-Up January 2024 – December 2024 Commission Forms 42- 1A through 42-9A
Richard L. Hume	FPL	RLH-2	2025 ECRC Actual/Estimated True-up January 2025 – December 2025 Commission Forms 42-1E through 42-9E
Richard L. Hume	FPL	RLH-3	2026 ECRC Projection Filing January 2026 – December 2026 Commission Forms 42-1P through 42-8P

<u>Witness</u>	<u>Proffered By</u>		<u>Description</u>
Michael Sole	FPL	RLH-3	Form 42-5P
Richard L. Hume	FPL	RLH-4	2026 ECRC Projection Filing (Calculation of Stratified Separation Factors)
Gary P. Dean	DEF	GPD-1	Forms 42-1A – 42-9A January 2024 – December 2024
Gary P. Dean	DEF	GPD-2	Forms 42-1E – 42-9E January 2025 – December 2025
Gary P. Dean	DEF	GPD-3	Forms 42-1P – 42-8P January 2026 – December 2026
Eric Szkolnyj	DEF	GPD-3	Form 42-5P, page 23
Reginald Anderson	DEF	GPD-3	Form 42-5P, pages 7 and 20–22
Wyatt Grant ³	DEF	PQW-1	Review of Integrated Clean Air Compliance Plan
Wyatt Grant ⁴	DEF	GPD-3	Form 42-5P, pages 1–4, 6, 8–19, and 24–26
Zel D. Jones-Phillips	TECO	ZDJ-1	Final Environmental Cost Recovery Commission Forms 42-1A through 42-9A for the Period January 2024 – December 2024
Zel D. Jones-Phillips	TECO	ZDJ-2	Environmental Cost Recovery Commission Forms 42-1E through 42-9E for the Period January 2025 – December 2025

³ By notice dated October 2, 2025, DEF witness Grant adopted the discovery responses, prefiled direct testimony, and prefiled exhibits of Patricia Q. West.

⁴ By notice dated October 2, 2025, DEF witness Grant adopted the discovery responses, prefiled direct testimony, and prefiled exhibits of Patricia Q. West.

<u>Witness</u>	<u>Proffered By</u>		<u>Description</u>
Zel D. Jones-Phillips	TECO	ZDJ-3	Environmental Cost Recovery Forms 42-1P through 42-8P for the Period January 2026 – December 2026

X. PROPOSED STIPULATIONS

After the Prehearing Conference, the three investor-owned electric utilities reached proposed Type 2 stipulations⁵ with Commission staff concerning all issues identified for resolution at the final hearing. The intervenors' (OPC, FIPUG, PCS Phosphate, and Nucor) positions on each of these Type 2 stipulations is as follows:

The intervenors take no position on these issues nor do they have the burden of proof related to them. As such, they represent that they will not contest or oppose the Commission taking action approving a proposed stipulation between the utilities and another party or staff as a final resolution of these issues. No person is authorized to state that OPC, FIPUG, PCS Phosphate, or Nucor is 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.

In addition to the enumerated issues identified below, FPL and OPC have reached the following proposed Type 2 stipulation as it pertains to the impact of FPL's rate case in Docket No. 20250011-EI on the ECRC:

STIPULATION:

OPC will facilitate a Type 2 stipulation on: (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 No. 20250011-EI (FPL Rate Case Settlement); and (ii) approval of figures that reflect FPL's response to Staff's Fourth Set of Interrogatories No. 38 effective January 1, 2026, in the event the Commission does not approve the FPL Rate Case Settlement, provided that FPL will file updated clause recovery factors in this docket for administrative approval by staff 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

⁵ A "Type 2 stipulation" occurs on an issue when the utility and 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 it does not join in the agreement) do not object to the Commission relying upon the agreed language to resolve that issue in a final order.

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.

Generic Environmental Cost Recovery Issues

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

STIPULATION:

FPL	\$20,619,582	Over-recovery
DEF	\$2,943,654	Over-recovery
TECO	\$2,597,551	Over-recovery

TECO included \$1,145,253.91 over-recovery credited to the Environmental Cost Recovery Clause (ECRC) in the period January 2024 through December 2024 per Order No. PSC-2025- 0355-PAA-EI.

ISSUE 2: What are the estimated/actual environmental cost recovery true-up amounts for the period January 2025 through December 2025?

STIPULATION:

FPL	\$2,820,065	Under-recovery
DEF	\$1,379,869	Under-recovery
TECO	\$467,965	Over-recovery

ISSUE 3: What are the projected environmental cost recovery amounts for the period January 2026 through December 2026?

STIPULATION:

FPL (if FPL Rate Case Settlement is <i>approved</i>)	\$420,136,666
FPL (if FPL Rate Case Settlement is <i>not approved</i>)	\$406,418,313
DEF	\$17,408,413
TECO	\$19,429,354

ISSUE 4: What are the environmental cost recovery amounts, including true-up amounts, for the period January 2026 through December 2026?

STIPULATION:

FPL (if FPL Rate Case Settlement is <i>approved</i>)	\$402,337,149
FPL (if FPL Rate Case Settlement is <i>not approved</i>)	\$388,618,796
DEF	\$15,844,628
TECO	\$16,377,715

In the event the Commission approves for FPL a different clause cost allocation methodology in Docket No. 20250011-EI than the methodologies underpinning each of the options identified above, then the total amount of environmental cost to be collected will be consistent with the approved methodology in that Docket.

ISSUE 5: What depreciation rates should be used to develop the depreciation expense included in the total environmental cost recovery amounts for the period January 2026 through December 2026?

STIPULATION:

FPL

The depreciation rates used by FPL to calculate depreciation expense included in the environmental cost recovery amounts shall be the depreciation rates reflected in the proposed FPL Rate Case Settlement filed on August 20, 2025, by FPL and other signatory parties *if approved* in Docket No. 20250011-EI. If that proposed FPL Rate Case Settlement is *not approved*, then the depreciation rates used shall be the rates that are in effect during the period the allowed capital investment is in service.

DEF

The depreciation rates used by DEF to calculate depreciation expense shall be the rates that are in effect during the period the allowed capital investment is in service.

TECO

The depreciation rates used by TECO to calculate the depreciation expense shall be the depreciation rates approved by the Florida Public Service Commission in Order No. PSC-2025-0038-FOF-EI, issued on February 3, 2025, and were applied to the 2026 projection.

ISSUE 6: **What are the appropriate jurisdictional separation factors for the projected period January 2026 through December 2026?**

STIPULATION:

The appropriate jurisdictional separation factors for the period January 2026 through December 2026 are as follows:

FPL

Retail Energy Jurisdictional Factor - Base/Solar	95.700158%
Retail Energy Jurisdictional Factor - Intermediate	94.000442%
Retail Energy Jurisdictional Factor - Peaking	95.601959%

Retail Demand Jurisdictional Factor - Transmission	88.481311%
Retail Demand Jurisdictional Factor - Base/Solar	95.925995%
Retail Demand Jurisdictional Factor - Intermediate	95.353018%
Retail Demand Jurisdictional Factor - Peaking	94.516764%
Retail Demand Jurisdictional Factor - Distribution	100.0000%

Retail General Plant Jurisdictional Factor - Labor	96.917134%
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DEF

Transmission Demand	70.369%
Distribution Primary Demand	100.000%

Production Demand:

Production Base	100.000%
Production Intermediate	95.212%
Production Peaking	97.632%
Production A&G	97.366%

TECO

Energy	100.00%
Demand	100.00%

ISSUE 7: **What are the appropriate environmental cost recovery factors for the period January 2026 through December 2026 for each rate group?**

STIPULATION:

The appropriate environmental cost recovery factors for the period January 2026 through December 2026 for each rate group are as follows:

FPL

If the proposed FPL Rate Case Settlement filed on August 20, 2025, by FPL and other signatory parties in Docket No. 20250011-EI is *approved*, then:

Rate Class	Environmental Cost Recovery Factor (cents/kWh)
RS1/RTR1/RS-2EV	0.345
GS1/GST1	0.331
GSD1/GSDT1/HLFT1/GSD1-EV	0.286
OS2	0.199
GSLD1/GSLDT1/CS1/CST1/HLFT2/GSLD1-EV	0.256
GSLD2/GSLDT2/CS2/CST2/HLFT3/GSLD-2EV	0.241
GSLD3/GSLDT3/CS3/CST3/LLCS-1/LLCS-2	0.214
SST1T	0.228
SST1D1/SST1D2/SST1D3	0.607
CILC D/CILC G	0.224
CILC T	0.195
MET	0.260
OL1/SL1/SL1M/PL1	0.059
SL2/SL2M/GSCU1	0.203
Total	0.313

If the proposed FPL Rate Case Settlement filed on August 20, 2025, by FPL and other signatory parties in Docket No. 20250011-EI is *not approved*, then:

Rate Class	Environmental Cost Recovery Factor (cents/kWh)
RS1/RTR1	0.333
GS1/GST1	0.306
GSD1/GSDT1/HLFT1/GSD1-EV	0.276
OS2	0.174
GSLD1/GSLDT1/CS1/CST1/HLFT2/GSLD1-EV	0.252
GSLD2/GSLDT2/CS2/CST2/HLFT3	0.238
GSLD3/GSLDT3/CS3/CST3	0.213
SST1T	0.213
SST1D1/SST1D2/SST1D3	0.497
CILC D/CILC G	0.227
CILC T	0.206
MET	0.267
OL1/SL1/SL1M/PL1	0.043
SL2/SL2M/GSCU1	0.214
Total	0.303

If the Commission approves something different in Docket No. 20250011-EI, then FPL shall file a petition as soon as practicable thereafter to implement corrected environmental cost recovery factors.

DEF

RATE CLASS	ECRC FACTORS
Residential	0.040 cents/kWh
General Service Non-Demand @ Secondary Voltage @ Primary Voltage @ Transmission Voltage	0.038 cents/kWh 0.038 cents/kWh 0.037 cents/kWh
General Service 100% Load Factor	0.036 cents/kWh
General Service Demand @ Secondary Voltage @ Primary Voltage @ Transmission Voltage	0.037 cents/kWh 0.037 cents/kWh 0.036 cents/kWh
Curtable @ Secondary Voltage @ Primary Voltage @ Transmission Voltage	0.035 cents/kWh 0.035 cents/kWh 0.034 cents/kWh
Interruptible @ Secondary Voltage @ Primary Voltage @ Transmission Voltage	0.035 cents/kWh 0.035 cents/kWh 0.034 cents/kWh
Lighting	0.031 cents/kWh

TECO

Rate Class	Factors by Voltage Level (cents/kWh)
RS	0.087
GS, CS	0.080
GSD/GSDT, SBD/SBDT, GSD Optional	
Secondary	0.072
Primary	0.071
Transmission	0.071
GSLDPR/GSLDTPR	0.064
GSLDSU/GSLDTSU/SBLDSU/SBLDTSU	0.063
LS1, LS2	0.049
Average Factor	0.079

ISSUE 8: What should be the effective date of the new environmental cost recovery factors for billing purposes?

STIPULATION:

The factors shall be effective beginning with the specified environmental 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 read after December 31, 2026, so that each customer is billed for 12 months regardless of when the adjustment factor became effective. These charges shall continue in effect until modified by the Commission.

ISSUE 9: Should the Commission approve revised tariffs reflecting the environmental cost recovery amounts and environmental cost recovery factors determined to be appropriate in this proceeding?

STIPULATION:

Yes. The Commission should approve revised tariffs reflecting the environmental 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. The Commission should also grant staff administrative authority to approve revised tariffs reflecting amended cost recovery clause factors that incorporate any revisions that are necessary as a result of the Commission's decision in FPL's current base rate case in Docket No. 20250011-EI.

COMPANY-SPECIFIC ENVIRONMENTAL COST RECOVERY ISSUES

Tampa Electric Company

ISSUE 10: Should the Commission approve TECO's Big Bend CCR Rule Legacy Amendment Study project for cost recovery through the environmental cost recovery clause?

STIPULATION:

Yes, the Commission should approve TECO's Big Bend CCR Rule Legacy Amendment Study project for cost recovery through the ECRC. The costs for this study are necessary to comply with a governmentally imposed environmental regulation. In May 2024, EPA promulgated the CCR Rule Legacy Amendment, regulating certain CCR impoundments or other management units not regulated under the original rule. Facility evaluations are required to be performed in 2026

to determine the rule's applicability to Big Bend Station. The costs for the study are not recovered through any other cost recovery mechanism or base rates.

ISSUE 11: How should the approved costs related to TECO's Big Bend CCR Rule Legacy Amendment Study project be allocated to the rate classes?

STIPULATION:

The approved costs related to TECO's Big Bend CCR Rule Legacy Amendment Study project should be allocated as an Energy-related cost as shown in TECO's 2026 Projection, Form 42-2P.

ISSUE 12: Should this docket be closed?

STIPULATION:

No. While a separate docket number is assigned each year for administrative convenience, the ECRC is a continuing docket and shall remain open.

XI. PENDING MOTIONS

There are no pending motions.

XII. PENDING CONFIDENTIALITY MATTERS

There are no pending confidentiality motions.

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 three 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.

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.

CMM

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission (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. 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.