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Dkt #: 20250011

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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

DOCKET NO. 20250011-EI
ORDER NO. PSC-2025-0343-PCO-EI
ISSUED: September 12, 2025

ORDER DENYING THE FLORIDA RETAIL FEDERATION'S MOTION FOR PROTECTIVE
ORDER FROM OR, IN THE ALTERNATIVE, MOTION TO QUASH CERTAIN
INTERROGATORIES FROM FLORIDA RISING'S, LEAGUE OF UNITED LATIN
AMERICAN CITIZENS', AND ENVIRONMENTAL CONFEDERATION OF SOUTHWEST
FLORIDA'S FIRST SET OF INTERROGATORIES (NOS. 1-5)
TO FLORIDA RETAIL FEDERATION

Background

This Proceeding was set for final hearing on August 11-22, 2025, by Order No. PSC-2025-0075-PCO-EI, issued March 14, 2025. On August 8, 2025, Florida Power & Light Company (FPL) filed a Notice of Settlement in Principle and Joint Motion to Suspend Schedule and Amend Procedural Order. On the first day of the final hearing, the Motion to Suspend Schedule was granted,¹ and, subsequent to the filing of the 2025 Stipulation and Settlement Agreement (Settlement Agreement), a First Order Revising Order Establishing Procedure (Revised OEP) was issued which established a new deadline for discovery actions to be complete of October 3, 2025.² Contained within the Revised OEP is a direction that "Discovery shall be limited to the issues in the Settlement Agreement."³ On August 29, 2025, Florida Rising, the League of United Latin American Citizens, and the Environmental Confederation of Southwest Florida (collectively FEL) served its First Set of Interrogatories (Nos. 1-7) to the Florida Retail Federation (FRF). These interrogatories seek information concerning the membership of FRF.

On September 5, 2025, FRF filed a Motion for Protective Order from, or in the alternative, Motion to Quash certain of FEL's First Set of Interrogatories (FRF Motion). On September 8, 2025, FEL Filed its Response in Opposition to the FRF Motion (FEL Response).

Analysis and Decision

The FRF Motion seeks relief under Rule 1.280, Florida Rules of Civil Procedure (Fla. R. Civ. P.).⁴ FRF argues that the five interrogatory questions referred to in its motion (the Contested Discovery) are both out of time and not within the limited scope of discovery authorized by the

¹ Order No. PSC-2025-0304-PCO-EI, issued August 12, 2025.

² Order No. PSC-2025-0323-PCO-EI, issued August 22, 2025, at page 3.

³ Revised OEP at page 2.

⁴ Rule 1.280 is incorporated by reference into the Uniform Rules of Procedure, which apply to proceedings before the Commission. See Rule 28-106.206, Florida Administrative Code ("After commencement of a proceeding, parties may obtain discovery through the means and in the manner provided in Rules 1.280 through 1.400, Florida Rules of Civil Procedure.").

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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

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

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

Background

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

On August 8, 2025, Florida Power & Light Company (FPL) filed a Notice of Settlement in Principle and Joint Motion to Suspend Schedule and Amend Procedural Order. On August 11, 2025, the first day of the hearing scheduled by the OEP, the Commission heard argument from the parties and granted the Motion to Suspend Schedule.³ Subsequently, a First Order Revising Order Establishing Procedure (Revised OEP) was issued which established a new hearing schedule, and a new deadline for discovery actions to be complete of October 3, 2025.⁴ Contained within the Revised OEP is a direction that "Discovery shall be limited to the issues in the Settlement Agreement."⁵ On August 22, 2025, FEL served its Renewed First Set of Interrogatories (Nos. 1-7) and its Renewed First Request for Production of Documents (Nos. 1-3) to FIPUG (collectively, Renewed Contested Discovery).⁶ The Renewed Contested Discovery seeks information regarding the organizational structure and membership of FIPUG.

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

¹ Document No. 05210-2025.

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

³ Order No. PSC-2025-0304-PCO-EI, issued August 12, 2025.

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

⁵ Revised OEP at page 2.

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

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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

DOCKET NO. 20250011-EI
ORDER NO. PSC-2025-0345-PCO-EI
ISSUED: September 12, 2025

ORDER DISMISSING CUSTOMER MAJORITY PARTIES' JOINT
MOTION TO APPROVE STIPULATION AND SETTLEMENT
AGREEMENT, DENYING MOTION FOR SCHEDULING
ORDER AS MOOT, AND ESTABLISHING MAJOR ELEMENTS

Case Background

This proceeding was set for final hearing on August 11-22, 2025, by Order No. PSC-2025-0075-PCO-EI, issued March 14, 2025. On August 8, 2025, Florida Power & Light Company (FPL) filed a Notice of Settlement in Principle and Joint Motion to Suspend Schedule and Amend Procedural Order. The Florida Industrial Power Users Group, Florida Retail Federation, Florida Energy for Innovation Association, Walmart Inc., EVgo Services, Americans for Affordable Clean Energy, Circle K, RaceTrac, Wawa, Electrify America, Federal Executive Agencies, Armstrong World Industries, and the Southern Alliance for Clean Energy (collectively FPL Signatories) joined in the Joint Motion to Suspend. On August 11, 2025, the Office of Public Counsel (OPC), Florida Rising, League of United Latin American Citizens Florida, Environmental Confederation of Southwest Florida, and Floridians Against Increased Rates (collectively FPL Non-Signatories) filed a Joint Response in Opposition to the Joint Motion to Suspend. After hearing argument from the parties, the Commission voted to grant the Joint Motion and suspend the schedule in order to allow the parties time to finalize the settlement. On August 12, 2025, Order No. PSC-2025-0304-PCO-EI memorializing this vote was issued in the docket.

On August 20, 2025, FPL and the FPL Signatories filed a Joint Motion for Approval of 2025 Stipulation and Settlement Agreement. The FPL Non-Signatories did not sign or otherwise join in the 2025 Stipulation and Settlement Agreement (2025 SSA). Because the 2025 SSA is not unanimous, further proceedings under Section 120.57(1), Florida Statutes, are necessary to address the disputed issues of material fact. Accordingly, on August 22, 2025, the undersigned Prehearing Officer issued a First Order Revising Order Establishing Procedure,¹ and therein set this matter for a two-week hearing to commence October 6, 2025.

1. Joint Motion to Approve Stipulation and Settlement Agreement

On August 26, 2025, the FPL Non-Signatories filed a Joint Motion to Approve Stipulation and Settlement Agreement (Settlement Motion), along with an attached Stipulation and Settlement Agreement (Alternate SSA) signed by the FPL Non-Signatories. The Alternate SSA is not signed by any other Intervenor or FPL. The Alternate SSA "is submitted as a counter

¹ Order No. PSC-2025-0323-PCO-EI.