

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition by Duke Energy Florida, LLC,
for a limited proceeding to approve large load
tariff

Docket No. 20250113-EI

Dated: March 24, 2026

**DUKE ENERGY FLORIDA’S RESPONSE IN OPPOSITION TO
SEMINOLE ELECTRIC COOPERATIVE INC’S PETITION TO INTERVENE**

Duke Energy Florida, LLC (“DEF”), by and through undersigned counsel and pursuant to Rule 28-106.204, F.A.C., hereby responds in opposition to the Petition to Intervene filed by Seminole Electric Cooperative, Inc. (“Seminole”). As Seminole admits in its Petition to Intervene, Seminole is a wholesale and transmission customer of DEF. Seminole is not a retail customer. This docket is for approval of a tariff and policy related solely to the provision of retail service, and therefore, Seminole does not have standing to participate in this proceeding. In further support, DEF states as follows:

1. On September 5, 2025, DEF filed its petition for a limited proceeding to approve large load tariff.
2. Since the filing of the petition, the Office of Public Counsel (“OPC”) provided notice of its intervention, and White Springs Agricultural Chemicals, Inc. (d/b/a PCS Phosphate), Nucor Steel Florida, Inc. (“Nucor”), and the Florida Industrial Power Users Group (“FIPUG”) have also sought and/or been granted intervention in this docket.
3. On March 18, 2026, Seminole filed its Petition to Intervene in this docket. Seminole alleges that it is an “electric transmission customer of DEF” (para. 4) and that DEF’s large load filing may “potentially [impact] the transmission rates DEF charges to Seminole” (para. 5).

4. Florida administrative standing is governed by the two-prong “substantial interests” test. A petitioner must show: (1) an injury in fact of sufficient immediacy, and (2) that the alleged injury is of a type the proceeding is designed to protect. *Ameristeel Corp. v. Clark*, 691 So. 2d 473, 477 (Fla. 1997); *Agrico Chem. Co. v. Dep’t of Env’t Regul.*, 406 So. 2d 478, 482 (Fla. 2d DCA 1981). The first prong addresses the degree and immediacy of the injury, while the second asks whether the asserted interest falls within the zone of interests protected by the proceeding. *Ameristeel*, 691 So. 2d at 477. Speculative or conjectural injury is insufficient. *Florida Soc’y of Ophthalmology v. State Board of Optometry*, 532 So. 2d 1279, 1285 (Fla. 1st DCA 1988); *see also, Village Park Mobile Home Ass’n, Inc. v. State, Dep’t of Bus. Regulation*, 506 So. 2d 426, 434 (Fla. 1st DCA 1987) (speculations on the possible occurrence of injurious events are too remote to warrant inclusion in the administrative review process).

5. DEF respectfully requests that the Florida Public Service Commission (“Commission” or “FPSC”) deny Seminole’s Petition to Intervene, because it cannot meet either of the two-prong substantial interests test and therefore is not a substantially affected party in this docket. *See* R. 28-106.205(1), F.A.C. (“Persons . . . whose substantial interest will be affected by the proceeding . . . may move the presiding officer for leave to intervene.”). First, there is no injury in fact, because Seminole’s transmission rates are not being set in this proceeding. The FPSC has jurisdiction over retail rates, not transmission or wholesale rates. “Under several provisions of Chapter 366, Florida Statutes, this Commission is charged with the responsibility of establishing fair and reasonable **retail rates** for Florida’s investor-owned electric utilities.” *In re: Review of Florida Power Corporation’s earnings, including effects of proposed acquisition of Florida Power Corporation by Carolina Power & Light; In re: Review of the retail rates of Florida Power & Light Company; In re: Review of Tampa Electric Company and impact of its participation in*

GridFlorida, a Florida Transmission Company, on TECO's retail ratepayers, Order No. PSC-2001-2489-FOF-EI, 2001 Fla. PUC LEXIS 1404, at 24 (Fla. P.S.C. Dec. 20, 2001) (emphasis added). Although the lack of an injury in fact would be sufficient to deny Seminole standing, Seminole also fails the second prong of the test, because this proceeding is not designed to protect against the alleged injury (if there were one). DEF is requesting approval of a tariff to set the rates and terms of service when providing retail service to its retail customers. Seminole's transmission rates are set pursuant to the rules and regulations of the Federal Energy Regulatory Commission ("FERC"), not the FPSC.

6. The Commission has previously denied intervention to non-retail customers in FPSC proceedings. For example, in Docket No. 20001148, Dynege Inc., sought to intervene in a docket opened to evaluate the effects of a proposed merger and regional transmission organization on FPL's retail rates. *In re Consideration of the Effect of Retail Rates from the Formation of a Regional Transmission Org. & the FPL/Entergy Merger*, Order No. PSC-2001-0195-PCO-EI, 2001 Fla. PUC LEXIS 393, at 6–7 (Fla. P.S.C. Mar. 14, 2001). Dynege alleged that it was a power marketer, a wholesale competitor of FPL, and a purchaser of transmission services from FPL and Entergy. *Id.* at 2–3. The Commission denied Dynege standing, holding that because Dynege was not a retail customer of FPL, “any actual or potential injury to Dynege would not be addressed through this docket.” *Id.* at 6–7. The order therefore squarely supports the position that wholesale or transmission interests alone are insufficient to establish standing in a retail proceeding. Here, Seminole likewise only asserts that this proceeding will have a direct impact on its transmission interests and therefore do not have standing in this proceeding.

WHEREFORE, for the foregoing reasons, DEF respectfully requests that the Commission deny Seminole's Petition to Intervene for lack of standing.

Respectfully submitted this 24th day of March, 2026.

/s/ Dianne M. Triplett

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CERTIFICATE OF SERVICE

Docket No. 20250113-EI

I **HEREBY CERTIFY** that a true and correct copy of the foregoing has been furnished by electronic mail this 24th day of March, 2026, to the following:

/s/ Dianne M. Triplett
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