

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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

DOCKET NO. 20250011-EI  
ORDER NO. PSC-2025-0256-PCO-EI  
ISSUED: June 30, 2025

ORDER GRANTING PETITION TO INTERVENE  
OF ARMSTRONG WORLD INDUSTRIES, INC.

By letter dated January 2, 2025, Florida Power & Light Company (FPL) notified the Florida Public Service Commission (Commission) that it would be filing a petition for base rate increase effective January 2026.<sup>1</sup> On February 28, 2025, FPL filed its petition for base rate increase, minimum filing requirements, and supporting direct testimony. Pursuant to Order No. PSC-2025-0075-PCO-EI, the undersigned Prehearing Officer scheduled the evidentiary hearing on FPL's petition for August 11 through August 22, 2025.

Petition for Intervention

By motion dated June 19, 2025, Armstrong World Industries, Inc. (AWI) filed a petition to intervene in this proceeding. AWI represents that it owns and operates a manufacturing plant in Pensacola, Florida, that receives electrical service from FPL. AWI states that the plant's electrical consumption totaled 30,350,000 kWhs in 2024, and that the cost of this service is a significant operational cost. AWI continues that the rate increases sought by FPL in this case, if granted, would increase the cost of electricity, thereby increasing the costs of operations and affecting AWI's substantial interests.

AWI represents that it conferred with counsel for the other parties and that "no such party has stated any position to this Petition." AWI further represents that counsel for EVGo Services, LLC, did not respond and provide a position. No responses to the Petition to have been filed, and the time for so doing has expired.

Standards for Intervention

Pursuant to Rule 28-106.205, F.A.C., persons, other than the original parties to a pending proceeding, who have a substantial interest in the proceeding and who desire to become parties may move for leave to intervene. Motions for leave to intervene must comply with Rule 28-106.204(3), F.A.C., and must include allegations sufficient to demonstrate that the intervenor is entitled to participate in the proceeding as a matter of constitutional or statutory right or pursuant to Commission rule, or that the substantial interests of the intervenor are subject to determination or will be affected through the proceeding. Intervenors take the case as they find it.

A person seeking to intervene on the basis that their substantial interests are subject to determination or will be affected through the proceeding must plead facts sufficient to

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<sup>1</sup> See Rule 25-6.140, Florida Administrative Code (F.A.C.).

demonstrate that (1) he will suffer injury in fact that is of sufficient immediacy to entitle him to a Section 120.57, F.S., hearing, and (2) the substantial injury is of a type or nature that the proceeding is designed to protect. *See Agrico Chemical Co. v. Department of Env't Reg.*, 406 So. 2d 478, 482 (Fla. 2d DCA 1981). The first aspect of the test deals with the degree of injury. The second deals with the nature of the injury. The "injury in fact" must be both real and immediate and not speculative or conjectural. *International Jai-Alai Players Assn. v. Florida Pari-Mutuel Comm'n*, 561 So. 2d 1224, 1225-26 (Fla. 3d DCA 1990); *see also Village Park Mobile Home Assn., Inc. v. Department of Bus. Reg.*, 506 So. 2d 426, 434 (Fla. 1st DCA 1987) (speculation on the possible occurrence of injurious events is too remote).

### Analysis and Ruling

"In determining whether a party has standing to seek a formal administrative hearing, the allegations contained in the party's petition must be taken as true." *Mid-Chattahoochee River Users v. Department of Env't Prot.*, 948 So. 2d 794, 796 (Fla. 1<sup>st</sup> DCA 2006). Taken as true, AWI's allegations are sufficient under *Agrico*. Specifically, AWI has pleaded that it is an existing commercial ratepayer. Therefore, AWI's petition to intervene shall be granted, subject to proof of standing or stipulations that there are sufficient facts to support all elements for standing. *See Delgado v. Agency for Health Care Admin.*, 237 So. 3d 432, 437 (Fla. 1st DCA 2018) (proper pretrial stipulations to the facts supporting all elements of standing are binding upon the parties and the court). As an intervenor, AWI takes the case as it finds it.

Based on the above representations, it is

ORDERED by Chairman Mike La Rosa, as Prehearing Officer, that the Motion to Intervene filed by Armstrong World Industries, Inc. is hereby granted as set forth in the body of this Order. It is further

ORDERED that Armstrong World Industries, Inc. takes the case as it finds it. It is further

ORDERED that all parties to this proceeding shall furnish copies of all testimony, exhibits, pleadings, and other documents which may hereinafter be filed in this proceeding to:

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By ORDER of Chairman Mike La Rosa, as Prehearing Officer, this 30th day of June,  
2025.



Mike La Rosa

Chairman 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.

SPS

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

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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.