

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for rate increase by Florida) DOCKET NO. 20250011-EI
Power & Light Company)
_____)

**PETITION TO INTERVENE BY FLORIDA RISING,
LEAGUE OF UNITED LATIN AMERICAN CITIZENS, &
ENVIRONMENTAL CONFEDERATION OF SOUTHWEST FLORIDA**

Pursuant to sections 120.569, 120.57, Florida Statutes, and Rule 28-106.205, Florida Administrative Code, Florida Rising, Inc., the League of United Latin American Citizens of Florida, also known as LULAC Florida, Inc. (“LULAC”), and Environmental Confederation of Southwest Florida, Inc. (“ECOSWF”), through its undersigned counsel, hereby files this petition to intervene in the above captioned proceeding, and in support thereof states:

I. AGENCY AFFECTED

1. The name and address of the agency affected by this petition is:

Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

II. IDENTIFICATION OF THE INTERVENORS AND THEIR COUNSEL

2. The names and addresses of Petitioners are:

Florida Rising, Inc.
10800 Biscayne Blvd.,
Suite 1050
Miami, FL 33161

LULAC Florida, Inc.
100 South Belcher Road
#4752
Clearwater, FL 33765

Environmental Confederation of Southwest Florida, Inc.
421 Verna Road
Sarasota, Florida 34230

3. The names and addresses of counsel for Petitioners, authorized to receive all notices, pleadings, and other communications in this docket are:

Bradley Marshall
Jordan Luebke
Earthjustice
111 S. Martin Luther King Jr. Blvd.
Tallahassee, Florida 32301
(850) 681-0031 (tel)
(850) 681-0020 (fax)
bmarshall@earthjustice.org
jluebke@earthjustice.org
flcaseupdates@earthjustice.org

III. RECEIPT OF NOTICE OF AGENCY'S PROPOSED ACTION

4. Petitioners received notice of the Florida Public Service Commission's ("Commission") action through a search of the open dockets on the Commission's website.

IV. THE INTERVENORS' SUBSTANTIAL INTERESTS

5. Florida Rising is a membership-based organization dedicated, under their articles of incorporation, to building "broader multiracial movements with individuals from historically marginalized communities to seize power and govern to advance social, economic, and racial justice." Florida Rising has a substantial number of members who live in Florida Power & Light Company's ("FPL's) service area, are customers receiving electricity service from FPL, and will be substantially affected by the outcome of this proceeding as FPL ratepayers. Florida Rising also maintains offices in FPL's territory where it directly pays electricity bills to FPL and is organizationally impacted by the cost of electricity. If FPL's petition to raise its rates is approved, Florida Rising itself and its members who are FPL customers will face higher electricity rates and thus higher bills to pay for FPL's unneeded investments and excessive profits.

6. Beyond advocating for economic equity, which will be a key issue in FPL's rate case, Florida Rising is also committed to climate justice and pushing for a regenerative future and a just transition that puts frontline communities as the center of energy policy, disaster response, food policy, and all climate change initiatives.

7. In furtherance of the mission of Florida Rising, Florida Rising was granted intervention in FPL's most recent rate case, *see* Order Granting Florida Rising, Inc.'s Petition to Intervene, *In re: Petition for rate increase by Florida Power & Light Company*, Docket No. 20210015-EI, Order No. PSC-2021-0139-PCO-EI (Fla. P.S.C. April 20, 2021). Florida Rising has also previously intervened in the most recent Tampa Electric Company rate case. *See* Order Granting Interventions of Florida Rising Inc. & League of United Latin American Citizens of Florida, *In re: Petition for rate increase by Tampa Electric Company*, Docket No. 20240026-EI, Order No. PSC-2024-0123-PCO-EI (Fla. P.S.C. April 23, 2024). Florida Rising has also previously been granted intervention in the FPL numeric conservation goal-setting docket, Order Granting Intervention for Florida Rising, Inc., *In re: Commission review of numeric conservation goals (Florida Power & Light Company)*, Docket No. 20240012-EG, Order No. PSC-2024-0135-PCO-EG (Fla. P.S.C. April 25, 2024).

8. LULAC Florida, Inc., is part of the largest and oldest Hispanic civil rights organization in the United States, which advances the economic condition, educational attainment, political influence, housing, health, and civil rights of Hispanic Americans through community-based programs operating through local councils across the nation. LULAC Florida has a substantial number of members who live in FPL's service area, are customers receiving electricity service from FPL, and will be substantially affected by the outcome of this proceeding as FPL ratepayers. If FPL's petition to raise its rates is approved, LULAC's members who are

FPL customers will face higher electricity rates and thus higher bills to pay for FPL's unneeded investments and excessive profits. Reducing this rate hike will reduce the high-energy burdens on the Hispanic community, implicating LULAC's interest in the economic condition of its members and the Hispanic population of Florida, including those located in FPL's territory. In addition to addressing the economic concerns of its members, LULAC has focused on environmental issues to advance its mission. LULAC has established multiple environmental health and protection programs, as well as adopted positions on energy security and climate change in its National Policy Platform. LULAC currently has members and leadership in Florida working towards these energy and environment-focused goals, including working to address generating infrastructure and related economic and environmental impacts of the energy grid.

9. LULAC was granted intervention in FPL's most recent rate case, *see* Order Provincially Granting League of United Latin American Citizens of Florida's Petition to Intervene, *In re: Petition for rate increase by Florida Power & Light Company*, Docket No. 20210015-EI, Order No. PSC-2021-0137-PCO-EI (Fla. P.S.C. April 20, 2021). LULAC has also previously been granted intervention in the FPL numeric conservation goal-setting docket, Order Granting Intervention for the League of United Latin American Citizens of Florida, *In re: Commission review of numeric conservation goals (Florida Power & Light Company)*, Dockets No. 20240012-EG, Order No. PSC-2024-0133-PCO-EG (Fla. P.S.C. April 25, 2024). LULAC has also previously been granted intervention in other Florida electric utility rate cases, *see* Order Granting Interventions of Florida Rising Inc. & League of United Latin American Citizens of Florida, *In re: Petition for rate increase by Tampa Electric Company*, Docket No. 20240026-EI, Order No. PSC-2024-0123-PCO-EI (Fla. P.S.C. April 23, 2024); Order Granting Petition to Intervene of Florida Rising, Inc. and League of United Latin American Citizens of Florida, *In re:*

Petition for rate increase by Duke Energy Florida, LLC, Docket No. 20240025-EI, Order No. PSC-2024-0106-PCO-EI (Fla. P.S.C. April 19, 2024).

10. ECOSWF has members consisting of business entities, other organizations, and individuals living in Southwest Florida that reside in FPL's service territory and are FPL customers. ECOSWF was organized for the purpose of conserving the natural resources of Southwest Florida, implement energy efficiency improvements and alternatives, and to engage in actions in the furtherance of energy conservation and alternative energy source development. A substantial number of ECOSWF's members live in FPL's service area and are customers receiving electricity service from FPL and will be substantially affected by the outcome of this proceeding as FPL ratepayers.

11. ECOSWF was granted intervention in FPL's most recent rate case, *see* Order Provincially Granting the Environmental Confederation of Southwest Florida, Inc.'s Petition to Intervene, *In re: Petition for rate increase by Florida Power & Light Company*, Docket No. 20210015-EI, Order No. PSC-2021-0138-PCO-EI (Fla. P.S.C. April 20, 2021). ECOSWF has also been granted intervention in FPL's numeric conservation goal-setting docket, Order Granting Intervention for Environmental Confederation of Southwest Florida, *In re: Commission review of numeric conservation goals (Florida Power & Light Company)*, Docket No. 20240012-EG, Order No. PSC-2024-0134-PCO-EG (Fla. P.S.C. April 25, 2024). Furthermore, ECOSWF has been granted intervention in FPL need determination proceedings before based on its members' substantial interests as FPL ratepayers. *In re: Petition for determination of need for Glades Power Park Units 1 and 2 electrical power plants in Glades County, by Florida Power & Light Company*, Order No. PSC-07-0238-PCO-EI (Fla. P.S.C. Mar. 16, 2007); *In re: Petition for*

determination of need for Okeechobee Clean Energy Center Unit 1, by Florida Power & Light Company, Order No. PSC-15-0494-PCO-EI (Fla. P.S.C. Oct. 22, 2015).

V. STATEMENT OF AFFECTED INTERESTS

12. In the above-captioned proceeding, the Commission will determine whether to grant FPL's petition to raise its rates and whether to allow FPL to recover funds—and profits—for investments that have never been reviewed for prudence by the Commission, and which may contain spending for new or enhanced fossil generation. The proposed rate increase will result in substantial bill increases to Florida Rising's, LULAC's, and ECOSWF's members. The proposed rate hike will further increase the energy burden already suffered by low-income customers in FPL's territory, and will negatively impact Florida Rising's, LULAC's, and ECOSWF's members in FPL's service territory.

13. The substantial interest of members of Florida Rising, LULAC, and ECOSWF are affected in this case because the Commission's order will determine the rates their members pay in FPL's service territory. Thus, the Commission's order will directly affect the mission of Florida Rising, LULAC, and ECOSWF's members and their pecuniary interests. The substantial interests of Florida Rising, Inc., are also implicated in this proceeding as Florida Rising is a direct customer of FPL, and the increased rates FPL is seeking will increase Florida Rising's energy costs.

14. Moreover, Florida Rising, LULAC, ECOSWF, and their members rely on these proceedings to provide the Commission with expert testimony and opinion about the value and prudence of the investments FPL has been making in generating, transmission, and distribution infrastructure.

15. These are the type of interests this proceeding is designed to protect because the purpose of this case coincides with the substantial interests of Florida Rising, LULAC, ECOSWF, and their members. *Ameristeel Corp. v. Clark*, 691 So.2d 473 (Fla. 1997); *Agrico Chemical Co. v. Department of Environmental Regulation*, 406 So.2d 478 (Fla. 2d DCA 1981), *reh. denied*, 415 So.2d 1359 (Fla. 1982); *Florida Home Builders Ass 'n v. Department of Labor and Employment Security*, 412 So.2d 351, 353-54 (Fla. 1982).

16. Florida Rising, LULAC, and ECOSWF are authorized to represent their interests and the interests of their members in legal actions, including formal administrative actions such as this. The subject matter of this docket is well within the scope of interest and activities of Florida Rising, LULAC, and ECOSWF, and the relief requested is the type of relief appropriate for these organizations to receive on behalf of their members. The rights and interests of Florida Rising, LULAC, ECOSWF, and their members cannot be adequately represented by any other party in this docket, and intervention will not unduly delay or prejudice the rights of other parties.

17. Florida Rising, LULAC, and ECOSWF meet the three-prong standing test from *Florida Home Builders*, in that 1) a substantial number of Florida Rising's, LULAC's, and ECOSWF's members will be substantially affected by the Commission's decision in this docket; 2) the subject matter of this proceeding is within Florida Rising's, LULAC's, and ECOSWF's general scope of interest and activity; and 3) the relief requested is of a type appropriate for Florida Rising, LULAC, and ECOSWF to receive on behalf of its members.

18. As another basis for standing Florida Rising also meets the two-prong standing test set forth in *Agrico* in that 1) Florida Rising, Inc. will itself face higher electricity bills due to

the proposed FPL rate increase (injury in fact of sufficient immediacy) as a customer of FPL, and
2) the injury is of a type the proceeding is designed to protect (i.e., from unfair and unjust rates).

19. Florida Rising, LULAC, and ECOSWF's intervention is timely. R. 28-106.205,
F.A.C.

VI. STATEMENT OF DISPUTED ISSUES OF FACT

20. Florida Rising, LULAC, and ECOSWF cannot at this time provide a complete statement of disputed issues of fact as discovery has not yet been completed and FPL has not submitted the minimum filing requirements or any pre-filed testimony as of the filing of this petition. It is expected that disputed issues of fact include, but are not limited to, the following:

- a. Whether FPL's proposed return on equity is reasonable.
- b. Whether FPL's proposed equity to debt ratio is reasonable.
- c. Whether FPL's generation investments are prudent.
- d. Whether FPL's transmission investments are prudent.
- e. Whether FPL's distribution investments are prudent.
- f. Whether any accounting and incentive mechanisms proposed by FPL are appropriate and in the public interest.
- g. Whether FPL requested rate increase is fair, just, and reasonable.
- h. Whether FPL has proven any financial need for rate relief.
- i. Whether FPL's projected revenues and forecasts are appropriate.
- j. Whether FPL's proposed revenue allocation amongst the customer classes is reasonable.

VII. STATEMENT OF ULTIMATE FACT

21. Florida Rising, LULAC, and ECOSWF cannot at this time provide a complete statement of ultimate facts to be proven because discovery has not yet been completed and the minimum filing requirements have not been filed. Florida Rising’s, LULAC’s, and ECOSWF’s allegations of ultimate facts include, but are not limited to, that FPL’s requested rate increase is unjust, unreasonable, and unjustly discriminatory, and includes recovery for infrastructure that were not prudent.

VIII. STATUTES AND RULES THAT REQUIRE THE RELIEF REQUESTED

22. The rules and statutes that entitle LULAC, ECOSWF, and Florida Rising to intervene and participate in this case include, but are not limited to, the following:

- a. § 120.569, Fla. Stat.;
- b. § 120.57, Fla. Stat.;
- c. §§ 366.03-06, Fla. Stat.;
- d. R. 28-106.201, F.A.C.; and
- e. R. 28-106.205, F.A.C.

IX. CONSULTATION WITH OTHER PARTIES

23. Pursuant to Rule 28-106.204(3), F.A.C., Florida Rising, LULAC, and ECOSWF have conferred with counsel for FPL, the Florida Industrial Power Users Group (“FIPUG”), and for the Office of Public Counsel (“OPC”) regarding this petition. FIPUG, OPC, and FPL advised that they take no position or do not object to this petition.

X. RELIEF SOUGHT

24. WHEREFORE, ECOSWF, LULAC, and Florida Rising respectfully request that the Commission enter an order granting them leave to intervene in the above-styled docket as

full parties, and further requests parties to provide the undersigned with all pleadings, testimony, evidence, and discovery filed in said dockets.

RESPECTFULLY SUBMITTED this 12th day of February, 2025.

/s/ Bradley Marshall
Florida Bar No. 98008
Email: bmarshall@earthjustice.org
flcaseupdates@earthjustice.org
Jordan Luebke
Florida Bar No. 1015603
Email: jluebke@earthjustice.org
Earthjustice
111 S. Martin Luther King Jr. Blvd.
Tallahassee, Florida 32301
T: (850) 681-0031
Fax: (850) 681-0020

***Counsel for League of United Latin
American Citizens of Florida, Florida
Rising, and Environmental Confederation
of Southwest Florida***

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy and correct copy of the foregoing was served on this 12th day of February, 2025, via electronic mail on:

Shaw Stiller Timothy Sparks Florida Public Service Commission Office of General Counsel 2540 Shumard Oak Blvd. Tallahassee, FL 32399-0850 sstiller@psc.state.fl.us tsparks@psc.state.fl.us discovery-gcl@psc.state.fl.us	Kenneth A. Hoffman Florida Power & Light Company 134 West Jefferson Street Tallahassee, FL 32301-1713 Ken.hoffman@fpl.com
Maria Moncada Florida Power & Light Company 700 Universe Boulevard Juno Beach, FL 33408-0420 Maria.moncada@fpl.com	Walt Trierweiler & Mary A. Wessling Office of Public Counsel c/o The Florida Legislature 111 West Madison Street, Suite 812 Tallahassee, FL 32399-1400 Wessling.mary@leg.state.fl.us
Jon C. Moyle, Jr. Karen A. Putnal Moyle Law Firm, P.A. 118 North Gadsden Street Tallahassee, Florida 32301 Telephone: (850)681-3828 Facsimile: (850)681-8788 jmoyle@moylelaw.com kputnal@moylelaw.com Florida Industrial Power Users Group	

DATED this 12th day of February, 2025.

/s/ Bradley Marshall
Attorney