

**BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION**

In re: Petition for rate increase by)
Florida Power & Light Company) Docket No. 20250011-EI
) Filed: March 31, 2025
)

PETITION TO INTERVENE OF THE FLORIDA RETAIL FEDERATION

The Florida Retail Federation ("FRF"), pursuant to Sections 120.569 and 120.57(1), Florida Statutes, and Rule 28-106.205, Florida Administrative Code ("F.A.C."), hereby petitions to intervene in the above-styled docket. In support thereof, FRF states as follows:

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

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

2. The name, address, and telephone number of the Petitioner are as follows:

Florida Retail Federation
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3. All pleadings, motions, orders and other documents should be directed to Petitioner's representatives as follows:

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4. The FRF is an established association of more than 8,000 members in Florida. Many of the FRF's members are retail electric customers of Florida Power & Light Company ("FPL" or "Company"), and these members purchase electricity from FPL pursuant to various rate schedules that are subject to Commission review and approval. The FRF's members require adequate, reasonably priced electricity in order to conduct their businesses consistently with the needs of their customers and ownership.

5. Statement of Affected Interests. In this docket, the Florida Public Service Commission ("Commission") will decide whether to approve the Company's request for a series of base rate increases. The Company initiated this docket by filing a Test Year Notification on December 30, 2024, and filed its Petition for Base Rate Increase on February 28, 2025. In the Petition, the Company requests the Commission's authorization to increase base rates as follows: (a) by \$1.55 billion effective January 1, 2026, and (b) by \$927 million effective January 1, 2027. The Company also proposes several other mechanisms, including (i) a Solar and Battery Base Rate Adjustment ("SoBRA") mechanism in 2028 and 2029 to allow the Company to recover the costs of building and operating additional solar and battery projects; (ii) a tax adjustment mechanism; (iii) a storm cost recovery mechanism; and (iv) a mechanism to address potential changes to tax laws or regulations.

6. Accordingly, in this case, the Commission will decide whether any rate increases are justified and whether to approve FPL's other proposed rate mechanisms. The interests of all FRF members that are customers of the Company will be directly affected by the Commission's decisions in this case. Accordingly, the FRF is entitled to intervene to protect its members'

substantial interests in receiving safe, adequate, and reliable electric service at the lowest possible cost, i.e., at fair, just, and reasonable rates.

7. The subject matter of this docket is well within FRF's established scope of interest and activity. The FRF routinely appears on behalf of its members in utility regulatory proceedings, including those initiated by or involving FPL. The FRF was a signatory to the Stipulation and Settlement Agreement in FPL's last rate case, which was approved by the Commission's Order Nos. PSC-2021-0446-S-EI, PSC-2021-0446A-S-EI, and PSC-2024-0078-FOF-EI, issued in Docket No. 20210015-EI, In re: Petition by Florida Power & Light Company for Base Rate Increase and Rate Unification.

8. The FRF's substantial interests are of sufficient immediacy to entitle it to participate in the proceeding and are the type of interests that the proceeding is designed to protect. To participate as a party in this proceeding, an intervenor must demonstrate that its substantial interests will be affected by the proceeding.¹ Specifically, the intervenor must demonstrate that it will suffer a sufficiently immediate injury in fact that is of the type the proceeding is designed to protect.² Here, the FRF is the representative of a large number of its members who are retail electric customers of the Company, and these members' substantial interests will be directly affected by the Commission's decisions regarding the Company's retail electric rates. The interests that the FRF seeks to protect are of sufficient immediacy to warrant intervention, and its members' interests in having the Commission set rates for the Company that are fair, just, reasonable, and not unduly discriminatory are exactly the interests that this proceeding is designed to protect. This is a general

¹ Rule 28-106.205, F.A.C.

² *Ameristeel Corp. v. Clark*, 691 So. 2d 473, 477 (Fla. 1997); *Agrico Chemical Co. v. Dep't of Envtl. Regulation*, 406 So.2d 478 (Fla. 2d DCA 1981).

rate case, and the FRF seeks to protect its members' substantial interests as they will be affected by the Commission's decisions determining the Company' rates.

9. Associational Standing. Under Florida law, to establish standing as an association representing its members' substantial interests, an association such as the FRF must demonstrate three things: (1) that a substantial number of its members, although not necessarily a majority, are substantially affected by the agency's decisions; (2) that the intervention by the association is within the association's general scope of interest and activity; and (3) that the relief requested is of a type appropriate for an association to obtain on behalf of its members.³ The FRF satisfies all of these "associational standing" requirements. The FRF is an established association that, consistent with its purposes and history of intervening in Commission proceedings, seeks to protect its members' interests in having the Commission set rates for the Company that are fair, just, reasonable, and not unduly discriminatory. A substantial number of the FRF's members are located in the Company' service area and receive electric service from the Company, for which they are charged the Company' applicable, Commission-approved retail rates. The FRF exists to represent its members' interests in a number of venues, including matters before the Commission. Indeed, the FRF has been an active participant in many proceedings before the Commission relating to the Company. Finally, the relief requested—intervention and the lowest rates consistent with applicable laws and rules—is across-the-board relief that will apply to all of the FRF's members in the same way, according to the retail rate schedules under which they receive service; therefore, the requested relief is of the type that is appropriate for an association to obtain on behalf of its members.

³ *Florida Home Builders Ass'n v. Dep't of Labor and Employment Security*, 412 So.2d 351, 353-54 (Fla. 1982).

10. Disputed Issues of Material Fact. The FRF anticipates that disputed issues of material fact will be identified in the course of these proceedings. Disputed issues of material fact currently include, but are not limited to, the following:

- a. Are the increased base rates for which the Company seeks the Commission's approval fair, just, and reasonable?
- b. What is the appropriate capital structure for the Company for the purpose of setting the Company's rates in this case?
- c. What is the appropriate rate of return on equity for the Company for the purpose of setting the Company's rates in this case?
- d. What are the appropriate billing determinants to be used in setting the Company's rates in this case?
- e. What are the appropriate rates to be charged by the Company to each customer class?

The FRF reserves all rights to raise additional issues in accordance with the Commission's rules and the Order Establishing Procedure in this case.

11. Disputed Legal Issues. The FRF anticipates that disputed legal issues will be identified in the course of these proceedings.

12. Statement of Ultimate Facts Alleged. Alleged ultimate facts include, but are not limited to, the following:

- a. FPL has the burden to prove that all costs for which it seeks recovery were and are, or will be, reasonably and prudently incurred and of the type appropriate to be recovered through these proceedings; and
- b. FPL has the burden to prove that no such costs sought for recovery are duplicative.

13. Laws Entitling Petitioner to Relief. The applicable statutes and rules that entitle the FRF to relief include, but are not limited to, Sections 120.569, 120.57(1), and 366.04 through 366.07, Florida Statutes, and Chapter 28-106, F.A.C.

14. Statement of Conferral. Pursuant to Rules 28-106.204(3) and 28-106.205(2)(e), F.A.C., the FRF conferred with the other parties in this case regarding this petition to intervene. The FRF is authorized to represent that the Office of Public Counsel, Florida Industrial Power Users Group, and the Federal Executive Agencies have no objection. FPL, the Southern Alliance for Clean Energy, the League of United Latin American Citizens of Florida, Florida Rising, the Environmental Confederation of Southwest Florida, and EVGo take no position.

15. Relief. The FRF requests that it be permitted to intervene as a full party in this docket.

WHEREFORE, the Florida Retail Federation respectfully requests that the Commission enter an order allowing it to intervene as a full party in this docket.

Respectfully submitted,

/s/ James W. Brew

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CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing Petition to Intervene has been furnished by electronic mail this 31st day of March, 2025, to the following:

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