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4. Notice of Docket. Electrify America received notice of this proceeding through its practice of monitoring new and open proceedings at the Florida Public Service Commission (“Commission”). On January 7, 2025, Electrify America became aware that Florida Power & Light Company (“FPL”) would be filing this proceeding, and on February 28, 2025 FPL filed its petition for a base rate increase.

5. Affected Utility. The utility affected in this proceeding is Florida Power & Light Company.

6. Statement of Substantial Interest. Electrify America, the largest open direct current fast charging (“DCFC”) network in the United States, is investing more than \$2 billion over ten years on Zero Emissions Vehicle infrastructure, education and awareness. This investment will enable millions of Americans to discover the benefits of electric driving and support the build-out of a nationwide network of ultra-fast community and highway chargers that are convenient and reliable. To date, Electrify America has built a coast-to-coast network of DCFC stations across over 900 locations and with over 4,000 individual DC fast chargers in total, including 49 locations with 238 individual DC fast chargers in Florida. Within FPL’s service territory, Electrify America

currently operates 32 stations with 154 individual DC fast chargers, with such stations mainly taking service on FPL's General Service Demand ("GSD-IEV") and General Service Large Demand ("GSLD-IEV") tariffs. Electrify America's chargers range from 150 kW to 360 kW of power based on anticipated needs and use cases, as well as available real estate and power. The ultra-fast 360 kW chargers are among the most powerful public chargers on the market today, capable of recharging speeds close to gasoline fueling.

7. Electrify America anticipates further expansion in Florida in FPL's service area, particularly given the presence of major highway corridors, metropolitan areas, and the high penetration of electric vehicles within FPL's service territory. Electrify America is uniquely situated as a non-proprietary charging network capable of providing up to 360 kW to capable vehicles in Florida, and more broadly is one of few charging networks statewide providing the fastest and most customer-friendly refueling speeds. Faster refueling speeds are widely recognized as instrumental in allowing Florida to realize its EV adoption and transportation electrification goals.

8. As a customer of FPL, Electrify America will be directly affected by and has a substantial interest in the Commission's decision regarding the proposed modifications to the rates, terms and conditions, and policies set forth in FPL's petition, particularly those impacting FPL's GSD-IEV and GSLD-IEV tariffs.

9. Electrify America has significant expertise on matters related to the impacts of electric utility tariffs on the development and operation of electric vehicle charging stations. Electrify America has participated in proceedings before public utility commissions throughout the country, fostering the development of an actionable record for commissions by contributing its unique expertise and knowledge of EV charging infrastructure to advocate for incentives and rates that support the financial sustainability of continued EV infrastructure operation. Additionally,

given Electrify America's unique business model, its interests are not adequately represented by any other party in this proceeding and, therefore, it would be detrimental to the public interest to deny this petition to intervene.

10. In this proceeding, the Commission will consider and evaluate FPL's petition for a general base rate increase, as well as the evidence it has already submitted in support of its petition. The impact of the Commission's eventual ruling in this proceeding will have a significant impact on the existing DCFC stations that Electrify America has already sited in FPL's service territory, as well as its strategy regarding future station development. For these reasons, Electrify America has a substantial interest in this proceeding, and respectfully seeks to intervene.

11. Statement of Affected Interests. In this proceeding, the Commission will evaluate FPL's petition and its supporting evidence, as well as the evidence provided by other parties to this proceeding, to ultimately determine whether to grant FPL's requested increase in base rates. As stated above, Electrify America is a current commercial customer of FPL, with over 32 DCFC stations in its service territory. Electrify America's current investments will be significantly impacted by the Commission's findings in this proceeding, as will its future investments in FPL's service territory.

12. The Commission has held that intervenors such as Electrify America must meet the two-prong standing test set forth in *Agrico Chemical Company v. Department of Environmental Regulation*, 406 So. 2d 478, 482 (Fla. 2d DCA 1981).<sup>2</sup> This standard requires an intervenor to show 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. The first aspect of the test deals with

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<sup>2</sup> Docket No. 20250015-EI, *Review of 2026-2035 Storm Protection Plan, pursuant to Rule 25-6.030, F.A.C., Duke Energy Florida, LLC*, Order No. PSC-2025-0053-PCO-EI at 2 (February 12, 2025).

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.”<sup>3</sup>

13. Depending on how the Commission rules on FPL’s proposals in this proceeding, Electrify America may suffer injuries in fact that are substantial and immediate. As explained above, Electrify America is a customer of FPL with over 32 DCFC stations in FPL’s service territory. At these stations, Electrify America is currently taking service on the GSD-1EV and GSLD-1EV tariffs, both of which are to be modified at the conclusion of this proceeding. These modifications could result in a significant increase in the amount Electrify America pays in electric rates, which has been previously held the Commission as an interest that meets the first prong of the *Agrico* standard.<sup>4</sup>

14. With respect to the second prong, the substantial injuries to be suffered by Electrify America are both real and will immediately impact Electrify America’s DCFC stations upon a final determination by the Commission in this proceeding. The Commission’s findings in this proceeding will dictate whether FPL’s proposed rates meet applicable legal standards.<sup>5</sup> If the GSD-1EV and GSLD-1EV tariffs are modified, Electrify America’s increased costs associated with its currently deployed DCFC stations will directly and significantly impact Electrify America’s competitive posture in FPL’s service territory, as well as the economic viability of those DCFC stations Electrify America currently has in development in FPL’s service territory. As such, Electrify America’s interest in this proceeding meets both prongs of the *Agrico* standard, and this Petition should be granted.

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<sup>3</sup> *Id.* citing *International Jai-Alai Players Assn. v. Florida Pari-Mutuel Commission*, 561 So. 2d 1224, 1225-26 (Fla. 3d DCA 1990). *See also Village Park Mobile Home Assn., Inc. v. State Dept. of Business Regulation*, 506 So. 2d 426, 434 (Fla. 1st DCA 1987), rev. den., 513 So. 2d 1063 (Fla. 1987) (speculation on the possible occurrence of injurious events is too remote).

<sup>4</sup> Docket No. 20250015-EI, Order No. PSC-2025-0053-PCO-EI at 2.

<sup>5</sup> *See e.g.* Florida Statutes §366.04.

15. Disputed Issues of Fact. Electrify America has yet to identify each disputed issue of material fact at this time, as discovery is still ongoing in this proceeding. However, Electrify America expects that disputed issues of fact will include, but not be limited to:

- a. The appropriateness of FPL's proposed revenues and forecasts.
- b. The reasonableness of FPL's proposed revenue allocation among the customer classes.
- c. The fairness of FPL's proposed rates to be charged by FPL for its service to each customer class, particularly those available to DCFC customers.
- d. If FPL's overall requested rate increase is just and reasonable.

16. Electrify America reserves the right to raise and respond to additional issues in accordance with the Commission's rules and regulations, as well as the directives in the Commission's March 14, 2025 Order Establishing Procedure.

17. Timeliness. F.A.C. 28-106.205 requires that petitions for leave to intervene must be filed at least 20 days before the final hearing, and per the Commission's March 14, 2025 Order Establishing Procedure the final hearing in this proceeding is scheduled to begin on August 11, 2025. As such, this Petition is timely filed.

18. Statement of Ultimate Facts Alleged. While Electrify America is unable provide a complete statement of ultimate facts to be proven given that discovery has not yet been completed, its allegations of ultimate facts include, but are not limited to, that FPL's requested rate increase is unjust, unreasonable, and unduly discriminatory, and that FPL's proposed modifications of its EV-related programs and rates are unreasonable and inappropriate.

19. Statutes and Rules that Require the Relief Requested. The rules and statutes that entitle Electrify America to intervene and participate in this proceeding include, but are not limited to, the following:

- a. Rule 28-106.201, Florida Administrative Code;

- b. Rule 28-106.205, Florida Administrative Code;
- c. Section 120.569, Florida Statutes;
- d. Section 120.57, Florida Statutes; and
- e. Sections 366.03-366.07, Florida Statutes.

20. Disputed Issues of Law. Disputed legal issues include, but are not limited to:

- a. Whether FPL's proposed rates meet the applicable just and reasonable standards.
- b. Whether FPL has proven that it is entitled to the requested revenue requirement relief that it seeks.

21. Electrify America reserves the right to raise additional legal issues and to address those raised by parties to this proceeding in accordance with the Commission's rules and regulations, as well as the directives in the Commission's March 14, 2025 Order Establishing Procedure.

22. Statement of Conferral. As required by F.A.C. 28-106.204(3), Electrify America has conferred with counsel for all other parties of record as of the date of the filing of this Petition, and no such party has stated an objection to this Petition. FPL indicated it takes no position at this time, pending review of the Petition. The Office of Public Counsel, Southern Alliance for Clean Energy; Federal Executive Agencies; Florida Industrial Power Users Group; Florida Rising, Inc.; the League of United Latin American Citizens of Florida; and the Environmental Confederation of Southwest Florida, Inc each indicated they take no position on the Petition.

23. Relief Requested. Electrify America requests that it be permitted to intervene as a full participant in this proceeding.

24. Statement of Position. FPL is required to meet the applicable legal burden of proof in this proceeding. Should this Petition be granted, Electrify America intends to conduct discovery

and reserves the right to modify its position based on information obtained in response to discovery or otherwise.

**WHEREFORE**, Electrify America respectfully requests that the Commission grant this Petition to Intervene, provide Electrify America with full party status, and allow it to participate fully in this proceeding.

Respectfully submitted,



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Dated: April 1, 2025

Counsel for Electrify America, LLC

**CERTIFICATE OF SERVICE**

I hereby certify that a true copy of this Petition to Intervene has been furnished by electronic mail this 1<sup>st</sup> day of April 2025 to the following parties:

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Respectfully submitted,



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