

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for rate increase by Florida) DOCKET NO. 20250011-EI
Power & Light Company)
_____) FILED: April 8, 2025

FLORIDA RISING’S, LEAGUE OF UNITED LATIN AMERICAN CITIZENS’, AND ENVIRONMENTAL CONFEDERATION OF SOUTHWEST FLORIDA’S MOTION FOR ADDITIONAL SERVICE HEARINGS

Florida Rising, League of United Latin American Citizens, and Environmental Confederation of Southwest Florida (“Movants”), pursuant to Rule 28-106.204, Florida Administrative Code, hereby file this Motion for Additional Customer Service Hearings in this docket. Movants request that this Motion be granted and in support state:

On February 28, 2025, Florida Power & Light Company (“FPL”) filed its Petition for a Rate Increase (Petition), Minimum Filing Requirements, and testimony in support of its requested rate increase. Pursuant to section 366.041, Florida Statutes, which requires the Commission “to hear service complaints, if any, that may be presented by subscribers and the public during any proceedings involving such rates, charges, fares, tolls, or rentals . . .,” the Commission is obliged to schedule customer service hearings in rate case proceedings.

The Commission has previously held that “[c]ustomer service hearings play a critical role in the Commission's statutory duty to hear service complaints, and they are a vital component in setting fair, just, and reasonable rates for a regulated utility.” *In re: Petition for Rate Increase by Florida City Gas*, Docket No. 20220069-GU, Order No. PSC-2022-0276-PCO-GU at 3, (Fla. P.S.C. July 25, 2022). Much more recently, the current Chairman of the Public Service Commission testified before the Florida Senate Committee on Ethics and Elections about the importance in the rate case context of “customer interactions, [of] going to the territories” in

order to “allow customers to share, frankly, their experience and their quality of service with [the] Commissioners.”¹ Chairman La Rosa elaborated in his testimony that the Commission “tr[ies] to work with the Office of Public Counsel, who is the consumer representative,” particularly with respect to customer service hearings.² Given the “major part” the Public Counsel plays in customer service hearings, Chairman La Rosa emphasized that the Commission “tr[ies] to be as open as [it] can with them so that they can plan for whatever they may believe that they need to do to also talk and discuss with consumers.”³

FPL’s service territory covers “more than 6 million customer accounts, or approximately 12 million Floridians in 43 counties.” *In re: Petition for rate increase by Florida Power & Light Company*, Docket No. 20250011-EI, Testimony of Armando Pimentel at p. 4, ll. 12-13 (Feb. 28, 2025). Following the acquisition of Gulf Power and the formal unification of the legacy Gulf system into FPL’s system as part of its 2021 rate case, FPL’s service territory includes the customers and territory of the former Gulf system.

During the three most recent rate cases for FPL (2009, 2012, and 2016) and Gulf Power (2011, 2013, and 2016), respectively, prior to unification in 2021, the Commission has offered nine in-person hearings for FPL and two in-person hearings for Gulf. Thus, customers have historically had a total of eleven in-person customer service hearings between the two rate cases for the territory and population served. During FPL’s 2021 rate case, when the former Gulf Power’s system and rates were formally unified with FPL’s, the Commission held twelve service hearings. Due to the then-ongoing COVID-19 pandemic, all twelve of these service hearings

¹ *Hearing before the Fla. Sen. Comm. on Ethics and Elections* at 27:52-28:32 (Mar. 31, 2025), <https://thefloridachannel.org/videos/3-31-25-senate-committee-on-ethics-and-elections/>.

² *Id.* 30:05-30:12.

³ *Id.* 30:13-30:29.

were held virtually. The locations of each of the service hearings held for FPL and Gulf since 2009 is set out by the chart below:

Historic FPL Service Hearings	2009	2012	2016	2021
Daytona Beach	X	X	X	
Ft. Lauderdale	X		X	
Ft. Myers	X	X	X	
Melbourne	X	X	X	
Miami	X	X	X	
Miami Gardens	X	X	X	
Pembroke Pines		X	X	
Plantation	X	X		
Sarasota	X	X	X	
West Palm Beach	X	X	X	
Virtual				12X
Historic Gulf Service Hearings	2011	2013	2016	
Panama City	X	X	X	
Pensacola	X	X	X	
Total Hearings	11	11	11	12

Sources.⁴

⁴ *In re: Petition for rate increase by Florida Power & Light Company*, Docket. No. 20210015-EI, Notice of Customer Service Hearing (June 3, 2021), <https://www.floridapsc.com/pscfiles/library/filings/2021/04488-2021/04488-2021.pdf>; *In re: Petition for rate increase by Florida Power & Light Company*, Docket. No. 20160021-EI, Notice of Customer Service Hearings (May 2, 2016), <https://www.floridapsc.com/pscfiles/library/filings/2016/02635-2016/02635-2016.pdf>; *In re: Petition for rate increase by Florida Power & Light Company*, Docket No. 20120015-EI, Notice of Customer Service Hearing (July 2, 2012), Notice of Customer Service Hearing (May 11, 2012), & Notice of Customer Service Hearing (May 2, 2012), <https://www.floridapsc.com/pscfiles/library/filings/2012/04374-2012/04374-2012.pdf>, <https://www.floridapsc.com/pscfiles/library/filings/2012/03022-2012/03022-2012.pdf>, & <https://www.floridapsc.com/pscfiles/library/filings/2012/02802-2012/02802-2012.pdf>; *In re: Petition for rate increase by Florida Power & Light Company*, Docket No. 20080677-EI, Notice of Customer Service Hearings (May 19, 2009) & Amended Notice of Customer Service Hearings (June 8, 2009), <https://www.floridapsc.com/pscfiles/library/filings/2009/04939-2009/04939->

Since 2009, the territory and total number of Floridians served by FPL has increased substantially. At the time of its 2009 rate case, FPL served approximately 8.7 million Floridians (3.9 million residential accounts)⁵ in peninsular Florida. By the 2021 rate, when Gulf’s system was merged into FPL’s, that had increased to 10.9 million Floridians (5.0 million residential accounts),⁶ in both peninsular and northwest Florida. Today, FPL serves roughly 12 million Floridians across 43 of Florida’s 67 counties.

However, in contrast to earlier rate cases, when FPL served fewer customers, the Commission has set only seven in-district, in-person hearings for FPL’s current requested rate increase. Over the past 16 years, FPL has added roughly 3.2 million new residential customers to its system, but the Commission plans to offer two fewer in-person customer service hearings than historically between the two utilities’ rate cases—and five fewer in-person hearings than have historically been held in FPL’s peninsular territory.⁷ Normalized by population, during FPL’s 2009 rate case, the Commission offered one in-person hearing for roughly every 970,000 Floridians served by FPL.⁸ In this case, the Commission plans to provide one in-district hearing

[2009.pdf](#) and <https://www.floridapsc.com/pscfiles/library/filings/2009/05742-2009/05742-2009.pdf>. *In re: Petition for rate increase by Gulf Power Company*, Docket No. 20160170-EI, Notice of Customer Service Hearing (Dec. 22, 2016), <https://www.floridapsc.com/pscfiles/library/filings/2016/09510-2016/09510-2016.pdf>; *In re: Petition for rate increase by Gulf Power Company*, Docket No. 20130140-EI, Notice of Customer Service Hearing (Aug. 16, 2013), <https://www.floridapsc.com/pscfiles/library/filings/2013/04803-2013/04803-2013.pdf>; *In re: Petition for rate increase by Gulf Power Company*, Docket No. 20110138-EI, Memorandum to Commissioners from Dick Durbin, Office of Public Information (Aug. 11, 2011), <https://www.floridapsc.com/pscfiles/library/filings/2011/05725-2011/05725-2011.pdf>.

⁵ Florida Power & Light Company, 2010 Ten Year Site Plan, Schedule 2.1 (April 1, 2010), <https://www.floridapsc.com/pscfiles/library/filings/2010/02427-2010/02427-2010.pdf>.

⁶ Florida Power & Light Company, 2022 Ten Year Site Plan, Schedule 2.1 (April 1, 2022)

⁷ Fla. Public Service Commission, Commission Calendar 3/31/2025-9/12/2025 (Revised 3/28/2025), <https://www.floridapsc.com/pscfiles/website-files/PDF/Agendas/calendar.pdf>.

⁸ 8.73 million divided by 9 is 970,000.

for approximately every 1.7 million Floridians served by FPL,⁹ or nearly double the per capita ratio from the 2009 rate case.

Movants respectfully request that the Commission provide FPL’s customers with additional in-person hearings to bring this case into alignment with the Commission’s historic practice and to account for the significant increase in Floridians served by FPL. In particular, Movants ask that the Commission add an in-person service hearing in Ft. Lauderdale, Melbourne, Miami (south Miami-Dade), Miami Gardens, Plantation, and Sarasota, for a total of six additional in-person hearings. The chart below compares the Commission’s historic customer service hearings for FPL and Gulf with the proposals of the Commission and Movants for FPL’s 2025 rate case:

Historic FPL Service Hearings	2009	2012	2016	2021	2025 - PSC Proposed	2025 - FEL Proposed
Daytona Beach	X	X	X		X	X
Ft. Lauderdale	X		X			X
Ft. Myers	X	X	X		X	X
Melbourne	X	X	X			X
Miami	X	X	X		X	2X
Miami Gardens	X	X	X			X
Pembroke Pines		X	X		X	X
Plantation	X	X				X
Sarasota	X	X	X			X
West Palm Beach	X	X	X		X	X
Virtual				12X	2X	2X
Historic Gulf Service Hearings	2011	2013	2016			
Panama City	X	X	X		X	X
Pensacola	X	X	X		X	X
Total Hearings	11	11	11	12	9	15

⁹ 12.0 million divided by 7 is 1,714,286.

The additional hearings sought comport with past Commission practice. Every county in which Movants seek an additional hearing is included among the Commission’s past locations for FPL customer hearings. Moreover, every city proposed for an additional hearing—with the exception of a new location in southern Miami-Dade county, which has historically not had the benefit of a hearing despite its high number of FPL customers—was included in at least two out of FPL’s last three rate cases (prior to the all-virtual pandemic years). Sarasota and Melbourne in particular have each had an in-person hearing for all three of the most recent pre-pandemic FPL rate cases.

Fairness also weighs in favor of granting these additional hearings. By number of customers, the top five counties FPL serves are: 1) Miami-Dade: 1,211,480 accounts; 2) Broward: 979,560 accounts; 3) Palm Beach: 784,000 accounts; 4) Brevard: 345,490 accounts; and 5) Sarasota: 299,540 accounts.¹⁰ Sarasota County particularly stands out for having the 4th highest number of customers among FPL’s 43-county service territory yet having no customer service hearing. Without traffic, customers in Sarasota face a nearly three-hour round trip drive to reach the nearest scheduled hearing in Ft. Myers.¹¹ For FPL customers further north in Bradenton, in Manatee County (FPL’s 10th most populous county by customer count, with 214,820 customers),¹² the round trip to Ft. Myers exceeds three hours without traffic.¹³

¹⁰ See Fla. Public Service Commission, January Weather Event 2025 - Power Outage Data, https://www.floridapsc.com/pscfiles/HurricaneReport/2025%20January%20Winter%20Weather%20Event%20-%20ESF12%20Outage%20Report%20-%2001-23-25%202100_01-23-25_0900_PM.pdf (last accessed April 4, 2025) (providing number of accounts served, by utility, by county as of January 2025).

¹¹ Google Maps, <https://www.google.com/maps> (roundtrip directions from Sarasota, Florida to Ft. Myers, Florida) (last accessed April 7, 2025).

¹² January Weather Event Data, *supra* n. 10.

¹³ Google Maps, <https://www.google.com/maps> (roundtrip directions from Bradenton, Florida to Ft. Myers, Florida) (last accessed April 7, 2025).

Likewise, Brevard County (Melbourne) also stands out as the county with the 5th highest number of customers, but no service hearing. The round-trip drive from Melbourne to either of the closest schedule service hearings from this historically included city are also excessively long: over three hours without traffic to Daytona Beach or more than three and a half hours without traffic to West Palm Beach.¹⁴ Holding three hearings in Miami-Dade and Broward counties is justified due to their high concentration of FPL customers, totaling over a third of FPL's accounts statewide.¹⁵ Broward and Miami-Dade have, respectively, nearly nine and ten times the number of FPL customers in Bay County. Movants seek only six total hearings between FPL's two most populous counties, not the 29 that would be proportional by customer count.

In addition to the increased geographic accessibility detailed above, Movants request that the Commission further increase customer accessibility to service hearings by conducting these sessions at times outside of working hours and ensuring adequate translation services. Regarding the timing of hearings, the same hardworking Floridians who will be most affected by FPL's rate hike are the most likely to be unable to afford to lose half a workday (or more, depending on where their closest hearing is) to come and address the Commission on the unaffordability of their FPL bills. As the Office of Public Counsel has noted in a past motion seeking additional customer service hearings, "The Commission has a long history of holding customer service hearings beginning after 6 PM (e.g., 6:30 or 7:00 PM) when a significantly larger number of working customers have the ability to reasonably participate after working hours."¹⁶

¹⁴ *Id.* (roundtrip directions from Melbourne, Florida to Daytona, Florida, and roundtrip directions from Melbourne, Florida, to Westy Palm Beach, Florida) (last accessed April 7, 2025).

¹⁵ See January Weather Event Data, *supra* n. 10 (2,191,040/5,956,040 = 36%).

¹⁶ *In re: Petition for rate increase by Duke Energy Florida, LLC*, Docket. No. 20240025-EI, Citizens' Motion for Additional Customer Service Hearings, ¶ 16. (April 16, 2024).

Regarding language access, Movants appreciate and celebrate the Commission's efforts to increase Spanish language access during the rate 2024 service hearings for Duke Energy Florida and Tampa Electric Company and make the following specific requests to further improve its efficacy and fairness. Movants request that the Commission continue to offer translation services, but that this be provided via simultaneous translation to facilitate efficient hearings and maximize customer participation and testimony. Simultaneous translation may easily be accomplished by providing a call-in number to attendees, whether physically present or virtual, which they may call to listen to real-time translation of the proceedings through their phones. Due to sustained audio difficulties with past translation services, it is important that the translator be physically present in the hearing room for reasons of clarity, accuracy, and economy of time. In recognition of the linguistic richness of FPL's service territory, Movants request that the Commission provide a call-in line for Spanish and a separate line for Haitian Creole.

Finally, customers who attend either of the two scheduled virtual customer service hearings should be treated no differently than if they were attending an in-person hearing: customers should not be required to sign up in advance nor should any cap be predetermined for the total number of speakers. At the Commission's in-person hearings, a customer need only attend and speak (no advance registration required), and the hearing will continue as long as there are additional customers in the room who have not yet spoken. Even customers who do not initially sign up outside the physical hearing room are permitted to testify when the Commission polls the audience to see if there are others who might want to testify. Customers should not be subjected to additional hurdles just because they are not physically present at a hearing; the 72-hour advance sign-up requirement and an arbitrary cap on the number of speakers that the

Commission has inserted to past virtual hearings create unnecessary barriers to customer participation and should be discontinued.

In summary, Movants believe there is good cause for the Commission to add six additional in-person customer service hearings to be held in Ft. Lauderdale, Melbourne, Miami (south Miami-Dade), Miami Gardens, Plantation, and Sarasota; for the Commission to prioritize holding these and already-announced customer service hearings at times outside of working hours; for the Commission to provide simultaneous Spanish and Creole translation via in-room translators and call-in lines; and for the Commission to discontinue any requirements for virtual service hearings that are not included at in-person hearings, such as advance registrations and preordained limits on the total number of participating customers. Granting the relief sought by this motion comports with both Commission practice and the spirit of the requirement to provide customer service hearings during the rate case process, and would further provide some measure of reassurance to FPL's customers that the Commission still believes in the "critical role" of these hearings as a "vital component in setting fair just and reasonable rates for a regulated utility." *Florida City Gas*, Order No. PSC-2022-0276-PCO-GU at 3.

Movants have conferred with the other parties to this docket regarding their position on this motion. The Office of Public Counsel states that it supports increased customer access and participation. The Southern Alliance for Clean Energy supports the motion. Electrify America, EVgo, Federal Executive Agencies, Florida Industrial Power Users Group, Florida Retail Federation, and Walmart take no position or do not object to the motion. FPL opposes the motion.

WHEREFORE, Movants hereby request that the Commission grant this Motion for Additional Customer Service Hearings for the foregoing reasons.

RESPECTFULLY SUBMITTED this 8th day of April, 2025.

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy and correct copy of the foregoing was served on this 8th day of April, 2025, via electronic mail on:

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DATED this 8th day of April, 2025.

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