

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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

DOCKET NO. 20250011-EI
ORDER NO. PSC-2025-0131-PCO-EI
ISSUED: April 16, 2025

ORDER GRANTING PETITION TO INTERVENE
OF WALMART, 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 2026.¹ 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

On April 2, 2025, Walmart, Inc. (Walmart) filed a petition to intervene in this proceeding. Walmart is a national retailer of goods and services throughout the United States with its principal office located in Bentonville, Arkansas. Walmart states that it is a customer of FPL, with 179 retail units, four distribution centers, and related facilities located in FPL's service territory. Walmart states that it purchases more than 799 million kWh per year from FPL for its operations. Walmart continues that because the cost of electricity is a significant element of the cost of operation for its stores and facilities in FPL's service territory, it will be substantially and directly impacted by the Commission's decision in this proceeding.

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 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

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

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. 1st DCA 2006). Taken as true, Walmart's allegations are sufficient under *Agrico*. Specifically, Walmart has pleaded that it is an existing ratepayer. Therefore, Walmart'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, Walmart takes the case as it finds it.

Based on the above representations, it is

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

ORDERED that Walmart, 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:

Stephanie U. Eaton
Spilman Thomas & Battle, PLLC
110 Oakwood Drive, Suite 500
Winston-Salem, North Carolina 27103
(336) 631-1062
seaton@spilmanlaw.com

Steven W. Lee (*as Qualified Representative*)
Spilman Thomas & Battle, PLLC
1100 Bent Creek Blvd., Suite 101
Mechanicsburg, Pennsylvania 17050
(717) 791-2012
slee@spilmanlaw.com

By ORDER of Chairman Mike La Rosa, as Prehearing Officer, this 16th day of April, 2025.



Mike La Rosa
Chairman and Prehearing Officer
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399
(850) 413-6770
www.floridapsc.com

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 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.