

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for Rate Increase by Florida
Power & Light Company

Docket No. 20250011-EI

Filed: May 19, 2025

**FLORIDA POWER & LIGHT COMPANY RESPONSE TO
THE FLORIDA ENERGY FOR INNOVATION ASSOCIATION'S
PETITION TO INTERVENE**

Florida Power & Light Company, pursuant to Rule 28-106.205(1), Florida Administrative Code ("F.A.C."), and this Commission's Order Establishing Procedure No. PSC-202500075-PCO-EI ("OEP"), submits this Response to the Florida Energy for Innovation Association's ("FEIA") Petition to Intervene. For the reasons explained below, FPL preliminarily opposes FEIA's Petition to Intervene and, to the extent the Prehearing Officer grants the Petition to Intervene, requests that the order granting intervention be subject to proof of standing consistent with prior orders granting intervention in this docket and reserve FPL's right to take discovery and file a subsequent motion and/or testimony challenging FEIA's standing under Florida law.

1. On February 28, 2025, FPL filed its petition requesting a base rate increase along with minimum filing requirement schedules and testimony supporting the request.
2. On March 14, 2025, the Prehearing Officer issued the OEP, which established, among other things, the discovery procedures and controlling dates for this proceeding.
3. On May 15, 2025, FEIA filed its Petition to Intervene, claiming that it is a non-for-profit association whose alleged members include entities that are developing data centers in FPL's service area. FEIA seeks associational standing on behalf of its alleged members.
4. The test for associational standing was established in *Florida Home Builders Association v. Department of Labor and Employment Security*, 412 So. 2d 351, 353-54 (Fla. 1982),

and *Farmworker Rights Organization, Inc. v. Department of Health and Rehabilitative Services*, 417 So. 2d 753, 754 (Fla. 1st DCA 1982), which is based on the basic standing principles established in oft-cited *Agrico Chemical Company v. Department of Environmental Regulation*, 406 So. 2d 478, 482 (Fla. 2d DCA 1981).

5. In order to demonstrate associational standing, the petitioner must establish the following elements: (1) a substantial number of an association's members may be substantially affected by the Commission's decision in a docket; (2) the subject matter of the proceeding is within the association's general scope of interest and activity; and (3) the relief requested is of a type appropriate for the association to receive on behalf of its members. *Fla. Home Builders*, 412 So. 2d at 353-54; *Farmworker Rights Org.*, 417 So. 2d at 754.

6. In its Petition to Intervene, FEIA requests associational standing on behalf of its unknown members. Accordingly, FEIA has the burden to allege and prove facts sufficient to demonstrate and meet the three-prong test established in *Florida Home Builders*.

7. In an effort to meet the three-prong test for associational standing, FEIA claims that a substantial number of its members are retail customers of FPL that will be directly impacted by FPL's proposed base rate case. It appears that FEIA was only recently formed¹ and its members are unknown and it cannot be determined whether a majority of its members are in fact existing retail customers of FPL. Thus, there is a material factual and legal question whether a substantial number of FEIA's members are existing retail customers of FPL that would be substantially impacted by FPL's proposed base rate case.

8. FEIA also claims its members have a substantial interest in this proceeding because they are purportedly developing data centers that could become customers of FPL at some point

¹ See Attachment A, which indicates that FEIA was formed on May 7, 2025.

in the future and, if so, could be subject to FPL's existing GSLD-3 rate schedule or its proposed Large Load Contract Service (LLCS) rate schedules. Notably, FEIA only claims that its members are potentially developing data centers. FEIA does not allege that its members will operate or own the data centers as the end-use retail customer, nor does FEIA aver that its members have executed development or construction contracts with any entities that will own and operate the data centers as end-use retail customers. FPL submits that potential development for a speculative future customer falls well short of the substantial interest prong of the three-prong association standing test established in *Florida Home Builders*.

9. At this point, FPL and the Commission only have FEIA's unsupported and untested assertions that a substantial number of FEIA's members will be affected by FPL's base rate increase. Granting intervention on the basis of such bare allegations creates an open invitation for organizations or special interests to petition to intervene in proceedings for the asserted purpose of representing speculative future unknown customer interests, while being able to shield themselves in the cloak of anonymity. FPL believes that such a holding would be beyond the spirit and purpose of the association standing test established in *Florida Home Builders*.

10. Under these circumstances, FPL submits that FEIA should be granted provisional intervener status subject to proof of standing or stipulations that there are sufficient facts to support all elements for standing consistent with prior orders granting intervention in this docket.²

² See, e.g., Order Nos. PSC-2025-0132-PCO-EI, PSC-2025-0131-PCO-EI, PSC-2025-0130-PCO-EI, PSC-2025-0129-PCO-EI, PSC-2025-0079-PCO-EI, PSC-2025-0080-PCO-EI, PSC-2025-0078-PCO-EI, and PSC-2025-0077-PCO-EI.

WHEREFORE, for the foregoing reasons, FPL preliminarily opposes the granting of FEIA's Petition to Intervene based on the allegations contained therein, and respectfully requests that any granting of the Petition to Intervene be conditional and subject to FPL's right to propound discovery and file subsequent motions and/or testimony demonstrating that FEIA has failed to establish associational standing under the *Florida Home Builders* three-prong test for associational standing.

Respectfully submitted this 19th day of May 2025,

By: /s/ Christopher T. Wright

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ATTACHMENT A



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Detail by Entity Name

Florida Not For Profit Corporation
 FLORIDA ENERGY FOR INNOVATION ASSOCIATION, INC.

Filing Information

Document Number N25000005466
FEI/EIN Number NONE
Date Filed 05/07/2025
State FL
Status ACTIVE

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Annual Reports

No Annual Reports Filed

Document Images

No images are available for this filing.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by Electronic Mail to the following parties of record this 19th day of May 2025:

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