

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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

DOCKET NO. 20250011-EI
ORDER NO. PSC-2025-0343-PCO-EI
ISSUED: September 12, 2025

ORDER DENYING THE FLORIDA RETAIL FEDERATION'S MOTION FOR PROTECTIVE
ORDER FROM OR, IN THE ALTERNATIVE, MOTION TO QUASH CERTAIN
INTERROGATORIES FROM FLORIDA RISING'S, LEAGUE OF UNITED LATIN
AMERICAN CITIZENS', AND ENVIRONMENTAL CONFEDERATION OF SOUTHWEST
FLORIDA'S FIRST SET OF INTERROGATORIES (NOS. 1-5)
TO FLORIDA RETAIL FEDERATION

Background

This Proceeding was set for final hearing on August 11-22, 2025, by Order No. PSC-2025-0075-PCO-EI, issued March 14, 2025. On August 8, 2025, Florida Power & Light Company (FPL) filed a Notice of Settlement in Principle and Joint Motion to Suspend Schedule and Amend Procedural Order. On the first day of the final hearing, the Motion to Suspend Schedule was granted,¹ and, subsequent to the filing of the 2025 Stipulation and Settlement Agreement (Settlement Agreement), a First Order Revising Order Establishing Procedure (Revised OEP) was issued which established a new deadline for discovery actions to be complete of October 3, 2025.² Contained within the Revised OEP is a direction that "Discovery shall be limited to the issues in the Settlement Agreement."³ On August 29, 2025, Florida Rising, the League of United Latin American Citizens, and the Environmental Confederation of Southwest Florida (collectively FEL) served its First Set of Interrogatories (Nos. 1-7) to the Florida Retail Federation (FRF). These interrogatories seek information concerning the membership of FRF.

On September 5, 2025, FRF filed a Motion for Protective Order from, or in the alternative, Motion to Quash certain of FEL's First Set of Interrogatories (FRF Motion). On September 8, 2025, FEL Filed its Response in Opposition to the FRF Motion (FEL Response).

Analysis and Decision

The FRF Motion seeks relief under Rule 1.280, Florida Rules of Civil Procedure (Fla. R. Civ. P.).⁴ FRF argues that the five interrogatory questions referred to in its motion (the Contested Discovery) are both out of time and not within the limited scope of discovery authorized by the

¹ Order No. PSC-2025-0304-PCO-EI, issued August 12, 2025.

² Order No. PSC-2025-0323-PCO-EI, issued August 22, 2025, at page 3.

³ Revised OEP at page 2.

⁴ Rule 1.280 is incorporated by reference into the Uniform Rules of Procedure, which apply to proceedings before the Commission. See Rule 28-106.206, Florida Administrative Code ("After commencement of a proceeding, parties may obtain discovery through the means and in the manner provided in Rules 1.280 through 1.400, Florida Rules of Civil Procedure.").

Revised OEP.⁵ FRF argues the Revised OEP “only authorizes discovery on new issues of fact or law that may have emerged as a direct result of the settlement.”⁶ FRF further contends that no party contested FRF’s standing either when it intervened or when it filed the direct testimony of its witness, Tony M. Georgis, nor did any party conduct discovery regarding FRF’s standing.⁷ FRF argues the untimeliness of the Contested Discovery constitutes good cause to prohibit the Contested Discovery under Rule 28-106.280(d), Fla. R. Civ. P.

FEL argues in the FEL Response that FRF mischaracterizes the nature of the Contested Discovery, and argues the discovery is relevant to the underlying action and that FRF has failed to establish any good cause under Rule 28-106.280(d), Fla. R. Civ. P.⁸ FEL argues that FRF misinterprets the Revised OEP’s statement that “Discovery shall be limited to the issues in the Settlement Agreement;” however, even accepting that interpretation, FEL argues the interests FRF represents has been made an issue by the parties to the Settlement Agreement itself as a direct result of the agreement.

Rule 1.280(c), Fla. R. Civ. P., states:

Upon motion by a party or by the person from whom discovery is sought, and for good cause shown, the court in which the action is pending may make any order to protect a party or person from annoyance, embarrassment, oppression, or undue burden or expense that justice requires, including one or more of the following: (1) that the discovery not be had; If the motion for a protective order is denied in whole or in part, the court may, on such terms and conditions as are just, order that any party or person provide or permit discovery.

It is therefore within the Prehearing Officer’s discretion to protect a party or person from annoyance, embarrassment, oppression, or undue burden or expense under Rule 1.280(d), Fla. R. Civ. P., if good cause is shown. The discovery window in this case was reopened by the Revised OEP, and the standing of all parties – and their ability to take a position with respect to the Settlement Agreement – remains an issue in this case and remains subject to discovery. Therefore, FRF has failed to demonstrate the good cause necessary for relief under Rule 1.280(d), Fla. R. Civ. P.

Having considered the foregoing, I find that FRF’s Motion shall be denied. Further, FRF shall respond to the Renewed Contested Discovery by September 19, 2025.

Therefore, it is

ORDERED by Chairman Mike La Rosa, as Prehearing Officer, that the Florida Retail Federation’s Motion for Protective Order From Or, In the Alternative, Motion to Quash Certain Interrogatories (Nos. 1-5) From Florida rising’s, League of United Latin American Citizens’, and

⁵ FRF Motion at page 1.

⁶ FRF Motion at page 4.

⁷ FRF Motion at page 2.

⁸ FEL Response at page 2.

ORDER NO. PSC-2025-0343-PCO-EI

DOCKET NO. 20250011-EI

PAGE 3

Environmental Confederation of Southwest Florida's First Set of Interrogatories (Nos. 1-5) to Florida Retail Federation is denied. It is further,

ORDERED that the Florida Retail Federation must provide responses to the Contested Discovery by September 19, 2025.

By ORDER of Chairman Mike La Rosa, as Prehearing Officer, this 12th day of September, 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.

TPS

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.