

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

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

DOCKET NO. 20250011-EI

FILED: September 12, 2025

**CITIZENS' EXPEDITED AND UNOPPOSED MOTION FOR MODIFICATION OF  
THE FIRST ORDER REVISING ORDER ESTABLISHING PROCEDURE**

The Citizens of Florida, through the Office of Public Counsel ("Citizens" or "OPC"), pursuant to Uniform Rule 28-106.204(4), Florida Administrative Code, request the Florida Public Service Commission ("FPSC" or "Commission") to modify certain deadlines established in Order No. PSC-2025-0323-PCO-EI issued on August 22, 2025 ("Revising Order"). Following conferral with the other parties, all parties have agreed to the proposed changes to the hearing schedule as set forth and explained below:

**I. Background**

On August 28, 2025, at a Commission-noticed, informal meeting in this docket, OPC stated its intent to pursue corporate representative depositions to understand the benefits to and positions of the signatory parties ("FPLSSPs"), other than FPL, of their participation in the FPL Stipulation and Settlement Agreement ("FPL Settlement") and further asked for the FPLSSPs to begin thinking about availability for such depositions. Telephone conversation between the OPC and one or more FPLSSPs occurred after the meeting.

On Wednesday, September 3, 2025, at approximately 4 p.m., OPC emailed all parties to the docket and Commission Staff that OPC would be seeking to set corporate representative depositions on September 11-12, 2025, pursuant to Fla. R. Civ. P. Rule 1.310(b)(6) ("Rule"). No party responded to OPC's email until shortly before 5pm on Thursday, September 4, 2025, when counsel for Walmart, Inc., speaking on the collective behalf of all the FPLSSPs, emailed and

acknowledged receipt of OPC's email and advised that should OPC proceed with setting the depositions, the FPLSSPs intended to file a joint motion for a protective order.

On September 5, 2025, OPC filed individual notices of deposition duces tecum pursuant to the Rule noticing each FPLSSP. That same day, Florida Rising, Inc., LULAC Florida, Inc., better known as the League of United Latin American Citizens, and the Environmental Confederation of Southwest Florida, Inc. (collectively, "FEL") likewise filed their own notice containing each FPLSSP. On September 7, 2025, after 7:00 p.m., the FPLSSPs filed a Joint Motion for Protective Order Regarding Corporate Representative Depositions.

On September 8, 2025, the Commission convened a previously scheduled prehearing conference. During the conference, the Prehearing Officer required that any response to the FPLSSPs' Motion was due by 5 p.m. on Tuesday, September 9, 2025, so that an order on the issue could be rendered before the noticed depositions were scheduled to begin at 8:00 a.m. on Thursday, September 11, 2025. OPC and FEL timely filed responses on September 9, 2025. The next day, an email from the Commission's Staff informed the parties that the Motion was granted with respect to the Notices filed by OPC, but denied with respect to the Notice filed by FEL. That same day, the first of FEL's corporate representative depositions occurred, that of FEA's corporate representative, per a request from FEA.

Subsequent to Staff's email, some of the FPLSSPs requested rescheduling for the depositions of their corporate representative. OPC has cross-noticed the subject depositions. Several depositions are now set for either the day before, the day of, or the day after intervenor testimony is currently due to be filed on September 17, 2025. Since the responses to the questions asked during FEL's corporate representative depositions may have a bearing on intervenor testimony, OPC respectfully requests an extension so that it, as well as its fellow intervenors FEL

and FAIR, can incorporate the information adduced during the depositions into OPC's testimony, as necessary.

## **II. Requested Extension Dates**

OPC requests a two-day extension of the current intervenor testimony date, from September 17, 2025, to September 19, 2025. In conferring with the FPLSSPs on this motion, counsel for FPL agreed with the request so long as FPL was afforded two additional days on its settlement rebuttal testimony. This position was then echoed by the remaining parties. OPC has no objection to this request, but OPC reserves its right to request a reasonable opportunity and accommodation to conduct discovery on the settlement rebuttal testimony prior to that portion of the hearing taking place.

## **III. Standard**

Per Uniform Rule 28-106.604(4), Florida Administrative Code, motions for extension of time shall be filed prior to the expiration of the deadline sought to be extended and shall state good cause for the request. Neither of the deadlines that OPC seeks to extend have expired. Therefore, the only issue is whether good cause exists for the extensions. As discussed below, good cause does exist, so the Commission should extend the deadlines for which OPC is requesting extensions for.

## **IV. Good Cause**

OPC first brought up the subject of corporate representative depositions on August 28, 2025, and noticed such on September 5, 2025, at which time FEL also filed their notice. Unfortunately, some of the FPLSSPs only requested rescheduling after Staff's email on September 10, 2025. FEL has accommodated these requests by rescheduling depositions. Currently, the deposition of Walmart has been rescheduled to Tuesday, September 16, the deposition of SACE

has been rescheduled to Wednesday, September 17, and the depositions of the corporate representative for AACE, Circle K, Wawa, and Racetrac are set to begin on Thursday, September 18, 2025, at 9:00 a.m. EST.

The responses to the questions asked during these corporate representative depositions may have a bearing on intervenor testimony. Due to the above rescheduling and potential for further changed dates, there is simply not enough time for OPC or the other intervenors who plan to file testimony on September 17 to subject these responses to expert review, which could then be incorporated into intervenor testimony, if necessary. This would unfairly prejudice OPC's statutory duty to represent FPL's customers and the other intervenors' ability to prepare and file their testimony within the time currently provided by the Revising Order.

The extended dates that OPC is requesting are reasonable, modest extensions of time. More significantly, all parties have agreed to the requested two-day reciprocal extensions for filing their testimonies. Extending the deadline for testimony and rebuttal by two days each, respectively, would not affect any other date established in the Revising Order. The FPLSSPs are not prejudiced as their deadline will be extended as well.

## **V. Conclusion**

This Motion will not result in undue delay. It is the unavoidable result of having to reschedule appropriately-noticed depositions. Granting the Motion will not impose delay in the hearing, or a burden to the FPLSSPs or Commission. Granting the Motion will provide reasonable relief of scheduling pressures being experienced by all parties. Based on the foregoing, OPC respectfully requests an expedited favorable ruling on this Motion extending the deadline for OPC, FEL, and FAIR's testimony from September 17, 2025, to September 19, 2025. OPC does not

object to a two-day extension from October 1, 2025 to October 3, 2025 for settlement rebuttal testimony.

**VI. Conferral**

In responses to a conferral email transmitted by Citizens' counsel on September 11, 2025, all parties have agreed to the extensions of time requested by this unopposed motion if they are also granted a 2-day extension from October 1, 2025, to October 3, 2025 to file their settlement rebuttal testimony. OPC does not object to that request.

WHEREFORE, the Citizens hereby request the Commission grant Citizens' Expedited and Unopposed Motion for Modification of the First Order Revising Order Establishing Procedure .

Respectfully submitted,

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**CERTIFICATE OF SERVICE**  
**DOCKET NO. 20250011-EI**

I **HEREBY CERTIFY** that a true and correct copy of the foregoing has been furnished by electronic mail on this 12<sup>th</sup> day of September, 2025, to the following:

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