BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for rate increase by Florida Power & Light Company	)	DOCKET NO. 20250011-EI

FLORIDA RISING'S, LEAGUE OF UNITED LATIN AMERICAN CITIZENS', & ENVIRONMENTAL CONFEDERATION OF SOUTHWEST FLORIDA'S RESPONSE TO THE FLORIDA RETAIL FEDERATION'S NOTICE OF INTENT TO SEEK AND MOTION FOR OFFICIAL RECOGNITION

Florida Rising, Inc., LULAC Florida, Inc. better known as League of United Latin American Citizens of Florida ("LULAC"), and Environmental Confederation of Southwest Florida, Inc. ("ECOSWF"), (collectively, "FEL"), hereby respond to the Florida Retail Federation's ("FRF's") Notice of Intent to Seek and Motion for Official Recognition ("Motion") of four orders, which are included in the motion.

FEL, having reviewed the Motion, does not object to the official recognition of the four orders granting FRF intervention, although FEL is concerned that the only purpose for which FRF is seeking official recognition of the referenced orders is for impermissible purposes and FEL does object to the extent that FRF is attempting to use those orders to establish adjudicatory facts regarding its standing in the present case. Such a use would be improper, as any facts establishing standing in those prior cases do not bear on whether FRF has met its burden to establish standing in the present case. *See, e.g.*, *Dufour v. State*, 69 So. 3d 235, 254 (Fla. 2011) (taking judicial notice of prior proceedings is permissible, "but it does not allow the substance of the underlying materials to be entered into evidence without compliance with the rules of evidence"); *Rubrecht v. Cone Distributing, Inc.*, 95 So. 3d 950, 959 (Fla. 5th DCA 2012) (emphasis added) (reversable error to take judicial notice of court opinion for purposes of establishing facts included in that opinion, as an "opinion is a writing by a judge that derives its

substance from many sources. A statement made in the opinion may be true only as far as evidence appears in that case; it may be an interpretation of evidence. A statement made in an . . . opinion *cannot* substitute for proof of the fact."); *BDO Seidman, LLP v. Banck Espirito Santo Intern.*, 38 So. 3d 874, 880 (Fla. 3d DCA 2010) (internal quotations omitted) (reversible error to take judicial notice of court order because "[i]nadmissible evidence does not become admissible because it is included in a judicially noticed court file. . . . A court judgment is hearsay to the extent that it is offered to prove the truth of the matters asserted in the judgment."); *Maradie v. Maradie*, 680 So.2d 538, 541 (Fla. 1st DCA 1996) ("In our justice system, the practice of taking judicial notice of adjudicative facts should be exercised with great caution. This caution arises from our belief that the taking of evidence, subject to established safeguards, is the best way to resolve disputes concerning adjudicative facts.").

To the extent that FRF intends to use the referenced orders included in its Motion as a "substitute for proof of the fact" of its standing in this case, FEL objects as such a use is impermissible under Florida law.

RESPECTFULLY SUBMITTED this 29th day of September, 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 29th day of September, 2025, via electronic mail on:

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DATED this 29th day of September, 2025.

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