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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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

DOCKET NO. 20250011-EI
ORDER NO. PSC-2025-0293-PCO-EI
ISSUED: August 1, 2025

ORDER GRANTING MOTION TO STRIKE REBUTTAL TESTIMONY
OF WITNESS MICHAEL P. GORMAN AND DENYING MOTION
TO CONDUCT DISCOVERY AS MOOT

Background

On July 9, 2025, the Federal Executive Agencies (FEA) submitted direct testimony in this docket, including the prefilled direct testimony of witness Gorman. On that same date, Florida Rising, the Environmental Confederation of Southwest Florida, and the League of United Latin American Citizens Florida (collectively referred to as FEL) submitted their direct testimony, including the prefilled direct testimony of witness Rabago. On July 9, 2025, FEA submitted prefilled rebuttal testimony of witness Gorman, which testimony is directed to certain FEL prefilled testimony.

On July 10, 2025, FEL filed a Motion to Strike Rebuttal Testimony of Federal Executive Agencies, or, in the alternative, Motion to Conduct Discovery (Motion). In the Motion, FEL asserts that rebuttal testimony from intervenor witnesses is not allowed by the Order Establishing Procedure (OEP) in this docket, nor is it generally allowed in such administrative proceedings. FEL requests in the alternative that it be allowed to conduct discovery on witness Gorman's rebuttal testimony if it is not stricken.

FEA filed its Response in Opposition to the Motion on July 16, 2025. FEA disagrees with FEL's assertion that the OEP expressly prohibits intervenor rebuttal. FEA further argues that it is entitled to rebut any assertion made by another party that is adverse to a position it has forwarded.

Analysis and Decision

Intervenor rebuttal testimony is not allowed under the OEP. Section V of the OEP, titled "Discovery Procedures," provides, in pertinent part, as follows:

For discovery requests made prior to the filing of *the utility's rebuttal testimony*, discovery responses shall be served within 20 days (inclusive of mailing) of receipt of the discovery request. For discovery requests related to matters addressed in *the utility's rebuttal testimony*, discovery responses shall be served within 7 days of receipt of the discovery request.¹

¹ Order No. PSC-2025-0075-PCO-EI at p.4 (emphasis added).