

JAMES R. KELLY, P.A.

ATTORNEY AT LAW

FILED 3/16/2026
DOCUMENT NO. 01572-2026
FPSC - COMMISSION CLERK

March 16, 2026

VIA: ELECTRONIC FILING

Mr. Adam J. Teitzman
Commission Clerk
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

IN RE: Storm Protection Plan Cost Recovery Clause
FPSC Docket No. 20260010- EI

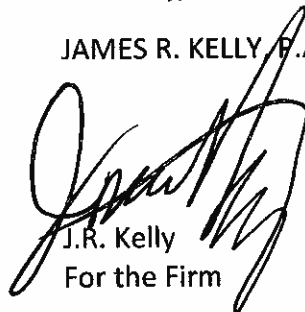
Dear Mr. Teitzman:

Attached for filing in the above docket is the City of Panama City, Florida's Petition to Intervene.

Thank you for your assistance in this matter, and please let me know if you have any questions.

Sincerely,

JAMES R. KELLY, P.A.



J.R. Kelly
For the Firm

JRK/jk
Enclosure

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Storm Protection Plan]	DOCKET NO. 20260010-EI
Cost Recovery Clause]	
]	FILED: March 16, 2026
_____]	

THE CITY OF PANAMA CITY, FLORIDA’S PETITION TO INTERVENE

Pursuant to Rule 28-106.205, Florida Administrative Code, and Sections 120.569 and 120.57, Florida Statutes, the City of Panama City, Florida, (hereinafter “City”), through its undersigned counsel, hereby submits this Petition to Intervene in the aforementioned docket. In support thereof, the City states the following:

1. Name of Affected Agencies:
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399

2. Name and address of Petitioner/Intervenor:
City of Panama City, Florida
A Florida Municipal Corp.
501 Harrison Ave.
Panama City, FL 32401

3. All pleadings, notices, and orders in this docket should be provided to the

Intervenor’s mailing and email addresses as follows:

Nevin J. Zimmerman, Esq.
Burke Blue
Attorneys for The City of Panama City
221 McKenzie Avenue
Panama City, FL 32401
(850) 769-1414
Fax (850) 784-0857
nzimmerman@burkeblue.com
pleadings@burkeblue.com
lgross@burkeblue.com

James R. Kelly, Esq.
James R. Kelly, P.A.
359 Milestone Drive
Tallahassee, FL 32312
(850) 528-2421
(850) 668-2694
Kellyjr2694@gmail.com

4. Statement of Substantial Interest: The City is a Florida municipal corporation organized and existing under the laws of the State of Florida with a population of approximately 39,500 persons. The City serves its citizenry through offices, facilities, and/or installations which have electric service accounts through which it purchases its electric service from Florida Power & Light Company (“FPL”).
5. In this docket, the Commission will consider FPL’s request to recover costs associated with its storm protection plans. Any decisions made by the Commission regarding rate recovery of these costs will directly impact the cost of power supplied by FPL to the City’s offices, facilities and/or installations, thereby affecting its operating costs. For these reasons, the City has a substantial interest in this docket.
6. The City opposes FPL’s filing to the extent it seeks recovery of costs that are not prudent or reasonable or are duplicative.
7. Disputed Issues of Material Fact: The City has not identified each disputed issue of material fact at this time. However, the City expects that disputed issues of fact will be identified in the continuing course of these proceedings. Disputed issues of material fact currently include, but are not limited to: (a) Are costs for

which FPL seeks recovery from customers prudent and reasonable? (b) What are the final, actual storm protection plan costs that FPL may recover from customers? (c) Does FPL's proposed storm protection plan recovery clause filing ensure, as is required by Section 366.96, F.S., that costs included in the utility's base rates are not also recovered through the clause?

8. The City reserves all rights to raise additional issues of fact and law as this proceeding develops and to participate fully in this docket, including conducting discovery, presenting testimony and evidence, cross-examining witnesses, and filing briefs and other pleadings as permitted by, and in accordance with, the Commission's rules and any Order Establishing Procedure issued in this proceeding.
9. Statement of Ultimate Facts Alleged: Because the City includes offices, facilities, and/or installations that are FPL ratepayers and will be significantly affected by any action the Commission takes in this docket, the City has substantial interests that are subject to determination in this docket. Therefore, the City is entitled to intervene and participate in this proceeding, which will determine the fair, just, and reasonable rates to be charged by FPL.
10. Standing: To participate as a party in this docket, an intervenor must demonstrate that its substantial interests will be affected by the proceeding. Specifically, the intervenor must demonstrate that it will suffer a sufficiently immediate injury in fact that is of the type the proceeding is designed to protect. See Ameristeel Corp. v. Clark, 691 So. 2d 473 (Fla. 1997). Agrico Chemical Co. v.

Department of Environmental Regulation, 406 So. 2d 478, 482 (Fla. 2d DCA 1981). In this docket, the Commission will decide whether to approve FPL's requested recovery of costs associated with its storm protection plans. As a customer of FPL, the City's substantial interests in access to fair, just, reasonable, and non-discriminatory rates and service will be determined in this docket. Therefore, the City asserts that it meets the requirements for standing in this docket.

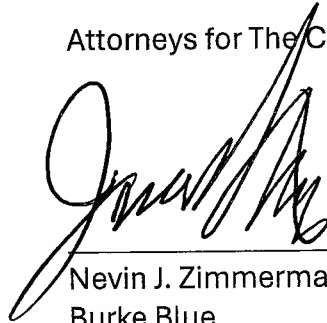
11. Rules and Statutes Justifying Relief: The rules and statutes that entitle the City to intervene and participate in this case include, but are not limited to: (a) Section 120.569, Florida Statutes; (b) Section 120.57, Florida Statutes; (c) Section 366.04, Florida Statutes; (d) Section 366.05, Florida Statutes; (e) Section 366.06, Florida Statutes; (f) Section 366.96, Florida Statutes; (g) Rule 28-106.201, Florida Administrative Code; and (h) Rule 28-106.205, Florida Administrative Code.
12. Conferral with Parties of Record: In accordance with Rules 28-106.204(3) and 28 106.205(2)(e), F.A.C., counsel for the City has conferred with the parties of record. The following take no position on the City's intervention: Office of Public Counsel, Tampa Electric Company, Florida Public Utilities Company, PCS Phosphate, and Nucor Steel Florida, Inc. FPL and Duke Energy take no position at this time and will evaluate the merits of the City's Petition to Intervene once it is officially filed. Florida Industrial Powers Users Group does not object to the City's intervention.

13. Relief Requested: The City requests permission to intervene as a full party in this docket.

WHEREFORE, the City respectfully requests the Commission enter an order granting this petition and thereby allowing the City to intervene and participate as a full party in this docket.

Submitted this 16th day of March 2026.

Attorneys for The City of Panama City, Florida



Nevin J. Zimmerman, Esq.

Burke Blue

Attorneys for The City of Panama City

221 McKenzie Avenue

Panama City, FL 32401

(850) 769-1414

Fax (850) 784-0857

nzimmerman@burkeblue.com

James R. Kelly, Esq.

James R. Kelly, P.A.

359 Milestone Drive

Tallahassee, FL 32312

(850) 528-2421

Kellyjr2694@gmail.com

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by electronic mail this 16th day of March 2026, to the following:

Ms. Paula K. Brown
Tampa Electric Company
Regulatory Affairs
P.O. Box 111
Tampa, FL 33601-0111
(813) 228-1444
(813) 228-1770
regdept@tecoenergy.com

PCS Phosphate - White Springs
James W. Brew/Laura W. Baker/Sarah B.
Newman
c/o Stone Law Firm
1025 Thomas Jefferson St. NW
Suite E-3400
Washington, DC 20007
(202) 342-0800
(202) 342-0807
jbrew@smxblaw.com
lwb@smxblaw.com
sbn@smxblaw.com

Office of Public Counsel
W. Trierweiler/M. Wessling/P. Christensen
/O. Ponce/A. Watrous/C. Rehwinkel
c/o The Florida Legislature
111 W. Madison Street, Room 812
Tallahassee, FL 32399
Christensen.patty@leg.state.fl.us
Ponce.cotavio@leg.state.fl.us
Rehwinkel.charles@leg.state.fl.us
Watrous.austin@leg.state.fl.us
Trierweiler.walt@leg.state.us
Weessling.mary@leg.state.us

Nucor Steel
P.J. Mattheis/M.K. Lavanga/J.R. Briscar
c/o Stone Law Firm
1025 Thomas Jefferson Street NW
Suite E-3400
Washington, DC 20007
(202) 342-0800
(202) 342-0800
jrb@smxblaw.com
mkl@smxblaw.com
pjm@smxblaw.com

Gunster Law Firm
Beth Keating
215 S. Monroe St., Suite 601
Tallahassee, FL 32301
(850) 521-1706
bkeating@gunster.com
Represents: Florida Public Utilities Co.

Florida Public Utilities Company
M.D. Napier/J. Baugh/J. Husted
1635 Meathe Drive
West Palm Beach, FL 33411
(561) 838-1712
jbaugh@chpk.com
jhusted@chpk.com
Michelle_napier@chpk.com

Florida Power & Light Company
Christopher T. Wright
700 Universe Boulevard
Juno Beach, FL 33408-0420
(561) 691-7144
(561) 691-7135
Christopher.wright@fpl.com

Florida Power & Light Company
Kenneth A. Hoffman
134 W. Jefferson St.
Tallahassee, FL 32301-1713
(850) 521-3901
(850) 521-3939
ken.hoffman@fpl.com

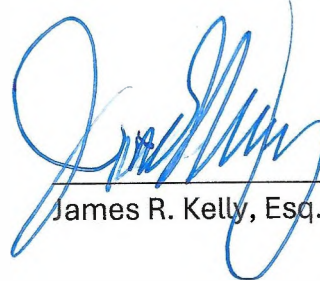
Florida Industrial Power Users Group

Jon C. Moyle, Jr.
c/o Moyle Law Firm
118 N. Gadsden St.
Tallahassee, FL 32301
(850) 681-3828
(850) 681-8788
jmoyle@moylelaw.com

Duke Energy
Dianne M. Triplett
299 First Avenue North
St. Petersburg, FL 33701
(727) 850-4692
(727) 820-5519
Dianne.triplett@duke-energy.com

Duke Energy
M. Bernier/R. Pickels/S. Cuello
106 E. College Ave., Suite 800
Tallahassee, FL 32301
(850) 521-1428
(727) 820-5041
FLRegulatoryLegal@duke-energy.com
matthew.bernier@duke-energy.com
robert.pickels@duke-energy.com
stephanie.cuello@duke-energy.com

Ausley Law Firm
J. Wahlen/M. Means/M. Jones
P.O. Box 391
Tallahassee, FL 32302
(850) 224-9115
(850) 222-7560
jwahlen@ausley.com
mjones@ausley.com
mmeans@ausley.com
Represents: Tampa Electric Company



James R. Kelly, Esq.