

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Petition for Determination of Need )  
Need For Andytown-Oasis Transmission ) DOCKET NO. 20260020-EI  
Lines Project in Broward and Miami-Dade ) FILED: APRIL 29, 2026  
Counties, by Florida Power & Light )  
Company )

**THE ENVIRONMENTAL DEFENSE FUND’S POST-HEARING BRIEF  
AND STATEMENT OF ISSUES AND POSITIONS**

The Environmental Defense Fund, Inc. (“EDF”),<sup>1</sup> pursuant to the Order Establishing Procedure (“OEP”) in this docket, Order No. PSC 2026-0056-PCO-EI, issued on March 12, 2026, and subsequent instructions from the Commission, hereby submits EDF’s Post-Hearing Brief and Statement of Issues and Positions.

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<sup>1</sup> In EDF’s Post-Hearing Brief and Statement of Issues and Positions, the following additional abbreviations are used: the Florida Public Service Commission is referred to as the “PSC” or the “Commission;” Florida Power & Light Company is referred to as “FPL;” FPL’s Petition for Determination of Need is referred to as the “Petition;” the Andytown-Oasis Transmission Lines Project is referred to as the “AOP” or as the “Andytown-Oasis Project;” the Federal Energy Regulatory Commission is referred to as “FERC;” the Florida Reliability Coordinating Council is referred to as “FRCC;” the North American Electric Reliability Corporation is referred to as “NERC;” the Florida Electric Transmission Line Siting Act is referred to as the “TLSA.” Citations to the hearing transcript are in the form “TR (page number),” with the name of the witness preceding the TR cite where appropriate. Citations to hearing exhibits are in the form “EXH (Exhibit number), (page number).” The Florida Administrative Code is cited as “F.A.C.” Citations to the Florida Statutes are to the 2025 edition.

## **SUMMARY**

Florida Power & Light Company is a public utility subject to the Commission's plenary regulatory authority, including all applicable provisions of Chapter 366, Florida Statutes, and Section 403.537, Florida Statutes, which requires the Commission to consider applications by electric utilities for a determination of need for an electric transmission line that is subject to the Florida Electric Transmission Line Siting Act, Sections 403.52-403.5365, Florida Statutes. The key provisions of Section 403.537, Florida Statutes, that govern the Commission's consideration of FPL's Petition require that the Commission is to consider the need for system reliability, the need for abundant, low-cost electrical energy to assure the economic well-being of the residents of Florida, and other relevant matters within its jurisdiction.

The Commission's authorizing legislation specifically includes jurisdiction over the planning, development, and maintenance of Florida's power supply grid to ensure reliability and to ensure the avoidance of duplicative generation, transmission, and distribution facilities. Fla. Stat. § 366.04(5). Moreover, the Commission's over-arching statutory mandate is to regulate public utilities in the public interest. Fla. Stat. § 366.01.

In this case, FPL has failed to meet its burden of demonstrating that the proposed Andytown-Oasis Project ("AOP") satisfies the statutory criteria because FPL has failed to consider numerous available alternatives that could better meet FPL's reliability need at lower cost to Florida electric customers.

Prudent utility practice, mandatory transmission planning principles, and federal rules governing electric transmission planning, require that regulated utilities undergo both local and regional transmission planning that is open, transparent, coordinated, and includes an evaluation of the economic impacts of transmission. FPL's local planning process that led to the identification and selection of the AOP was neither open nor transparent and was inconsistent with the nine planning principles required under Federal Energy Regulatory Commission Order 890. It was not evaluated through the regional planning process overseen by the Florida Reliability Coordinating Council, nor was it developed in coordination with any other Florida utility or stakeholder. Instead, in a closed-door process, FPL ran a flawed contingency-event reliability analysis of its system using black box, inaccurate load growth forecasts and an incomplete picture of the system operations during these contingency events. It then identified a solution which is inappropriately sized for the problem that it seeks to achieve.

First, the NERC reliability violations that FPL identified are based on an opaque load forecast that does not paint an accurate picture of anticipated load growth in Miami-Dade County in the years studied and does not evaluate the potential impacts of incremental energy efficiency programs, energy efficiency upgrades, or demand response programs. The county-level forecast also allocates a set percentage of FPL's expected total large load customers to Miami-Dade County, despite FPL's assertion that there are no anticipated large loads within the County.

Second, FPL did not seriously evaluate operational solutions to determine if the reliability violation could be resolved without building any new infrastructure. FPL did not run its analysis using emergency transmission line ratings, which are not merely permissible but *required* under FERC Order 881 and FPL's Open Access Transmission Tariff ("OATT"). FPL also failed to run its analysis consistent with the capacity increases made possible through the installation of Ambient Adjusted Ratings ("AAR") – which under Order 881 FPL was required to have in place by April 1, 2026.

Moreover, FPL did not evaluate these same solutions alongside low-cost non-transmission or advanced transmission technology alternatives that can be commissioned much faster than new transmission lines. Among the options that FPL did not consider are battery storage systems, enhanced capacitor banks, power flow control devices, dynamic line ratings, and the use of low-sag advanced conductors. Instead, FPL only evaluated costly new greenfield transmission projects, offering up three formal alternatives that are substantially similar to one another save for their difference in routes.

Lastly, because FPL failed to consider these non-transmission and advanced transmission solutions, they also failed to conduct any benefit-cost analyses or cost-effectiveness analyses.

Beyond questions of legal compliance with federal rules, FPL has also imprudently performed its transmission planning, ignoring the findings of FERC, the U.S. Department of Energy ("DOE), and the knowledge base from the greater utility industry and energy industry thought leaders.

First, FERC has repeatedly found that regional transmission planning offers the greatest overall system-wide benefits to customers, resulting in significant reductions in costs to consumers, and overall increases in reliability and system security and resiliency. In Order 890, Order 1000, and most recently Order 1920, FERC found that existing transmission planning practices resulted in unjust and unreasonable rates – and as a result required overhauls of the existing processes. In Order 1920, while FERC established a new long-term regional transmission planning process, it also required changes to existing local and shorter-term regional planning under Order 1000 – demonstrating that both the existing processes and the lack of a sufficient long-term planning process were the cause of the problem. [EXH 175, F3-14618-19; F3-15506-07. Evidence in the record also demonstrates that immense cost savings – potentially billions of dollars – are available to Florida customers from regional transmission options, which FPL completely ignored in deciding to proceed with the AOP. Even without Order 1920’s long-term planning process fully incorporated into its OATT, FPL should not be allowed to ignore the statements by FERC and the future planning obligations that exist. That is the antithesis of prudence.

Second, Order 1920 requires the mandatory consideration of Advanced Transmission Technologies (“ATT”) – which include Grid Enhancing Technologies (“GETs”) such as dynamic line ratings, transmission switching, and advanced power flow controllers as well as advanced conductors in regional planning. This builds on years of electric utility deployment of these technologies. However,

FPL did not conduct any benefit cost analysis of cost-effectiveness analysis of any such technology options.

The procedures established for this proceeding also lack adequate due process for EDF by unreasonably limiting the time available for EDF (or any other would-be intervenor) to prepare an alternative proposal to the AOP – thirteen days from FPL’s filing its Petition to Determine Need for Electrical Power Lines (the “Petition”), testimony, and exhibits until intervenor testimony was due, and by denying two motions by EDF to alter the schedule. One motion was based on FPL’s failure to comply with the express provisions of the PSC’s rule governing the filing of need petitions.

The TLSA timing provisions on which FPL relies to challenge EDF’s efforts to allow for a reasonable amount of time to prepare intervenor testimony, cannot be used to bar participation; that would be an unreasonable interpretation of the purpose and intent of the statute. The TLSA was passed in 1980 at a time following significant growth in Florida, and the need for significant infrastructure. The TLSA sought to resolve a very lengthy, very complex path for the permitting of transmission infrastructure. Prior to the passage of the TLSA, utilities would have to receive county-level approval from each jurisdiction that the transmission line crossed, and which involved highly contentious proceedings. Separately, various state-wide agencies required approval – and in total it drew the process to a halt. But nowhere was the intent of the statute to deprive interested and valuable parties from having the opportunity to offer meaningful testimony and information to the Commission in order to help the

Commission with its decision-making responsibilities. This would be an illogical reading of the statute and due to information asymmetry and power dynamics, could only lead to a single outcome: The utility gets to build exactly what it asks for. Moreover, any asserted need for rapid action of the AOP need petition is misplaced because the AOP is not scheduled to come into service until 2033, seven years from now.

Under this framework, what the TLSA presumes is that the utilities are coordinating with the same parties which might intervene in their planning process and that these interested parties would already have information from the utility, and have had time to analyze the data. As discussed above, that is not true of this particular need determination, nor does it appear to happen in practice. Therefore, the time limits in the TLSA should be read as best-case scenarios, not defaults.<sup>2</sup> Crucially, the TLSA included a safety valve that the Commission is encouraged to use based on a reasonableness evaluation. This provision is a critical piece of the statute and was included for a reason – while

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<sup>2</sup> While the 2006 amendments to the TLSA condensed the timeframe from 60 days to 30 days, this amendment was an administrative syncing mechanism. Driven by a desire to prevent overarching grid projects from languishing in uncoordinated, multi-agency limbo, the Legislature forced the PSC and the DEP to align their respective schedules. However, procedural compression is not synonymous with substantive dilution. Crucially, while the 2006 Legislature altered the clock under § 403.537, it did not alter the substantive legal standard, and it retained the opportunity for the PSC to alter any time limitation in the Statute. Because the timeline for a need determination is statutorily compressed, the opportunity for interested parties to substantively engage the utility's claims during this window is the only due process mechanism available to protect Florida ratepayers from \$782 million-boondoggles.

the legislature wanted a faster overall process, they did not want it to result in a blank check to the utilities. The legislature recognized that some intervenors may need additional time to file testimony – likely where those intervenors may not have participated in or been provided an opportunity to participate in the utility planning processes and the related engagement. As discussed above, FPL did not provide an open and transparent local or regional planning process in which EDF could have engaged, and which would have allowed it access to the underlying data, or even identify the applicable needs.

Accordingly, the Commission should deny FPL’s Petition for the AOP. FPL is free to propose alternative projects or to submit a future petition for the AOP based on thorough, prudent planning analyses if it can demonstrate that there is an adequate need.

### **STATEMENT OF THE CASE AND FACTS**

This is a need determination proceeding for a proposed electrical transmission line subject to the TLSA and to Section 403.537, Florida Statutes. Pursuant to that statute, the Commission is to make its determination based on considerations of reliability need, on considerations of Floridians’ need for abundant, low-cost electrical energy, and other matters within the PSC’s jurisdiction. Additional matters that are expressly within the PSC’s statutory jurisdiction and directly relevant to its decision on the AOP include the PSC’s jurisdiction over the planning and development of transmission facilities to ensure reliability and the avoidance of uneconomic duplication of transmission

facilities, Fla. Stat. § 366.04(5), and its over-arching statutory mandate to regulate public utilities in the public interest. Fla. Stat. § 366.01.

In this proceeding, FPL has asked the Commission to grant an affirmative determination of need for the Andytown-Oasis Transmission Lines Project, which consists of four separate high-voltage transmission lines to be constructed in Miami-Dade County and Broward County to address violations of NERC reliability standards TPL-001-5.1 and NUC-001-4 which FPL asserts will occur in Summer 2033. The installed cost of the project is estimated to be \$782 million, and will naturally require FPL to incur operating and maintenance costs over its life that are not included in the initial construction cost estimate.

In simple terms, FPL claims that the AOP satisfies the statutory requirements and that the PSC should therefore grant its Petition. EDF [and the Office of Public Counsel] assert that FPL has not met its burden of proof because FPL has failed to demonstrate the underlying need for the AOP, and that the AOP is the best or most cost-effective option available to meet the needs of FPL's customers and the state for reliable and abundant, low-cost electric energy. Thereby FPL has failed to comply with Sections 403.537, 366.04(5), and 366.01, Florida Statutes.

Among other things, discussed in more detail below, there is no evidence in the record that FPL's planning rigorously studied potential drivers or mitigators of load in Miami-Dade County. Neither is there evidence in the record that FPL used the mandatory contingency scenario system operations that are required

under NERC reliability standard TPL-001-5.1, and under FERC Order No. 881, when evaluating the contingency events.

FPL also failed to study the asserted reliability needs alongside any other system-wide needs, including conducting production-cost modeling, to determine whether an alternative project could not only resolve the needs underlying the AOP, but also alleviate transmission congestion at the FPL system level or regional level and lower system costs.

Moreover, FPL's local planning process was neither compliant with federal requirements and transmission planning principles under Order 890, regional planning under Order 1000, nor the findings of fact and reforms to both the local and regional planning processes that FERC has directed. In fact, in deciding to proceed with the AOP, the only cost comparison analyses that FPL performed were of the AOP versus two other new transmission line projects, substantially similar in design, that would be constructed in approximately the same geographic area as the AOP itself.

FPL initiated this proceeding by submitting a notice of intent to file a need petition for the AOP on February 9, 2026. However, FPL did not submit its actual Petition, testimony, and supporting exhibits until March 11, 2026. The Commission issued the Order Establishing Procedure for this proceeding, Commission Order No. PSC-2026-0056-PCO-EI, on March 12, 2026. Among other provisions, the OEP provided only thirteen (13) days from the date on which FPL submitted its Petition for potential intervenors to submit their testimony; for clarity and emphasis, intervenor testimony was thus due on March 24, 2026.

EDF engaged experts and counsel and submitted its motion to intervene along with the testimony and exhibits of two expert witnesses on March 24. As discussed below, EDF submitted two separate motions to alter the schedule to allow it to adequately address FPL's Petition, including one motion based on FPL's failure to comply with the express requirements of PSC Rule 25-22.076(3), F.A.C., which requires utilities to provide "one copy of the complete load flow analysis" upon which its Petition is based. However, both motions were denied. The schedule established by the OEP and the denial of its motions deprived EDF of its due process rights pursuant to the Florida Administrative Procedure Act, Fla. Stat. § 120.57, and pursuant to reasonable norms for participation in any legal process.

The proposed Andytown-Oasis Project consists of four high-voltage transmission lines, two that would operate at 500 kilovolts (or 500 kV) and two that would operate at 230 kV, with total line lengths of approximately 75 miles, mostly in Miami-Dade County. Three of the transmission lines are 15 miles in length and are located entirely within Miami-Dade County. Two of those three lines parallel each other between the planned Oasis substation and the Quarry substation – one at 500 kV and the other at 230 kV. The third is a 230 kV line between the Oasis and Levee substations. Only the 500 kV line from the Andytown substation to the Oasis substation crosses two or more counties and extends beyond 15 miles – reaching 30 miles from point to point.

FPL considered only two alternatives to the proposed AOP, both of which were also new high-voltage transmission line projects. The first alternative was

identical to the AOP, except that it connected the Conservation substation to Oasis instead of connecting to Andytown. The second alternative would have built another 30-mile 500 kV line running in parallel to the Andytown to Oasis substations, removed the paralleling 15-mile 500 kV line between Quarry and Oasis, and swapped the 15-mile 230 kV Oasis to Levee line for a 230 kV line running between Oasis and Flagami.

FPL represents that it chose the AOP over these two alternative transmission line projects because it costs less than the other two while delivering the same reliability benefits. FPL, however, did not evaluate or conduct any cost-benefit analyses or cost-effectiveness analyses of any other alternatives, including: Multi-value local transmission projects that resolve multiple identified needs with one project, regional transmission projects that resolve multiple needs across two or more utility service territories, or any non-transmission alternatives or advanced transmission technologies including “grid-enhancing technologies” (“GETs”), reconductoring with advanced conductors, and battery storage. According to FPL Witness Miguel A. Yanes, FPL only evaluated “traditional transmission line construction because only transmission-based solutions are capable of fully resolving the identified reliability violations.” EXH 46 at E156.

Further, in evaluating the need for the AOP, FPL did not evaluate its existing transmission facilities using appropriate, well-known operational emergency capacity ratings for its lines consistent with NERC Reliability Standard TPL-001-5.1, and as required by its own Open Access Transmission Tariff.

Mr. Yanes asserted that “[f]undamental technological alternatives or regional solutions were not identified as capable of independently addressing the localized need.” EXH 46 at E156. More significantly for the Commission, FPL did not perform any benefit-cost analysis or cost-effectiveness analysis of any available technological capabilities, such as battery energy storage systems, or of widely known and available operational measures and techniques for meeting loads on existing transmission lines. EXH 192 at H72, H84, H123.

Finally, following FPL’s determination that there would be a reliability violation in 2033, it failed to bring these reliability violations to the FRCC to consider as part of its Biennial Regional Transmission Planning process. FPL instead claims that this is because “the needs to Miami-Dade was not identified as needs, because what this project is looking for it's [sic] needs that could be implemented or solved by a regional project”. EXH 192 at H194.

### **EDF’s Standing**

The Environmental Defense Fund has intervened in the AOP need proceeding. EDF is an international not-for-profit organization that advocates for pragmatic solutions to environmental issues in all sectors of the world economy, including energy and electricity, based on sound science, economics, law, and public policy. TR 46. EDF has a substantial and active membership base in Florida. As of March 23, 2026, EDF has approximately 17,000 members residing in the state who support EDF’s mission to protect human health and the environment. TR 76. EDF has approximately 8,900 members who are residential or commercial retail ratepayers of FPL. TR 76-77. These members

have a direct, substantial financial interest in the outcome of this proceeding, as they will be required to fund the costs of the proposed Andytown-Oasis Project through their utility bills. TR 77.

In summary, a substantial number of EDF's members are FPL customers and will be substantially affected if the AOP is approved. Moreover, the issues raised in this determination of need proceeding fall directly within EDF's mission of advocating for pragmatic solutions to environmental issues that serve the public interest by reducing pollution and enhancing the efficient provision of low-cost energy services. Finally, the relief EDF is seeking – denial of FPL's Petition, thereby avoiding unnecessary and duplicative investment in the AOP – is broad relief applicable to all of EDF's Florida members that is appropriate for EDF to advocate for and obtain on behalf of its members.

### **Background: Applicable State Law**

The AOP is subject to the Florida Electric Transmission Line Siting Act, Sections 403.52-403.5365, Florida Statutes. As such, FPL must obtain a determination of need for the AOP from the PSC pursuant to Section 403.537, Florida Statutes, which provides in pertinent part as follows:

#### **403.537 Determination of need for transmission line; powers and duties.—**

(1)(a) Upon request by an applicant or upon its own motion, the Florida Public Service Commission shall schedule a public hearing, after notice, to determine the need for a transmission line regulated by the Florida Electric Transmission Line Siting Act, ss. 403.52-403.5365.

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(c) In the determination of need, the commission shall take into account the need for electric system reliability and integrity, the

need for abundant, low-cost electrical energy to assure the economic well-being of the residents of this state, the appropriate starting and ending point of the line, and other matters within its jurisdiction deemed relevant to the determination of need. The appropriate starting and ending points of the electric transmission line must be verified by the commission in its determination of need.

The Commission's relevant jurisdiction over transmission planning and development is further codified in Section 366.04(5), Florida Statutes, commonly referred to as part of the "Grid Bill," which provides as follows:

(5) The commission shall further have jurisdiction over the planning, development, and maintenance of a coordinated electric power grid throughout Florida to assure an adequate and reliable source of energy for operational and emergency purposes in Florida and the avoidance of further uneconomic duplication of generation, transmission, and distribution facilities.

Further defining the Commission's jurisdiction applicable in this proceeding, Section 366.01, Florida Statutes, provides as follows:

The regulation of public utilities as defined herein is declared to be in the public interest and this chapter shall be deemed to be an exercise of the police power of the state for the protection of the public welfare and all the provisions hereof shall be liberally construed for the accomplishment of that purpose.

To summarize the applicable statutes, the basic requirements of Section 403.537, Florida Statutes, are that the PSC is to "take into account" the need for electric system reliability and integrity and the need for abundant, low-cost electrical energy to assure the economic well-being of all Floridians. The Commission "shall" also take into account other matters within its jurisdiction that it deems relevant.

As regards other matters within the Commission's jurisdiction, the Florida Legislature has made clear that the regulation of public utilities, including FPL,

is “in the public interest” and that all the provisions of the PSC’s statutes are to be “liberally construed for the accomplishment of that purpose,” namely to promote the public interest. With specific reference to transmission facilities, the Commission is expressly vested with “jurisdiction over the planning, development, and maintenance of a coordinated electric power grid” to assure the “avoidance of further uneconomic duplication of generation, transmission, and distribution facilities.” Avoiding uneconomic duplication of transmission facilities is squarely within the Commission’s mandate to regulate in the public interest.

In addition, the Commission has adopted rules applicable to this need determination proceeding. Rule 25-22.076, F.A.C., provides in pertinent part as follows:

**25-22.076 Contents of Petition.**

Petitions submitted to commence a determination of need proceeding or responses to the Commission’s order commencing a proceeding shall comply with the other requirements of Chapter 25-22, F.A.C., as to form and style and shall contain the following information:

\* \* \*

(3) A statement of the specific situations, conditions, contingencies, or other factors which indicate that need exists for the proposed transmission line or lines, including the general time within which the proposed transmission line or lines will be needed. Documentation shall include load flow studies on a peninsular Florida basis, a Gulf Power basis, a Southern Electric System basis or some combination of these and, when applicable, inclusion of adjoining states showing power flows and voltage profiles on the transmission lines in the more critical operating conditions. Load flows should cover the general time period within which the proposed transmission line or lines will be needed, but at the option of the utility, may cover a period of several years. One copy of the

complete load flow analysis, including supporting documentation shall be filed with the Commission.

(Emphasis supplied.)

And of course, it is well settled in Florida law that the PSC is required to follow its own rules. *See Collier County Bd of County Comrs v. Fish & Wildlife Conservation Comm'n*, 993 So. 2d 69, 72-73 (Fla. 2d DCA, 2008).

### **Background: Federal Law and Regulations**

Pursuant to the Federal Power Act, 16 U.S.C. §§ 791a–828c, the Federal Energy Regulatory Commission (FERC) has extensive jurisdiction over the transmission of electricity in interstate commerce, including the authority to ensure that rates and charges for wholesale electricity sales and interstate transmission are just and reasonable. 16 U.S.C. §§ 824d, 824e. This jurisdiction encompasses nearly all transmission in the United States. FERC exercises this authority in part by requiring transmission-owning utilities to file and comply with approved Open Access Transmission Tariffs (OATTs), and under established principles of federal supremacy, state regulatory commissions must consider and give effect to FERC-approved tariffs and federal transmission regulations.

### **FERC Transmission Planning Orders**

FERC Orders 888 (EXH 75) and 889 established the open-access transmission framework and required transmission-owning utilities to open their transmission system to competition and file standardized *pro forma* OATTs, laying the foundation for the transmission planning obligations discussed below.

Order No. 890 (EXH 79) reformed the *pro forma* OATT for transmission providers and established formalized, inclusive local transmission planning processes to encourage competition and prevent undue discrimination. In furtherance of that purpose, Order 890 mandated that planning processes abide by Nine Transmission Planning Principles: coordination, openness, transparency, information exchange, comparability, dispute resolution, regional participation, economic planning studies, and cost allocation.

Order No. 1000 (EXH 174) established the regional transmission planning framework requiring broader regional coordination in transmission planning. The Order requires public utility transmission providers to participate in a regional transmission planning process that produces a unified regional plan. This includes the requirement that regional planning processes affirmatively evaluate whether regional solutions can meet grid needs more efficiently or cost-effectively than local solutions proposed by individual utilities.

FERC Order No. 1920 (EXH 175) updated both local and regional planning requirements to increase transparency and evaluate modern technologies, and established a new long-term regional transmission planning process that includes a comprehensive set of factors that must be considered to determine transmission needs, and a set of benefits to consider when determining solutions. Under the Order 1920 reforms, local transmission planning must include an iterative, minimum three-meeting stakeholder process (specifically reviewing assumptions, needs, and solutions) before a local transmission plan is finalized or incorporated into regional models, and all regional planning must

now evaluate four specific ATTs for each identified need: dynamic line ratings, advanced power flow control, advanced conductors, and transmission switching. The FRCC is currently developing its revised regional transmission planning tariff to comply with the long-term transmission planning process under Order No. 1920, with a planned compliance filing date of June 12, 2026.

### **FERC Order No. 881 – Ambient Adjusted Line Ratings**

Order No. 881 (EXH 83) pertains to how transmission providers rate their transmission lines. Order 881 imposed an affirmative obligation on transmission providers to implement Ambient Adjusted Ratings (AARs) on their systems and to use uniquely determined emergency ratings for contingency analysis in the operations horizon and in post-contingency simulations of constraints. Order 881 further requires that emergency ratings include separate AAR calculations for each emergency rating duration used. These requirements are designed to ensure that transmission line ratings more accurately reflect the actual near-term transfer capability of the system, so that grid operators have access to the full capacity of existing lines during short-duration stress events.

### **FPL’s Open Access Transmission Tariff**

FPL’s OATT includes specific provisions that implement the planning and operational requirements of FERC’s transmission planning orders on FPL’s system. Attachment K to FPL’s OATT governs FPL’s local transmission planning process. Attachment K requires FPL’s planning process to comply with the Nine Transmission Planning Principles established in Order 890, including the mandate to conduct economic planning studies. Attachment K further requires

FPL to submit its transmission expansion plan to the FRCC for incorporation into the regional transmission plan, and to compare alternatives and select a preferred solution “taking into account neighboring transmission providers’ transmission plans.” EXH 138 at F3-11643.

Attachment Q to FPL’s OATT governs transmission line ratings. Attachment Q requires FPL to implement Ambient Adjusted Ratings (“AAR”) on its transmission lines and to “use uniquely determined Emergency Ratings for contingency analysis in the operations horizon and in post-contingency simulations of constraints.” EXH 138 at F3-12083. Attachment Q further requires that “[s]uch uniquely determined Emergency Ratings must also include separate AAR calculations for each Emergency Rating duration used.” EXH 138 at F3-12083. These requirements operationalize the obligations imposed by FERC Order No. 881, discussed above.

### **NERC Reliability Standards**

FERC Order No. 867 (EXH 84) approved NERC Reliability Standard TPL-001-5 (Transmission System Planning Performance Requirements). The primary purpose of Order No. 867 was to strengthen the resilience of the bulk-power system by requiring utilities to proactively plan for the failure of non-redundant protection system components. FERC determined that treating the failure of a protection system as an entirely separate, highly improbable contingency allowed utilities to ignore realistic, single-point vulnerabilities within their grid networks. Order 867 was promulgated to close this gap and enforce a more rigorous, risk-based approach to transmission planning assessments.

To ensure grid reliability against these vulnerabilities, Order No. 867 imposed enhanced planning and assessment mandates on transmission planners including that assessments must utilize accurate system models that reflect expected conditions and apply the correct Facility Ratings. Planners are legally required to evaluate system performance against both Normal Ratings (for continuous, pre-contingency operation) and established Emergency Ratings (for temporary, post-contingency operation), consistent with the utility's federally approved tariff and operating limits.

The standard also defines distinct categories of overlapping multiple contingencies (N-1-1 events). For example, a Category P3 event involves the loss of a generator unit followed by the loss of a second element, and a Category P6 event involves the loss of a transmission element followed by a second element. For these overlapping events, the standard requires that models account for the operational window between the first and second failure. Planners must simulate manual "System Adjustments" (such as the re-dispatching of generation, deployment of storage, or transmission reconfiguration) executed to stabilize the grid prior to the second contingency.

TPL-001-5.1 also establishes a rigid performance matrix that dictates when utilities must build permanent infrastructure to prevent power loss, and when they are permitted to use operational mitigations. While the standard strictly prohibits utilities from shedding firm customer power (Non-Consequential Load Loss) for routine single contingencies (Category P1 or P2), it explicitly permits load shedding to mitigate thermal and voltage constraints

caused by lower-probability, overlapping multiple contingencies, such as Category P6 events.

FERC Order No. 716 (EXH 85) approved NERC Reliability Standard NUC-001-1 (Nuclear Plant Interface Coordination). 125 FERC ¶ 61,065 (2008). The purpose of NUC-001 is to ensure that reliability of nuclear plant interface requirements is properly coordinated between nuclear plant operators and transmission entities. The standard requires that agreements be maintained between nuclear plant generator operators and their host transmission entities addressing key reliability matters, including transmission system studies, load shedding plans, and coordination of maintenance activities that may affect the nuclear plant's safe operation.

### **SUMMARY OF ARGUMENT**

The Andytown-Oasis Project, and the four transmission lines that FPL has proposed in its Petition, do not comply with the statutory requirement that the project “take into account the need for electric system reliability and integrity, the need for abundant, low-cost electrical energy to assure the economic well-being of the residents of this state . . . and other matters within its jurisdiction deemed relevant to the determination of need.” Moreover, FPL's planning for the AOP does not comport with well-known and recognized principles of utility transmission planning. Without asking the Commission to adjudicate any issue under the FERC Orders identified as relevant in the Prehearing Order, it is apparent that FPL has failed to conduct its transmission planning prudently in light of the standards established in those Orders and with the provisions of

FPL's OATT; this failure means it has acted imprudently. Finally, the Commission's procedures have deprived EDF of its rights under the Florida APA and objectively reasonable norms of due process.

FPL has only considered reliability needs on its transmission system. It has failed to consider un-economic dispatch on the system that a well-planned transmission solution could also address. Furthermore, while FPL has described certain alternatives that it rejected in favor of the AOP, these alternatives only considered alternate transmission line routing to the AOP. They were not fundamentally different projects. Each alternative still involved building four new transmission lines of the same voltages and in the same general geographic footprint (Miami-Dade County and Broward County) as the AOP. FPL did not consider different *types* of transmission solutions that either do not require constructing new high-voltage lines or that span a different geography. Because the AOP only includes new transmission infrastructure in the South Florida load pocket, FPL has also chosen a solution that insufficiently considers the recognized power import need of Miami-Dade County and Broward County, given the lack of existing and planned local generation to meet local demand.

FPL has also overstated load growth in Miami-Dade County, failed to consider the incremental impact of conservation, demand response, or distributed energy resources, and has applied assessment criteria that effectively pads the load. On top of that, FPL also undercounts the capacity of the line ultimately leading to an inaccurate picture of the system, and results in a skewed result from the NERC TPL-001-5.1 reliability assessment.

Significantly, FPL has failed to evaluate alternatives to the AOP that would satisfy all applicable reliability criteria *and* better meet the needs of Florida residents and businesses for abundant, low-cost electrical energy to assure the economic well-being of Floridians and the Florida economy as a whole. FPL not only failed to consider regional transmission projects that could address multiple needs including those in Miami-Dade County, it also failed to consider technical alternatives, equipment, and practices that could either fully meet the needs that would be served by the AOP or provide a lower-cost option by including some of these alternatives with fewer new transmission lines. For example, FPL did not consider Advanced Transmission Technologies, Grid-Enhancing Technologies, or non-wires alternatives such as Dynamic Line Rating, Advanced Power Flow Controllers, reconductoring using Advanced Conductors like Aluminum Conductor Composite Core (ACCC), Topology Optimization, or Battery Energy Storage Systems that can be deployed at less cost than the construction of new transmission lines, while meeting the same reliability needs. FPL claims that it “considered” other options beyond the two alternatives listed in its Petition, but it performed no cost-effectiveness analyses nor any cost-benefit analyses of any other options.

Finally, FPL has failed to consider regional alternatives to the proposed project. Instead, FPL chose an oversized local solution to meet an exceedingly rare contingency that could be resolved through a combination of lower-cost, less invasive measures. If it wanted a capital-intensive solution, then it should have determined how a larger project could have met multiple needs

(not just this rare one) for multiple providers. The UF Study shows these needs are out there and that regional solutions are beneficial, including when Miami-Dade is involved. EXH EDF-DC-2 C2-67-68. Such alternatives include not only building new regional transmission lines, but expanding the capacity of existing regional lines or applying ATTs, GETs, and non-wires solutions to existing regional transmission infrastructure. FPL has repeatedly failed to conduct true regional transmission planning as required by applicable orders of the FERC and principles of prudent utility practice. Thorough regional planning would have identified cost-effective transmission solutions for the betterment of all Floridians – not only FPL’s ratepayers. The regional planning would almost certainly result in significant cost-savings for ratepayers across the state, and a more reliable grid. Through its participation in the regional planning process, FPL has access to the information that would support consideration of regional needs, yet it did not consider any such needs or options. By artificially narrowing its transmission planning scope to evaluate only localized ‘new steel’ solutions, FPL has not presented to the Commission regional alternatives that could provide ratepayers with access to more abundant, low-cost electrical energy at substantially less overall cost than relying solely on localized new-construction projects like the AOP to grow its system.

The Commission has an independent statutory duty to protect captive ratepayers from imprudent capital investments. Because FPL failed to evaluate cost-effective regional alternatives, FPL’s Petition fails to satisfy standards of prudent transmission planning, fails to ensure the avoidance of uneconomic

duplication of transmission facilities, and fails to assure that the best, most cost-effective option is developed to meet the electrical needs of Floridians, which is facially contrary to the public interest. For all of these reasons, the Commission should reject FPL's Petition for determination of need for the Andytown-Oasis Project.

### **ARGUMENT**

As summarized above, the Commission should deny FPL's Petition for determination of need for the AOP because FPL has failed to apply prudent planning principles and analyses to ensure that the AOP is actually needed to meet its reliability needs and to meet Floridians' needs for abundant, low-cost electrical energy to assure the economic well-being of the state and its citizens. Despite its claim to the contrary, FPL has not come close to demonstrating that the AOP is needed or that it is the most cost-effective alternative to meet whatever needs it has. Thus, FPL's Petition fails to meet all applicable statutory standards, including those pursuant to Sections 403.537, 366.04(5), and 366.01, Florida Statutes. Finally, the schedule established by the OEP and the PSC's denial of EDF's procedural motions deprived EDF of its due process rights pursuant to Fla. Stat. § 120.57 and objectively reasonable principles for participation in any legal process.

**I. FPL’S PLANNING PROCESS IS  
INCONSISTENT WITH FLORIDA LAW,  
AND PRUDENT UTILITY PRACTICE.**

The planning process that FPL engaged in does not comply with Florida law, Federal law, or prudent utility practice, and therefore the Commission should not find that the underlying need is legally or factually supported.

**A. STATE LAW: FPL’s Planning Processes that Led to the Proposed AOP Were Far Too Limited to Provide a Sufficient Record Upon Which the Commission Can Conclude that the AOP Meets the “Abundant, Low-cost Electrical Energy” Criterion or that the AOP Does Not Result in Transmission Facilities that are Duplicative of its Existing Facilities.**

Pursuant to Chapter 366, public utilities are required to provide safe and reliable service at fair, just, and reasonable rates. Fla. Stat. §§ 366.03 & 366.06(1). Whether rates are fair and reasonable depends integrally on whether the costs that the utility seeks to recover were based on prudent managerial decisions. *See Gulf Power Co. v. Public Service Comm’n*, 453 So. 2d 799, 803 (Fla. 1984). Whether costs were prudently incurred depends on what utility management knew or should have known in making its expenditure decisions.

Generally, to result in fair and reasonable rates, a utility’s costs must represent the most cost-effective alternative to meet the needs of its customers. With regard to major transmission projects like the AOP, the Commission has specific jurisdiction over the planning, development, and maintenance of a coordinated grid to ensure reliability and to ensure “the avoidance of further uneconomic duplication of . . . transmission . . . facilities.” Fla. Stat. § 366.04(5).

Whether an investment decision represents the most cost-effective alternative available to serve a particular purpose requires a thorough and objective analysis of all available alternatives. A decision based on anything less cannot be claimed to be the most cost-effective alternative. A decision based on anything less cannot be claimed to avoid uneconomic duplication of facilities.

FPL's planning analyses for the AOP did not come close to meeting these standards. FPL evaluated exactly three options – three similar extra high voltage transmission line projects – in choosing the AOP. EXH 3 at C1-17at. FPL did not consider many known, available alternatives that could have reduced, deferred, or avoided the need for the additional transmission capacity of the AOP. TR 72, 104. FPL did not consider any regional projects that might have provided additional benefits cost-effectively to its customers and the state as a whole. TR 83; 96-97, 100, 112. FPL did not perform any production cost modeling to determine whether a different project might provide generation cost savings. EXH 192 at H113-14, H153, H161.

In summary, FPL's planning for the AOP fails to meet objective standards of prudent utility planning. From the Commission's perspective, FPL's inadequate and imprudent planning does not provide the Commission with a record upon which the Commission can determine whether the AOP is the best option available to meet the specific need criterion of providing "abundant, low-cost electrical energy to assure the economic well-being" to the residents of Florida. Further, FPL's inadequate planning does not provide the Commission with a record upon which the Commission can conclude that the AOP does not

duplicate existing transmission facilities. For these and other reasons, the Commission should deny FPL's Petition.

**B. FPL's Siloed, Reliability-Only Planning Process Is Imprudent and Inconsistent with Federal Law and Violates FPL's Own Open Access Transmission Tariff.**

FPL cannot meet its burden of proving that its decision to pursue the AOP is prudent because its planning process was imprudent and violated FPL's own OATT. Under Florida law, a prudent investment must be based on what a "reasonable utility manager" knew or should have known at the time the decision was made. A reasonable utility manager must comply with the utility's own tariff and applicable federal orders, and act consistently with industry best practices. FPL did none of these.

FPL engaged in exactly the type of narrowly focused, siloed, closed-door transmission planning that federal regulators have repeatedly found to be unjust and unreasonable. Its planning process for the AOP ignored the multi-value and regional planning directives of FERC Orders 890, 1000, and 1920. FPL's own lead transmission planner, Miguel Yanes, admitted under oath that "the production cost model was not run," (EXH 192 at H154) that FPL "did not call Duke specifically to talk about a project" (EXH 192 at H106) or "TECO specifically about a project," (EXH 192 at H106) and that evaluating production cost savings is "not my forte, and I don't do that." EXH 192 at H113. These admissions confirm that FPL made an uninformed decision to pursue a \$782 million project without evaluating cost-saving alternatives or coordinating with regional

partners. Under Florida law, a decision made without evaluating known, available data is imprudent *per se*.

### **1. FERC Order 890 Defines Prudent Utility Practice**

The Florida PSC should, at minimum, consider FPL's failure to comply with applicable FERC Orders, and with FPL's own OATT, in evaluating whether FPL's proposed AOP is prudent. FERC has unambiguously declared that siloed, reliability-only transmission planning is unjust and unreasonable. Order 890 was promulgated to abolish the historical practice of allowing vertically integrated utilities to plan transmission expansions in closed, "black box" environments that inherently favor massive utility capital builds over cheaper alternatives. FERC found that the "lack of coordination, openness, and transparency results in opportunities for undue discrimination in transmission planning." EXH 79, FERC Order 890 at ¶ 425.

Crucially, FERC explicitly defined the standard of care for a reasonable utility manager, declaring:

[A] prudent vertically integrated transmission provider will plan not only to maintain reliability, but also consider whether transmission upgrades or other investments can reduce the overall costs of serving native load... Thus, to represent good utility practice and provide comparable service, the transmission planning process under the pro forma OATT must consider both reliability and economic considerations.

EXH 79, FERC Order 890 at ¶¶ 542–543.

Subsequently, FERC adopted Order 1000 to prevent utilities from planning major grid expansions in isolation, by establishing an affirmative obligation to engage in "a regional transmission planning process that evaluates regional

transmission solutions . . . rather than merely rolling up local transmission plans.” Order 1000 at ¶ 147. Regional planning must evaluate whether regional solutions meet the system’s needs “more efficiently or cost-effectively than solutions identified by individual public utility transmission providers in their local transmission planning process.” *Id.* at ¶ 148; *see also* EDF-100 P. 42.

Most recently, FERC reaffirmed these principles in Order 1920, requiring regional planning to formally evaluate alternative transmission technologies (ATTs). FERC reiterated that the “gap in existing regional transmission planning processes results in piecemeal, inefficient, and less cost-effective transmission planning that imposes real costs on customers.” EXH 175 at F3-14474. Notably, FPL’s lead planner, Mr. Yanes, is the chair of the FRCC’s Order 1920 Task Force. EXH 192 at H170-171. He cannot claim that he is unaware of the purpose, intent, and requirements of these orders.

## **2. FPL Systematically Failed to Follow Prudent Planning Mandates.**

FPL’s planning process for the AOP was closed, uncoordinated, and uninformed by economic analysis. These are not mere technical deviations; they represent a failure to comply with the open, regional, multi-value planning framework that federal law requires.

### **FPL’s Failure to Conduct Economic Analyses**

FPL failed to comply with Order 890’s mandate to “consider both reliability and economic considerations.” 890 at ¶ 542. Apart from a superficial comparison of the AOP’s construction cost against two similarly massive, greenfield 500 kV alternatives, FPL conducted zero analysis justifying the economics of this \$782

million project. FPL failed to demonstrate that the AOP is the most cost-effective use of ratepayer dollars because it never evaluated whether alternatives could produce greater benefits relative to their cost or meet the needs of FPL's customers at lower cost than the AOP. By not even running its production-cost models and not conducting economic benefit-cost or cost-effectiveness analyses of widely-known and available alternatives, FPL violated its own federally-approved tariff. FPL's OATT Attachment K explicitly requires that its transmission planning satisfy nine principles, including "economic planning studies." EXH 138 at F3-11579. Furthermore, Appendix 1 of Attachment K reiterates that "The Local Process will comply with the FERC nine principles as well as the provisions below." EXH 138 at F3-11637. Yet, FPL openly admits it conducted no economic planning study. EXH 67.

### **FPL's Bias Against Comparable, Non-Transmission Alternatives**

Order 890 requires utilities to "evaluate transmission and non-transmission alternatives on a comparable basis." EXH 79 at F3-3159. FPL's OATT similarly mandates that if an alternative like a "demand response resource or a generation resource" is proposed, FPL must evaluate it "on a comparable basis." EXH 138 at F3-11615. FPL failed to do so.

Mr. Yanes's testimony irrationally dismissed battery storage as a liability that "adds load" rather than modeling it as a dispatchable asset capable of shaving rare, transient peaks. EXH 192 at H122-123. This contradicts academic consensus, which recognizes that "[m]ost nodes in a transmission system experience peak loads only a few days per year and for only a few hours during

those days... Therefore, transmission expansion projects address congestion problems that occur during just a few peak hours." Marnell et al., *Transmission-Scale Battery Energy Storage Systems: A Systematic Literature Review* (2019). EXH 93 at F3-13575.

Study after study highlights the rapid deployment and massive cost savings of ATTs and batteries. See, e.g., NY-BEST / Quanta Technology, *Storage as Transmission Asset Market Study* (Jan. 2023), (EXH 149) ("MISO concluded that installing an \$8.1M, 2.5MW/50 MWh battery... would be more cost-effective than rebuilding double 115 kV transmission lines for \$11.3M") EXH 149; ESIG, *Utility Perspectives on Making Grid-Enhancing Technologies Work* (2025), (EXH 169)fore (noting PPL Electric realized \$64 million in congestion savings in the first year of a \$1 million DLR deployment) EXH 169 at F3-13746; DOE/PNNL, *Enabling Principles for Dual Participation by Energy Storage* (Feb. 2022), p. 9 (detailing CA'SO's selection of a \$102 million storage/solar initiative over a \$574 million transmission rebuild). EXH 128 at F3-11027. Even this Commission has acknowledged the immense potential of advanced conductors, dynamic line rating, and advanced power flow controllers to optimize existing rights-of-way and reduce congestion. FPSC, *Review of 2025 Ten-Year Site Plans for Florida's Electric Utilities* (Nov. 2025), p. 58, EXH 156 at F3-13187. Despite this extensive body of evidence, Mr. Yanes dismisses their application testifying that he doesn't "think DLRs bring any benefit to the table." EXH 192 at H90. FPL's failure to evaluate the cost-effectiveness of these technologies widely understood to offer

significant system-wide benefits is facially imprudent for a reasonable utility manager and a prudent transmission provider.

### **Failures of Regional Coordination and Transparency**

FPL's classification of the AOP as solely "a local project" has circumvented the regional coordination and transparency obligations imposed by relevant FERC orders. As FPL stated in discovery: "The transmission needs addressed by AOP are local reliability needs driven by the projected load growth in Miami-Dade County... and therefore, fall outside the scope of needs that would be addressed through a regional CEERTS designation." EXH 46.

This reasoning relies on a false dichotomy explicitly rejected by FERC. Order 1000 does not permit utilities to avoid regional planning simply by self-designating a need as "local." FPL apparently assumes that a regional solution must physically cross utility boundaries. The FRCC's Regional Transmission Planning Process recognizes that a regional project will displace one or more local projects"—plainly envisioning that a single regional project can address multiple local needs. EXH 138 at F3-11585. FPL's labeling is also belied by its own engineering. A 500 kV transmission line is the highest voltage operating in Florida; it is an Extra-High-Voltage (EHV) regional backbone asset, not a localized band-aid. By withholding review of the AOP from the FRCC, FPL prevented the opportunity to conduct the technology evaluations required by Order 1920. This omission is particularly egregious given that the FRCC is currently developing its Order 1920 compliance tariff, to be filed with FERC on

June 12, 2026. FPL appears to be rushing this project through precisely to avoid this modern regional scrutiny.

FPL also violated the regional planning and transparency requirements of its own OATT. Attachment K requires FPL to submit its 10-Year Expansion Plan to the FR“C "on or about April 1 [to] become part of the initial FRCC regional transmission plan.” EXH 138 at F3-11644. FPL’s OATT also requires that it, “in consultation with the Customers/Stakeholders, will compare the alternatives and select the preferred solution... taking into account neighboring transmission providers’ transmission plans.” EXH 138 at F3-11643. FPL openly admits it failed to submit its Expansion Plan to the FRCC as required by its OATT, and Mr. Yanes further testified that FPL “did not call Duke” and “did not call TECO,” and the record shows FPL conducted its alternatives analysis internally in a “tabletop” exercise. EXH 192 at H70, H106.

This is not the first time FPL has ignored its responsibility to coordinate a major transmission project with neighboring utilities. Notably, in planning its North Florida Resiliency Connection (NFRC) transmission line to connect its non-contiguous Panhandle and Peninsular territories, FPL failed to coordinate with Duke Energy Florida (DEF) – whose territory the NFRC traverses. Even after DEF independently determined that the NFRC would cause overloads on its system and require DEF to spend hundreds of millions of dollars on upgrades, FPL refused to engage in good faith with DEF to find a remedy, leading DEF to file a complaint with FERC (EXH 93). It is further evidence of FPL’s failure to follow

coordination protocols that represent good utility practice, which leads to inefficient transmission system development at excessive cost to ratepayers.

### **3. FPL's Process Contradicts Industry Best Practices and Its Own Parent Company's Positions.**

FPL's localized, reliability-only approach is not consistent with current utility grid planning practices. The Department of Energy's 2023 National Transmission Needs Study found that Florida transmission built between 2011-2020 was "almost exclusively" for reliability, resulting in a grid that will fail to meet 2035 transmission needs. DOE Needs Study at 29, 140. EXH 184 at F3-17152, F3-17263. Due to this opacity, the DOE found that "[f]ewer transmission system data and references were available for the Southeast and Florida than for many other regions of the country." *Id.* (Southeast & Florida Fact Sheet).

In contrast, FPL's neighbor, Duke Carolinas, utilizes a Multi-Value Strategic Transmission (MVST) process that "adopts a forward-looking/proactive approach, uses a scenario-based approach... accounts for multiple benefits, avoids line-specific assessments and piecemeal planning, and allows for meaningful stakeholder input." Multi-Value Strategic Transmission Planning, CTPC/Duke Energy, FERC Docket ER24-314, p. 1. EXH 146. FPL was presented with this exact framework at a December 2025 FRCC stakeholder session, yet apparently chose not pursue it. Brattle Group, FRCC Order 1920 Stakeholder Session (Dec. 8, 2025), slide 10. EXH 119 at F3-10132. Industry experts agree that failing to capture the "economies of scope provided by larger regional projects... unreasonably rais[es] system-wide electricity costs and rates." Brattle

Group & Grid Strategies, Transmission Planning for the 21st Century (2021), p. 22.

Most tellingly, FPL's own parent company, NextEra Energy, has openly criticized the exact planning style FPL utilized here. In comments to FERC, NextEra stated:

[T]he current approach to assessing transmission investments often does not consider the full range of potential benefits... Projects are often only assessed by examining the category of benefit that directly addresses the immediate need the project was meant to address, such as reliability or economics. Instead, regional projects should be approached as a 'multi-value project' and assessed holistically.

Comments of NextEra Energy, Inc., FERC Docket No. RM21-17-000 (Oct. 12, 2021), pp. 84–85. EXH 90. NextEra emphasized that regional plans must be produced "o "help foster needed transmission development," even if its own subsidiaries "may be subject to new requirements." Comments of NextEra Energy, Inc., FERC Docket No. RM10-23-000 (June 17, 2010), pp. 7-9. EXH 98. FPL is well aware that its reliability-only local process is imprudent; it contradicts federal law, FPL's own OATT, industry best practices, and the publicly stated position of its parent company.

FPL opted to build the highest-voltage transmission infrastructure in Florida without even evaluating its production-costs or widely-known and available low-cost operational fixes, and without any regional coordination. If a utility manager makes a multi-hundred-million-dollar capital decision without following its own tariff and without following the requirements of applicable FERC orders, that manager has acted imprudently *per se*.

**II. FPL'S NEED IDENTIFIED THROUGH  
TPL-001-5.1 IS ILLUSORY AND BUILT  
ON A FAULTY PREMISE AND  
INACCURATE DATA.**

Under the TLSA, FPL bears the absolute burden of proving that the \$782 million AOP is necessary to provide Florida residents with "abundant, low-cost electrical energy." Fla. Stat. § 403.537(1)(c). FPL fails to meet this statutory mandate on three distinct fronts. First, the foundational "need" for the AOP is based on an objectively flawed and inflated load analysis that relies on speculative demand while ignoring proven load reductions. Second, even if a localized constraint does exist, FPL bypassed its obligation to protect ratepayers when it failed to apply mandatory emergency line ratings to its system study or evaluate low-to-no-cost operational solutions before defaulting to a massive capital build. Last, FPL failed in its obligation to consider how the project could best enable access to low-cost electrical energy, because of its refusal to conduct any sort of economic system study, including production cost modeling.

**A. The Load Forecast FPL Used For the NERC Reliability Assessment  
TPL-001-5.1, Which Underpins The AOP, Contains Major Errors And  
Basic Mistakes.**

The Andytown-Oasis Project is being built because of a forecasted increase in load in Miami-Dade County. EXH 192 at H72. It is this forecasted load that, according to FPL, will cause the NERC violations to occur on the system in 2033. However, FPL's load growth numbers are very likely inaccurate and inflated beyond what is typical in prudent utility practice. FPL essentially engineered a

worst-case scenario that fundamentally defies the reality of grid operation through a series of compounded modeling errors.

First, FPL inappropriately applied an extreme weather sensitivity to set its load forecast for its NERC reliability assessment, which made a violation much more likely to occur in its model as compared to real-world conditions. Second, FPL artificially inflated its load forecast for Miami-Dade County by improperly allocating "phantom" large load growth (e.g., from data centers) to the County, despite FPL's stated confirmation that there is no large load development planned in the County during the forecast horizon. Third, despite FPL's explanation that its load growth projection for Miami-Dade County is primarily based on customer growth, this explanation contradicts recent trends in population, growth in Miami-Dade County. Fourth and finally, FPL failed to consider the impact of proven demand reduction measures in its models by excluding incremental and county-specific energy efficiency, heat pump adoption, and distributed energy resources. Thus FPL created a reliability crisis that does not exist in 2033, if ever.

**1. FPL improperly used the extreme weather P80 load forecast for its NERC reliability assessment TPL-001-5.1 base case and failed to undergo any sensitivity as required under the standard.**

When running its NERC reliability assessment for standard TPL-001-5.1, FPL unreasonably inflated its load growth estimates by taking a worst-case sensitivity metric and deploying it as a foundational baseline.

The exercise of running reliability assessments under TPL-001-5.1 is to evaluate how a normally functioning system responds to sudden contingency stress—not to measure how a system that is already artificially modeled at its absolute limits responds to additional, compounded failures. The NERC standard requires utilities to model their transmission systems using a Base Case that reflects expected system conditions. EXH 54. In the utility industry, this expected baseline is universally recognized as the P50 forecast (a 1-in-2-year probability). FPL itself recognizes the validity of using the P50 standard for expected load, because that is the standard it used to develop the 2025 Ten-Year Site Plan. EXH 39. FPL’s own transmission planning expert, Miguel Yanes also stated during his deposition that “P50 seems to align more with what we are seeing in real-time loads.” EXH 192 at H11.

NERC TPL-001-5.1 also requires utilities to perform Sensitivity Studies, in which planners must test the grid against extreme conditions—e.g., a P80 or P90 extreme weather scenario—to see how the system behaves under stress. EXH 54. The P80 scenario represents an extreme, 1-in-5-year weather event which dictates that there is an 80% probability that actual electricity demand will fall at or below this forecast, and only a 20% probability that it will ever be reached. These sensitivities are designed to be run only after the expected Base Case is established, solely to test how the grid reacts to rare, transient stress.

However, FPL admits that it relied solely upon “a P80 non-coincident native peak load forecast developed at the system level”, thereby replacing the required expected Base Case with an extreme sensitivity that does not accurately reflect

the likely system conditions. EXH 39. This directly contravenes the foundational principles of NERC Reliability Standard TPL-001-5.1. By starting its analysis with a P80 baseline, FPL engineered the models to show reliability failures. If a utility forces an extreme 1-in-5-year heatwave to serve as the absolute baseline for all normal grid conditions, it is designing the grid to treat a rare anomaly as a frequent occurrence.

Running the TPL-001-5.1 assessment at the P80 extreme weather event load stands in contrast to how FPL evaluates system conditions during the TPL-001-5.1 contingency events. Namely, instead of using the emergency line ratings which allow for additional load during times of extreme grid stress (such as during extreme weather events), FPL uses the line ratings that would apply during normal grid conditions. This means that FPL artificially inflated its demand forecast to reflect a rare, 1-in-5-year emergency load scenario, while it simultaneously constrained its grid capacity by evaluating its transmission lines using normal, everyday line ratings. This is in contravention of the recommendations of Order 881.

This is an obvious exercise in cherry-picking the modeling parameters, which runs the high risk of producing a reliability violation where none actually exists, as is the case here. In real-world grid operations, if a rare, extreme-stress event occurs, system operators do not artificially limit the grid to normal operating parameters. They inevitably utilize permissible emergency line ratings, which safely allow higher power flows to resolve short-duration stress. By pitting an emergency, worst-case load against a normal, best-case line rating, FPL is

modeling a fiction. It is creating an impossible scenario—demanding the grid withstand an emergency while stripping operators of the standard emergency tools used to handle it. Consequently, FPL's assessment does not identify actual, real-world system needs. It merely reverse-engineers a mathematical violation on paper to justify a transmission project with exorbitant capital cost, though in reality no such project is needed.

By utilizing a P80 analysis as its foundation, FPL bypassed its obligation to explore peak-shaving alternatives. The utility artificially altered its models to paint an inaccurate picture of grid distress, thereby justifying a massive infrastructure project for a constraint that, by the utility's own admission, rarely exists in reality.

**2. The forecasted load that FPL used in undergoing NERC reliability assessment TPL-001-5.1 is inaccurate because it improperly allocates large load growth to Miami-Dade County, despite no evidence of planned large load development in the County, artificially inflating the forecast.**

Large loads (e.g., data centers) are not being planned for development in Miami-Dade County today. EXH 192 at H50-51. Yet the load calculation that FPL put forward for Miami-Dade County *does* include anticipated large load. This is a flaw of FPL's method of preparing the county-level load forecast. Rather than develop a distinct county-level forecast using county-specific factors such as customer base growth, per-customer usage changes, or demand-side management program impacts, FPL only develops a load forecast at the *system* level, based on “the TYSP system-wide growth assumptions”. EXH 39. It then

allocates the system-wide forecast across all its substations “in proportion to each substation’s *historical* contribution to prior years’ summer peak demand” and “aggregate[s]” the “loads associated with substations serving Miami-Dade County ... to develop the county-specific summer peak load.” (Emphasis supplied.) EXH 39.

This method ignores the possibility that a substation’s share of system load could change in the future – i.e., that the historical pattern will not hold. There is good reason to expect that Miami-Dade County’s substations’ share of load will *decrease* in the future, because even though FPL’s 2025 Ten-Year Site Plan forecasts 732 MW of new large load on its system by 2033 (EXH 112, at p. 47), none of this large load is expected to be in Miami-Dade County. Given that Miami-Dade represents a substantial percentage of FPL’s projected 2033 summer peak load, a significant amount of large customer load is incorrectly included in the Miami-Dade load forecast for that year.

Moreover, FPL’s system-wide large load forecast is itself speculative. In its 2025 TYSP, FPL states: “For potential new customers with significant or unique load requirements, FPL’s historical practice is to include the associated load in the forecast *only after* FPL and the customer have reached a *definitive agreement or other binding commitment* to extend service to the customer.” (EXH 112, at p. 47) (emphasis supplied). Yet FPL proceeded to ignore this historical practice, stating: “At this time, *there are no definitive agreements in place or other binding commitments* between FPL and any large power users. However, based on discussions with potential large power users, such as data centers, FPL believes

there is a high probability for customers with significant load requirements to be served on the FPL system”. (EXH 112, at p. 47) (emphasis supplied).

In its 2026 TYSP, FPL made the same decision to include speculative large load and as a result, its large load forecast quadrupled to 3 GW by 2035 – still without *any* binding commitments from large power users (EXH 111, at p. 50). Thus, FPL chose to ignore its own process in a manner that significantly alters its load forecast, based on a stated “belief” for which it offers no supporting evidence. Moreover, reputed energy industry analysts have called into question the projections of large load growth in the modern era. In its November 2025 “Power Demand Forecasts” report, Grid Strategies found that load forecasts “collectively overstate data center-driven load growth by about 40%” (EXH 141, at p. 4). This is driven by the tendency of data center developers to submit duplicate interconnection requests across multiple jurisdictions, which results in lower amounts of actual load materializing than is initially projected. Duke Energy Florida declined to count any speculative lard loads in its forecast in both the 2025 and 2026 TYSP, because it did not find that there was sufficient commitment to warrant inclusion. EXH 109 at F3-7840-46; EXH 110 at F3-8058.

**3. The forecasted load that FPL used in undergoing NERC reliability assessment TPL-001-5.1 reflects a significant increase, despite documented population decrease in Miami-Dade County.**

FPL witness Yanes asserts that the population in Miami-Dade County is “growing very rapidly.” EXH 192 at H44. Mr. Yanes also contends that “the city,

it's probably going vertical now because they are just knocking down, you know, single story buildings and building highrises" and that "Miami-Dade is growing rapidly and is feeling the need for these projects." EXH 192 at H43-44. However, these speculative conclusory statements are not supported by any other credible evidence in the record and are insufficient to support the need for the AOP. In fact, FPL concedes that it did not develop a separate Miami-Dade County specific customer base growth forecast for this proceeding. EXH 39 at E30-31. When asked to provide detail on how FPL conducts its load analysis, Mr. Yanes repeatedly demurred to FPL's load forecast team that provided no testimony in the record. It is illogical that FPL's head of transmission planning would lack insight into how load is forecasted when that forecast represents the baseline for identifying transmission needs.

FPL's conclusory statements concerning population growth are directly contradicted by record evidence that indicates that the population in Miami-Dade County is declining. According to the U.S. Census Bureau, between July 1, 2024 and July 1, 2025, the population in Miami-Dade County declined by 10,115 people. EXH 158 AT F3-13314.

In summary, FPL's claims regarding population growth, and thus its load growth, are inconsistent with authoritative U.S. Census Bureau data, which casts serious doubt on FPL's load forecasts.

FPL's stated basis for its high load growth projection in Miami-Dade County is its projected customer growth. Yet this does not align with recent historical data. In the previous eight-year period (2017 to 2025), FPL experienced

customer growth of 10.8% while summer peak load growth was lower in Miami-Dade County, leading to a decrease in per-customer demand there. Yet in the next eight years (2026 to 2034), FPL projects that Miami-Dade County will see lower customer growth (8.2%) but much higher summer peak load growth. This means Miami-Dade would see a major increase in per-customer demand.

Not only is this a significant reversal in per-customer electricity demand, it is also improbable. As noted above, no new large loads are planned for Miami-Dade County. In addition, improved energy efficiency codes and standards – which FPL says are incorporated in its system load forecast – will likely exert downward pressure on peak demand growth.

**4. FPL systematically failed to calculate the load-mitigating impacts of energy efficiency, increased heat pump adoption, and the proliferation of Distributed Energy Resources (DERs) like rooftop solar, resulting in a worst-case scenario that does not reflect grid reality.**

The load that FPL used when running the NERC reliability assessment as part of the local planning process was not sufficiently accurate because it did not include the load-mitigating potential of energy efficiency, increased heat pump adoption, and the proliferation of Distributed Energy Resources (DERs) like rooftop solar and battery storage.

While FPL includes all currently approved demand-side management programs into its load forecast, it only evaluates them at the system level, not the county level. It did not evaluate any “[i]ncremental conservation measures beyond those reflected in the approved DSM programs.” EXH 37. (Response to Staff’s ROG-10) It did not include “the addition of new energy storage resources

beyond those energy storage facilities already reflected in the load forecast contained in FPL's 2025 Ten-Year Site Plan. EXH 37. (Response to Staff's ROG-11). Nor did it quantify the specific programmatic impacts of energy efficiency or demand response in Miami-Dade County, stating that "FPL does not separately develop or maintain Miami Dade County specific summer peak forecasts that isolate or quantify the individual impacts of energy efficiency programs, demand response initiatives, or behind the meter resources" including rooftop or community solar and storage. EXH 39. (Response to Staff's ROG-26).

Because FPL did not model any incremental energy efficiency or demand response measures, including additional interruptible or curtailable load, and did not model any incremental deployment of DERs in Miami-Dade County, it overlooked the ability of these demand-side tools to further reduce the load forecast and potentially prevent any needs from arising. As a result, the load forecast for Miami-Dade County on which FPL relied to perform its NERC reliability assessment does not reflect the county-specific mitigating impacts that are or can be integrated into the system. Thus, it represents an overcount of load, potentially contributing to the triggering load value and the asserted NERC violations.

**B. FPL Did Not Use Required Emergency Line Capacity Ratings or Consider Operational Alternatives Before Opting For a Major Capital Investment.**

FPL failed to apply mandatory emergency line ratings when it conducted its NERC reliability assessment, thereby violating the terms of its FERC-approved OATT, FERC Order 867, and FERC Order 881. Failure to use emergency line

ratings when conducting a NERC reliability assessment colors the outcome so as to result in a greater likelihood of finding a NERC violation on the system. This is not what NERC had intended when developing the standard and is beyond the scope of what FERC had contemplated in adopting NERC's recommendation.

FPL also neglected to evaluate standard, low-to-no-cost operational solutions both contemplated in NERC Reliability Standard TPL-001-5.1 and consistent with prudent utility practice—including generation re-dispatch or topology reconfiguration—that could easily resolve the identified needs.

**1. FPL failed to use emergency line ratings provided for in NERC reliability standard TPL-001-5.1, and as required under FPL's OATT.**

FPL did not use emergency line ratings in post-contingency simulations when conducting reliability assessments consistent with TPL-001-5.1, despite requirements to do so under Attachment Q of FPL's federally approved OATT, and under FERC Order 881. EXH 138.

Attachment Q of FPL's OATT clearly states that "No later than July 12, 2025, the Transmission Provider will implement Transmission Line Ratings on the transmission lines over which it provides Transmission Service, as provided below", and goes on to state that FPL "must use uniquely determined Emergency Ratings for contingency analysis in the operations horizon and in post-contingency simulations of constraints. EXH 138 OATT Att Q. Such uniquely determined Emergency Ratings must also include separate AAR calculations for each Emergency Rating duration used." EXH 138 OATT Att Q. In other words,

FPL must use emergency line ratings when conducting reliability assessments under TPL-001-5.1.

This matches the language of FERC Order 881, which imposed the affirmative obligation on transmission providers to install Ambient Adjusted Line Ratings on their systems so that grid operators would be able to increase system capacity. See EXH 83 at F3-5272. Order 881 specifically directs utilities to have emergency ratings and to use them for post-contingency events, such as those considered in NERC assessments under TPL-001-5.1. FERC specifically found it needed to make this a requirement because “many transmission owners’ current transmission line rating practices fail to use emergency ratings, and in failing to do so, lead to transmission line ratings that do not accurately reflect the near-term transfer capability of the transmission system, and therefore result in wholesale rates that do not reflect costs of the wholesale service being provided.” EXH 83 at F3-5235-36. The value being that “because these emergency ratings are a more accurate representation of the flow limits over those shorter timeframes, their use in models of post-contingency flows produces wholesale rates that more accurately reflect the costs of the wholesale service being provided and therefore is necessary to ensure just and reasonable wholesale rates.” EXH 83 at F3-5235-36.

However, FPL admits that it did not use emergency ratings. Instead it used normal line ratings when conducting its analysis. FPL witness Yanes also incorrectly states that AARs are not used in modeling but are only operational.

As FERC specifically outlines, AAR calculations can be used to develop the specific emergency rating that the utility applies.

Using normal line ratings to evaluate system conditions during these emergency contingencies is also contrary to the purpose of conducting the NERC reliability assessment under TPL-001-5.1. According to the NERC standard, “[a]n objective of the planning process should be to minimize the likelihood and magnitude of interruption of Firm Transmission Service following Contingency events.” EXH 54, TPL-001-5.1. However, because normal line ratings are restricted to a lower carrying capacity, there is a greater – not lesser – likelihood of interruption. Paired with its use of the emergency condition P80 load, as opposed to the normal condition P50 load, FPL’s modeling further increases the likelihood that service will be interrupted.

By failing to apply the Emergency Ratings and Ambient-Adjusted Ratings (AARs) required by its own tariff, FPL did not provide its simulated grid operators with the essential tools mandated for addressing short-term thermal constraints. A reliability issue that arises due to non-compliance with mandatory OATT operating procedures cannot serve as the justification for a permanent, ratepayer-funded \$782 million 500 kV transmission project. Accordingly, the Commission should not authorize, endorse, or determine need based on a utility's violation of federally mandated tariffs and reliability standards.

**2. FPL failed to adequately evaluate a combination of low-to-no-cost operational solutions (e.g., re-dispatch, topology reconfiguration) to resolve the constraint.**

FPL did not adequately consider the available options to resolve the system constraints that it found when conducting NERC reliability assessments as part of its local planning process. Grid operators have a number of tools that they can deploy to resolve a constraint on the system without having to build something new. One of the primary solutions is reconfiguration and redispatch of the system.

While FPL states that it did evaluate transmission switching of the system (which is a form of reconfiguration), which it deemed inadequate, there is no evidence in the record that FPL modeled the system using a reconfiguration of the system paired with redispatch of generation. Moreover, while system reconfiguration includes transmission switching it can also include splitting busbars at substations, adjusting phase angle regulators (PARs), or changing tap settings on transformers.

“Transmission topology optimization is a software technology that identifies reconfigurations in the grid to route power flow around congested or overloaded transmission elements, taking advantage of the meshed nature of the bulk-power grid. The reconfigurations are implemented by switching high voltage circuit breakers. By more evenly distributing flow over the network, topology optimization increases the transfer capacity of the grid.” EXH 115, DOE, Grid Enhancing Tech P 8.

When asked specifically about topology optimization, FPL witness Yanes stated that FPL considered it, but there is no evidence in the record that FPL did in fact run any sort of topology optimization software (or any benefit-cost analysis of using this tool). H192 at H83. However, the contingencies that were run are exactly the type of situation where a planner would be well served to use such software. According to the DOE's Grid Enhancing Technologies Case Study on Ratepayer Impact, "Topology optimization can be used when responding to contingencies to help eliminate overloads and violations, minimizing outages, and increasing reliability. The software can quickly identify optimal corrective actions given the altered operating state. The technology can also be used to improve outage scheduling and coordination. This enables optimized system states for these contingency situations to avoid reliability violations and minimize congestion." EXH 115, DOE, Grid Enhancing Tech P.8.

Putting this all together, it does not appear that FPL tried to maximize the capacity of the existing system, or treat the load and system as they would behave in practice. Instead, FPL designed a system with less capacity than it would actually have, and with no flexible low-cost ways to adapt. Coupled with a load forecast that is inflated in multiple ways, and with little transparency regarding the baseline numbers, the result is an inaccurate system model that is designed to trigger a NERC reliability violation. FPL failed to adequately demonstrate that a need exists on its system in Miami-Dade County, and therefore the Commission should summarily deny its request.

**III. EVEN IF THE NEED EXISTS, THE AOP IS NOT THE MOST COST-EFFECTIVE ALTERNATIVE FOR THE NEED.**

Due to the failures described above, FPL has not adequately established that there is a need that the AOP would resolve. However, even if a need did exist, the AOP is not appropriately scaled to address the narrow need.

**A. FPL’s Identified Need Is a Rare Event That Occurs Once a Decade and Requires the Appropriate Solution.**

The need that FPL identified in conducting the NERC reliability assessments under TPL-001-5.1 is both narrow in scope and very low in probability. It does not arise until 2033, is localized to a subset of Miami-Dade County, and only shows up when two system assets are unavailable at the same time. These are what NERC calls N-1-1: Normal conditions, minus one asset, and then minus another. As a result, the contingency event that rationalizes this need is rare – expected to occur once a decade. That is exactly why NERC considers the P6 events under TPL-001-5.1 as “extreme.” It specifically states that a P6 event is an “[e]xtreme event resulting in two or more (multiple) elements removed.” EXH 54 TPL-001-5.1 at P. 28. It is so extreme that in this situation, NERC will allow the grid operator to curtail load to customers.

**B. The AOP and Its Multiple 500 kV Extra-High-Voltage (EHV) Lines Is Overbuilt to Address This FPL Reliability Need.**

Four transmission lines totaling 75-miles in length, 45 miles of which are 500 kV Extra-High-Voltage (EHV) transmission lines, is a huge project in any context. The \$782 million price tag alone paints a fairly accurate picture of the scale. 500 kV is the highest voltage level in Florida, and equals the voltage of the

long-distance “backbone” transmission lines that connect FPL’s entire Atlantic Coast system and that connect Florida to its neighboring transmission region. To that end, FPL has characterized this project as “extending the backbone” of the FPL system. EXH 192 at H186. And while there may be benefit for doing so, extending the backbone of the system is not in and of itself a rationalization for the AOP. If anything, it belies the central disconnect in FPL’s Petition: It appears to be using the reliability violation to build a piece of infrastructure that it would like to have built.

Throughout this proceeding FPL has characterized the AOP as a “local” project that only meets “local” needs. But the very nature of the AOP belies that contention and highlights the inconsistency inherent in FPL’s Petition: On the one hand FPL calls it a local project thereby avoiding regional planning, yet the AOP uses a transmission voltage that is atypically high for a local project. For FPL to propose such a large solution with an enormous price tag simply to address a far-off and rare reliability violation, FPL should be required to do more than it has done to demonstrate that the needs and solution are at least roughly commensurate with each other.

**C. FPL Failed to Consider Low-Cost Alternatives to the AOP, Consistent with Prudent Utility Practice.**

FPL asserted in its Petition that the AOP is the “most cost-effective alternative” available to meet the needs upon which its Petition is based. EXH 54. FPL’s Petition at 3 (PSC Document No. 01495-2026). This aligns with standard prudent planning practices for utility investments, especially

substantial projects such as the AOP. The primary criterion is whether the utility's proposed initiative represents the most cost-effective solution to address the identified need.

However, in this case FPL restricted its economic “cost-effectiveness” analyses to exactly three options: the AOP itself and two very similar, Extra-High-Voltage transmission line projects, each of which included two 500 kV and two 230 kV lines, and each of which would cost close to \$1 billion. EXH 54. FPL failed to satisfy the objective criterion that evaluates whether a proposed project – the AOP in this case – is the most cost-effective alternative because FPL simply did not evaluate other alternatives. Yet there are many known and available alternatives, both physical and operational, that can reduce, defer, or eliminate the need for additional transmission capacity.

Thus, FPL failed to provide the Commission with any evidence that its proposed AOP is the most cost-effective alternative actually available to FPL to address its needs. In so doing, FPL failed to provide the Commission with adequate record evidence upon which to base its decision on FPL’s Petition. FPL cannot claim that the AOP is the best or most cost-effective alternative to meet the state’s and its customers’ need for abundant, low-cost electricity when it limited its evaluation of alternatives to three similar transmission line projects. EXH 192 at H86; EXH 3 at C1-17at. Specifically with respect to the Commission’s mandate under the Grid Bill, Section 366.04(5), Florida Statutes, “to ensure the avoidance of further uneconomic duplication of . . . transmission . . . facilities,” FPL failed to provide any meaningful evidence that the AOP is not

duplicative of other well-known and widely available alternatives. These include technologies such as Battery Energy Storage Systems (“BESS”), capacitors, and advanced conductors that carry more power, as well as operational measures like Dynamic Line Ratings, Advanced Power Flow Controllers, and Topology Optimization. (As noted above, FPL also failed to evaluate its claimed need during emergency conditions consistent with the emergency ratings of its existing transmission facilities.) Finally, FPL did not attempt to evaluate whether any combinations of the above available options could reduce or defer the need for the AOP or a similar facility.

**1. FPL failed to provide any cost-effectiveness analyses or benefit-cost analyses of any alternatives other than three Extra-High-Voltage projects.**

Record evidence shows that many alternatives, including both physical (or “hardware”) technology options and operational measures, can meet the need for additional transmission capacity. Hardware options include reconductoring existing lines with advanced conductors and strategic deployment of Battery Energy Storage Systems (“BESS”). TR 52-53. Operational measures include Dynamic Line Ratings, Advanced Power Flow Controllers, and Topology Optimization, TR 52-53, and deployment of capacitors. These were identified in the testimony and exhibits of EDF witness David Cranston, as well as in additional exhibits admitted at the hearing. Because of its unique characteristics and capabilities, BESS are discussed separately in the following section.

The above technologies can provide considerable performance and cost benefits to transmission system operation. For example, the composite core of

an ACCC wire – a well-known type of advanced conductor – is lighter and stronger than steel, and impervious to corrosion and fatigue (EXH 161), and have reduced line sag at their maximum operating temperature compared to traditional steel core conductors (EXH 144). Reconductoring with advanced conductors can increase line capacity by 25% to 100%, with some utilities reporting a doubling of capacity on thermally constrained lines. (Utility Perspectives on Making Grid-Enhancing Technologies Work) Advanced conductors can be deployed for roughly one-third of the cost of building new lines and in a much shorter timeframe (DOE Advanced Conductor Scan report).

Capacitors are another low-cost alternative that maintain steady voltage. The technology works by connecting a capacitor bank in series with the transmission line to compensate for inductive impedance while increasing voltage at the point of connection (EXH 157). Customer voltages can be supported locally by building static reactive power sources like shunt capacitors. A proven strategy to address voltage concerns is to strategically deploy an appropriate number of large, switched capacitor banks at substation buses throughout an affected area. Capacitors have lower maintenance cost and much lower electrical losses than rotating machines (EXH 163). In addition, as EDF witness Cranston cited in his testimony, Dynamic Line Rating (DLR) devices can be deployed at relatively low cost to unlock additional capacity on transmission lines (Testimony of David Cranston) based not only on ambient temperature, but also on real-time readings of other factors like wind speed and solar irradiation that affect the operating capability of a conductor. DLR can extract up to 44%

more capacity from an existing line and be deployed at a cost of \$22,727 per mile. EXH 181.

FPL failed to satisfy principles of prudent electric utility planning, which are consistent with the sound regulatory policy of providing customer service at the lowest cost consistent with safety and reliability criteria, because FPL did not perform any cost-effectiveness analyses, any benefit-cost analyses, or any similar analyses of any of these options. *See, e.g.*, EXH 192 at H86 (no analysis of reconductoring), H161 (advanced conductors), H123 (topology optimization).

**2. FPL failed to conduct any cost-effectiveness analyses or benefit-cost analyses of Battery Energy Storage Systems as alternatives to the AOP.**

BESS are specifically identified as lower-cost technology options capable of displacing or deferring the need for additional transmission capacity or facilities. Because BESS can move electricity through time, it can be a viable alternative to manage power flows and preserve service to customers in the event of an outage, which are the services required in many contingency scenarios. It can enhance and protect existing transmission infrastructure to give it greater flexibility and extend its useful life (Enabling Principles for Dual Participation by Energy Storage as a Transmission and Market Asset) A battery placed at either the sending or receiving end of a transmission line could prevent a contingency from occurring by absorbing or injecting power, thereby protecting the line from going above its thermal limits (Transmission-Scale Battery Energy Storage Systems: A Systematic Literature Review). As a transmission asset, BESS can

also provide fast-acting grid voltage support (Storage as a Transmission Asset Market Study).

FPL did not conduct any benefit-cost analysis or cost-effectiveness analysis of BESS options. EXH 192 at H83. In his deposition, Mr. Yanes suggested that such evaluations would have been fruitless, offering that it is difficult to site BESS, and that charging the batteries would impose “extra load” on the transmission system. Neither of these represents a valid objection to using BESS capacity to displace or reduce the need for the AOP, nor does either claimed concern represent a valid objection to at least conducting appropriate cost-effectiveness analyses of this well-known alternative, particularly in light of FPL’s plan to add more than 4,300 MW of BESS capacity to its system by the time the AOP would enter service. EXH 111.

Mr. Yanes’s “difficult to site” assertion is not credible. If FPL can build 75 miles of Extra High Voltage transmission lines connecting to existing and proposed substations, it is not credible to assert that it could not co-locate a small percentage of its planned BESS capacity at one or more of those locations. In its 2026 Ten Year Site Plan, EXH 111, FPL publicly announced its plans to construct BESS with capacity that is **nearly ten (10) times** the maximum shortfall in MW shown in Attachment 7 to FPL’s Petition, EXH 54. In its 2026 TYSP, FPL announced plans to build currently un-sited and currently undesignated BESS capacity totaling 4,311 MW of BESS capacity by 2033, the asserted in-service date for the AOP. FPL has identified four substations to which the AOP lines will connect: Andytown, Oasis, Quarry, and Levee. EXH

111. It is not credible to assert that FPL could not co-locate BESS capacity that is less than ten percent of this amount at or adjacent to one or more of those substations.

Mr. Yanes's "extra load" assertion is irrelevant, because batteries can be charged at night or in early morning hours when system demand is much less than during peak load, which typically occurs in summer afternoons on Florida utility systems. BESS charging will not overload the system if charged during off-peak hours, when the costs of charging it are also lower than the costs of charging during peak hours.

In any event, FPL did not evaluate the potential cost-effectiveness of BESS deployment as an alternative to the AOP, either as stand-alone capacity additions or in combination with any of the other options available to FPL.

**3. FPL failed to conduct any cost-effectiveness analyses or benefit-cost analyses of any combinations of available options.**

As further confirmation that FPL failed to conduct meaningful analysis of alternatives to the AOP, it did not conduct any benefit-cost or cost-effectiveness analyses of any combinations of the options mentioned above. This is more evidence that FPL did not prudently plan its system consistent with normal planning principles, with the Commission's long-standing recognition of the "most cost-effective alternative" principle, with proper consideration of FPL's customers' need for abundant and low-cost electrical energy, or with due consideration of the public interest. FPL's planning failures leave the Commission with no record evidence upon which to base a conclusion that the AOP is the most cost-effective alternative available to meet the needs of FPL's

customers, or to support a conclusion under the Grid Bill that the AOP does not represent the “uneconomic duplication of . . . transmission . . . facilities.”

In summary, while FPL may believe that it checked the minimum necessary boxes before submitting its Petition,<sup>3</sup> it utterly failed to provide evidence and failed to establish a record upon which the Commission can determine that the AOP is needed. Beyond the Commission’s “most cost-effective alternative” criterion, which FPL claims to have followed, no option can be determined to meet the need for low-cost electricity without sufficient evidence that the proposed option is, in fact, the most cost-effective alternative actually available to meet its customers’ needs. FPL’s purported cost-effectiveness analyses looked only at three similar transmission lines, while ignoring numerous well-known and lower-cost solution options.

Accordingly, the Commission should deny FPL’s Petition, without prejudice, and allow FPL to submit a complete and compliant petition with appropriate consideration of all available alternatives. EDF previously asked the Commission to provide exactly this opportunity for FPL to perform the requisite analyses, and EDF offered to perform the analyses itself – given sufficient time – if FPL declined to do so. *See EDF’s Motion to Alter Schedule* filed on March 31, 2026. EXH 51 at F1-47-48.

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<sup>3</sup> As set forth in its second *Motion to Alter Schedule for Failure to Comply with Filing Requirements of Rule 25-22.076(3), F.A.C.*, submitted on April 6, 2026, FPL did not comply with the express and specific filing requirements of the PSC’s Contents of Petition rule applicable to transmission line need determination petitions. EDF’s Motion is identified here as PSC Document No. 02055-2026 in the Document Filings Index for this proceeding.

**IV. THE COMMISSION'S PROCEDURES IN THIS DOCKET HAVE DEPRIVED THE ENVIRONMENTAL DEFENSE FUND AND ITS MEMBERS OF THEIR RIGHTS PURSUANT TO SECTION 120.57, FLORIDA STATUTES, AND RECOGNIZED NORMS OF DUE PROCESS.**

The Environmental Defense Fund was granted intervention in this proceeding as the representative of its members in Florida who are retail electric customers of FPL. PSC Order No. 2026-0083-PCO-EI, Order Provisionally Granting Environmental Defense Fund's Motion to Intervene, at 2-3 (Fla. P.S.C., April 3, 2026). FPL did not challenge EDF's standing, and accordingly, EDF and its members are substantially affected persons, and EDF is a party, within the meaning of Chapter 120, Florida Statutes. Contrary to the provisions of Section 120.57, Florida Statutes, and recognized principles of due process applicable in Florida administrative proceedings, the Commission's procedures in this case deprived EDF and its members of their rights to present necessary evidence in support of their positions opposing the AOP.

**Statement of the Law**

Section 120.57(1)(b), Florida Statutes, provides that all parties to proceedings involving disputed issues of material fact "shall have the opportunity to . . . present evidence and argument on all issues involved" in the proceeding. The Commission has recognized the following principles applicable to due process in its proceedings:

It is well established in Florida law that "[t]he fundamental requirements of due process are satisfied by reasonable notice and a reasonable opportunity to be heard." *Citizens of State v. Fla. Pub. Serv. Comm'n*, 146 So. 3d 1143, 1154 (Fla. 2014) (quoting *Fla. Pub.*

*Serv. Comm’n v. Triple “A” Enter., Inc.*, 387 So. 2d 940, 943 (Fla. 1980). In administrative hearings where substantial interests of a party are determined by an agency and where there are disputed issues of material fact, an agency must provide parties “an opportunity to respond, to present evidence and argument on all issues involved, to conduct cross-examination and submit rebuttal evidence, to submit proposed findings of facts and orders, to file exceptions to the presiding officer’s recommended order, and to be represented by counsel or other qualified representative.” Sections 120.569 and 120.57(1)(b), F.S.

*In re: Application for increase in water and wastewater rates in Charlotte, Highlands, Lake, Lee, Marion, Orange, Pasco, Pinellas, Polk, and Seminole Counties, by Sunshine Water Services Company*, Docket No. 20240068-WS, Order No. PSC-202500363-FOF-WS at 2 (Fla. Pub. Serv. Comm’n, September 25, 2025).

The Florida Supreme Court refined these principles in 2014 in the above-cited *Citizens v. Fla. Pub. Serv. Comm’n* case, commonly referred to as “*Citizens I*.” There, the Court stated that “there is no single test to determine whether the requirements of due process have been met,” and that “[t]he extent of procedural due process protections varies with the character of the interest and the nature of the proceeding involved.” *Citizens I*, 146 So. 3d at 1154. (Citations omitted.)

Read *in pari materia* with the express requirement that parties “shall have the opportunity to . . . present evidence and argument on all issues involved” in a proceeding, the opportunity to be heard must include the opportunity to provide meaningful, relevant evidence on all issues in the proceeding. In this transmission line need determination proceeding pursuant to Section 403.537, Florida Statutes, EDF’s right to present specific evidence must be considered

both in relation to the character of the interest – EDF’s interest in avoiding the burden on customers of unnecessary investment by FPL in a \$782 million transmission project – and in relation to the nature of the proceeding, a highly technical proceeding involving substantial and significant engineering and economic issues.

In light of both the nature of the proceeding and the character of the interests involved, EDF’s due process rights were improperly abridged by the Commission’s procedures and procedural rulings. The Commission’s Order Establishing Procedure, Order No. 2026-0056-PCO-EI (“OEP”), issued on March 12, 2026 gave EDF and any other potential intervenor party a mere ***thirteen days*** from the date on which they were first able to see FPL’s Petition to submit their testimony. OEP at 12. As the former Chairman of the Arkansas Public Service Commission, Ted Thomas, testified, the “thirteen-day window for intervenor testimony in this docket” was “[a]bsolutely not” adequate for meaningful stakeholder engagement in the case. TR 116. As former Chairman Thomas testified, “[a]llocating a mere 13 days to review hundreds of pages of highly technical engineering filings, conduct substantive analysis, and draft expert testimony is a structural barrier to meaningful participation.” TR 116-17.

While it is true that Section 403.537 provides for a relatively compressed schedule from the filing of a petition to the PSC’s hearing and order, Fla. Stat. § 403.537(1)(a), the statute also expressly provides that the Commission may alter any time limitation in the statute “for good cause shown.” Fla. Stat. § 403.537(3). Upon realizing how extensive FPL’s Petition was and identifying the many

additional potential transmission system improvements that FPL could and should have considered to be consistent with principles of prudent utility planning, EDF moved to alter the schedule to provide an opportunity for either FPL or EDF to prepare and present evidence on such additional improvements. EXH 51.

Subsequently, in its continuing review of FPL's filed Petition and exhibits, EDF identified the fact that FPL had failed to comply with the express requirement of the applicable PSC Rule 25-22.076, F.A.C., Contents of Petition, which specifically provides that a utility's petition for a determination of need for a transmission line "shall contain" specified information, including the following provisions:

(3) A statement of the specific situations, conditions, contingencies, or other factors which indicate that need exists for the proposed transmission line or lines, including the general time within which the proposed transmission line or lines will be needed. Documentation shall include load flow studies on a peninsular Florida basis, a Gulf Power basis, a Southern Electric System basis or some combination of these and, when applicable, inclusion of adjoining states showing power flows and voltage profiles on the transmission lines in the more critical operating conditions. Load flows should cover the general time period within which the proposed transmission line or lines will be needed, but at the option of the utility, may cover a period of several years. One copy of the complete load flow analysis, including supporting documentation shall be filed with the Commission.

Rule 25-22.076(3). F.A.C. (Emphasis supplied.)

EDF maintains that the extremely short time schedule provided by the OEP clearly constitutes good cause for the Commission to have granted the

requested alteration in the case schedule set by the OEP.<sup>4</sup> EDF further maintains that its Motion to Alter Schedule for Failure to Comply with Filing Requirements of Rule 25-22.076(3), F.A.C., FPSC Document No. 02055-2026 (“EDF’s Second Motion to Alter Case Schedule”) filed on April 6, 2026, also stated good cause for EDF’s request: FPL had failed to comply with the Commission’s specific rule applicable to its Petition. In fact, the first time that any party to the case other than FPL saw the “complete load flow analysis” ***required by the PSC’s Rule*** was on April 3, 2026. See Exhibit 192 at H125-H126. However, the Commission denied both of EDF’s motions to alter the schedule.<sup>5</sup>

EDF maintains not only that the case schedule imposed on it and other potential intervenors deprived EDF of any meaningful opportunity to present evidence on all issues involved in this case, but also that the Commission’s denial of EDF’s Second Motion to Alter Case Schedule, which was grounded in FPL’s failure to comply with the express and unambiguous provisions of the Commission’s rules applicable to transmission line need petitions, violates the established principle of Florida administrative law that agencies are required to

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<sup>4</sup> EDF notes that even the maximum extension requested by EDF, six months, is a modest fraction – about 7 percent – of the time until the AOP is scheduled to come into service, in 2033.

<sup>5</sup> With respect to the PSC’s denial of EDF’s Second Motion to Alter Case Schedule, the PSC gave as its reason that FPL had substantially complied with the filing requirement by submitting certain components of the study. This is not the correct legal test; rather, the Commission should have followed the “supremacy of the text” principle and required FPL to adhere to the unambiguous requirements of the rule and to start over with a complete and compliant need filing. See *Ham v. Portfolio Recovery Assocs., LLC*, 308 So. 3d 942, 946 (Fla. 2020).

follow their own rules. *See Collier County Bd of County Comrs v. Fish & Wildlife Conservation Comm'n*, 993 So. 2d 69, 72-73 (Fla. 2d DCA, 2008) (quoting *Vantage Healthcare Corp. v. Agency for Health Care Admin.*, 687 So. 2d 306, 308 (Fla. 1<sup>st</sup> DCA 1997) (stating, “And, of course, an agency is required to follow its own rules.”))

Finally, FPL argued (and it is true) that EDF did not present any engineering or cost-effective analyses of alternatives to the AOP. The reason this is true is that the Commission’s procedures established in the OEP and its additional procedural rulings denying EDF’s motions to alter the case schedule to provide for such additional analyses to be done and submitted into evidence were so short as to preclude EDF from performing such analyses. Nor did EDF have access to FPL’s proprietary data about its system characteristics that would be required to conduct a sufficiently accurate reliability assessment and analysis of alternative measures to address the need. *See, e.g.*, EDF’s response to FPL’s Requests for Admissions No. 34, EXH 52 at page F1-63, where the respondent, EDF’s witness Ted Thomas, clearly qualified by his experience as the former Chairman of the Arkansas Public Service Commission to comprehend and opine regarding necessary time opportunities to present expert testimony in technical utility proceedings, stated:

34. Admit that Your testimony does not provide an engineering study showing that any specific high-capacity regional transmission project would resolve the reliability need addressed by the AOP.

**Specific Objections:** EDF objects to this Request on the grounds that it seeks information that is irrelevant and immaterial to the issues in this proceeding. FPL bears the absolute statutory burden of proof to demonstrate that its proposed AOP is needed and

prudent. EDF further objects to this Request to the extent it attempts to improperly shift FPL's transmission planning and engineering burden onto EDF's independent expert witness. Finally, EDF objects on the grounds of administrative due process; the severely compressed procedural schedule in this docket deprived intervenors of the necessary time to conduct independent, project-specific transmission engineering studies, a process that typically takes utility engineers months to execute.

**Response:** Subject to and without waiving the foregoing objections, admitted that my testimony does not provide a formal engineering study showing that a specific high-capacity regional transmission project would resolve the reliability need addressed by the AOP. I affirmatively state that I could not provide such an engineering study because: (1) FPL completely failed to evaluate, model, or propose any regional transmission alternative in the first instance to serve as a baseline; (2) conducting a valid transmission engineering study requires access to FPL's proprietary base-case power-flow models and system contingency data, which FPL exclusively possesses and controls; and (3) even if FPL had provided the fully operable, native load-flow models immediately upon intervention, the severely truncated procedural timeline in this proceeding rendered it physically and computationally impossible for an independent expert to design, engineer, and validate a massive regional transmission solution prior to the testimony deadline.

(Emphasis supplied.) EDF has provided former Chairman Thomas's complete response along with FPL's Request for Admissions and EDF's specific objections so that the Commission will have the full context. Former Chairman Thomas's responses to FPL's Requests for Admissions Nos. 33 and 35, EXH 52 at pages F1-62 and F1-64 confirm the same procedural impossibility that the Commission's truncated timeline imposed on EDF.

In its Requests for Admissions, FPL drove home the point that EDF's witnesses did not present evidence of alternatives to the AOP. In so doing, FPL proves EDF's point: ***Thirteen days*** from the date on which parties were first able to see FPL's Petition and exhibits was objectively insufficient for EDF or any other

potential intervenor to conduct the necessary engineering analyses and other analyses to present meaningful evidence regarding whether the AOP meets the criteria set forth in Section 403.537 or satisfies the requirements of Sections 366.064(5) or 366.01, Florida Statutes.

By the standard set forth by the Florida Supreme Court, the procedures and procedural rulings of the PSC in this case fail to provide adequate due process for EDF, or any other party, to have any meaningful opportunity to provide substantive evidence to address the looming \$782 million investment that FPL proposes to impose on its customers or to engage experts to address the extensive engineering issues posed by FPL's Petition for the AOP.

Accordingly, the Commission should deny FPL's Petition for Determination of Need for the AOP, without prejudice for FPL to file a complete case with a schedule that would afford EDF and any other intervenor the full opportunity to be heard and to present evidence on this vastly expensive project, consistent with the Florida Administrative Procedures Act and the Florida Supreme Court's applicable standards.

## **CONCLUSION**

FPL has failed to demonstrate that the AOP is needed, that the decision to build the AOP is prudent, or that the project is the most cost-effective alternative. The Commission should therefore deny FPL's Petition for the reasons stated and as remedy to EDF's deprivation of due process.

**THE ENVIRONMENTAL DEFENSE FUND'S POST-HEARING STATEMENT OF SPECIFIC ISSUES AND POSITIONS**

**ISSUE A: Is FERC Order No. 1000 relevant to this proceeding and within the Commission's jurisdiction to consider?**

**EDF:** Yes. Consideration of the requirements of the FERC's transmission planning rules is clearly within the overall jurisdiction of the Commission. The Commission should recognize that FPL's failures to comply with FERC's Orders, and particularly FPL's failures to comply with its OATT, which must comply with FERC Orders, demonstrate that FPL's decision to pursue the AOP was based on imprudent and inadequate planning. Accordingly, the PSC should deny FPL's Petition.

**ISSUE B: Are FERC Order Nos. 1920, 1920-A, and 1920-B relevant to this proceeding and within the Commission's jurisdiction to consider?**

**EDF:** Yes. Federal rules, such as Orders Nos. 1920, 1920-A, and 1920-B can be considered by the Commission within its jurisdiction when determining the prudence of a proposed utility asset. The Commission should recognize that FPL's failures to comply with FERC's Orders, and particularly FPL's failures to comply with its OATT, demonstrate that FPL's decision to pursue the AOP was based on imprudent and inadequate planning. Accordingly, the PSC should deny FPL's Petition.

**ISSUE 1: When taking into account the need for electric system reliability and integrity, as prescribed in Section 403.537, Florida Statutes, is there a need for Florida Power & Light Company's proposed:**

- (A) 500-kV transmission line starting at FPL's existing Andytown substation and ending at FPL's planned Oasis substation?**
- (B) 500-kV transmission line starting at FPL's existing Quarry substation and ending at FPL's planned Oasis substation?**
- (C) 230-kV transmission line starting at FPL's planned Oasis substation and ending at FPL's existing Quarry substation?**
- (D) 230-kV transmission line starting at FPL's planned Oasis substation and ending at FPL's existing Levee substation?**

**EDF:** **No.** FPL has not demonstrated that all four transmission lines that comprise the AOP are needed for electric system reliability because FPL has not considered other available measures that would satisfy FPL's reliability need consistent with prudent utility practice and with applicable FERC rules, specifically including FERC Order No. 1000. Further, FPL's claimed need appears to be based on overstated load growth in Miami-Dade County.

**ISSUE 2:** **When taking into account the need for abundant, low-cost electrical energy to assure the economic well-being of the citizens of the State, as prescribed in Section 403.537, Florida Statutes, is there a need for Florida Power & Light Company's proposed:**

- (A) **500-kV transmission line starting at FPL's existing Andytown substation and ending at FPL's planned Oasis substation?**
- (B) **500-kV transmission line starting at FPL's existing Quarry substation and ending at FPL's planned Oasis substation?**
- (C) **230-kV transmission line starting at FPL's planned Oasis substation and ending at FPL's existing Quarry substation?**
- (D) **230-kV transmission line starting at FPL's planned Oasis substation and ending at FPL's existing Levee substation?**

**EDF:** No. FPL has not provided sufficient record evidence that these four transmission lines are needed to provide abundant, low-cost electrical energy to Florida residents, because FPL has not evaluated the cost-effectiveness of alternative measures that could meet the needs of its customers nor has it provided sufficient evidence that the AOP is not duplicative of FPL's existing transmission facilities. Accordingly, the PSC should deny FPL's Petition.

**ISSUE 3:** **Are Florida Power & Light Company's proposed starting and ending points appropriate for the:**

- (A) **500-kV transmission line to start at existing Andytown substation in Broward County and end at planned Oasis substation in Miami-Dade County?**
- (B) **500-kV transmission line to start at existing Quarry substation in Miami-Dade County and end at planned Oasis substation in Miami-Dade County?**

- (C) **230-kV transmission line to start at planned Oasis substation in Miami-Dade County and end at existing Quarry substation in Miami-Dade County?**
- (D) **230-kV transmission line to start at planned Oasis substation in Miami-Dade County and end at existing Levee substation in Miami-Dade County?**

**EDF:** No. FPL has not demonstrated that these four transmission lines are needed to ensure FPL's system reliability or assure that it provides abundant, low-cost electrical energy to Florida residents, because FPL has not considered other available measures that would satisfy the needs of FPL's customers pursuant to Section 403.537, Florida Statutes, or comply with Section 366.04(5), Florida Statutes. Accordingly, the PSC should deny FPL's Petition.

**ISSUE 4: Should the Commission grant Florida Power & Light Company's petition for determination of need for the proposed:**

- (A) **500-kV Andytown-Oasis transmission line project?**
- (B) **500-kV Quarry-Oasis transmission line project?**
- (C) **230-kV Oasis-Quarry transmission line project?**
- (D) **230-kV Oasis-Levee transmission line project?**

**EDF:** No. FPL's Petition is based on imprudent and inadequate planning. Moreover, FPL's Petition is not based on sufficient evidence to support the Commission's determination that the AOP will satisfy the need for abundant, low-cost electrical energy to ensure the economic well-being of Floridians, or a determination that the AOP does not duplicate existing FPL transmission facilities.

**ISSUE 5: Should the docket be closed:**

**EDF:** After any final order entered by the Commission has become final and no longer subject to appeal, this docket should be closed.

Respectfully submitted this 29th day of April, 2026.

/s/Robert Scheffel Wright

Robert Scheffel Wright

schef@gbkwlaw.com

John T. LaVia, III

jlavia@gbkwlaw.com

Gardner Bist King & Wood

1300 Thomaswood Drive

Tallahassee, Florida 32308

Telephone (850) 385-0070

Attorneys for

The Environmental Defense Fund, Inc.

## CERTIFICATE OF SERVICE

I **HEREBY CERTIFY** that a true and correct copy of the foregoing has been furnished by electronic mail on this 29th day of April, 2026, to the following:

**PSC – Office of General Counsel**

Carlos Marquez / Shaw Stiller  
Florida Public Service Commission  
2540 Shumard Oak Blvd.  
Tallahassee, FL 32399-0830  
[cmarquez@psc.state.fl.us](mailto:cmarquez@psc.state.fl.us)  
[sstiller@psc.state.fl.us](mailto:sstiller@psc.state.fl.us)  
[discovery-gcl@psc.state.fl.us](mailto:discovery-gcl@psc.state.fl.us)

**Office of Public Counsel**

Walt Trierweiler/Charles Rehwinkel/  
Bart Fletcher / Patty Christensen  
c/o The Florida Legislature  
111 W. Madison St., Rm 812  
Tallahassee, FL 32399  
[Trierweiler.Walt@leg.state.fl.us](mailto:Trierweiler.Walt@leg.state.fl.us)  
[Rehwinkel.charles@leg.state.fl.us](mailto:Rehwinkel.charles@leg.state.fl.us)  
[Fletcher.bart@leg.state.fl.us](mailto:Fletcher.bart@leg.state.fl.us)  
[Christensen.patty@leg.state.fl.us](mailto:Christensen.patty@leg.state.fl.us)

**Florida Power & Light Company**

Christopher Wright / Will Cox  
700 Universe Boulevard  
Juno Beach, FL 33408-0420  
[Christopher.wright@fpl.com](mailto:Christopher.wright@fpl.com)  
[Will.p.cox@fpl.com](mailto:Will.p.cox@fpl.com)

**Florida Power & Light Company**

Kenneth A. Hoffman  
134 W. Jefferson Street  
Tallahassee, FL 32301  
[ken.hoffman@fpl.com](mailto:ken.hoffman@fpl.com)

**South Florida Regional Planning Council**

Samuel Goren / Michael Cirullo, Jr.  
Goren, Cherof, Doody & Ezrol, P.A.  
3099 East Commercial Blvd., Ste  
200  
Ft. Lauderdale, FL 33308  
[SGoren@GorenCherof.com](mailto:SGoren@GorenCherof.com)  
[MCirullo@GorenCherof.com](mailto:MCirullo@GorenCherof.com)

*/s/Robert Scheffel Wright*  
ATTORNEY