

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition by Duke Energy Florida, LLC,
for a limited proceeding to approve large load
tariff

Docket No. 20260064-EI

Dated: May 12, 2026

**DUKE ENERGY FLORIDA, LLC'S RESPONSE TO
FLORIDA RISING, INC'S PETITION TO INTERVENE**

Duke Energy Florida, LLC (“DEF”), by and through undersigned counsel and pursuant to Fla. Admin. Code Rule 28-106.204, hereby responds to the Petition to Intervene filed by Florida Rising, Inc (“Florida Rising”), and in support thereof states as follows:

1. On May 5, 2026, Florida Rising filed its Petition to Intervene in docket number 20260064-EI.

2. In its Petition, Florida Rising alleges they have standing due to a substantial number of its members in DEF’s service territory will be substantially affected by the outcome of this proceeding. Florida Rising makes generalized allegations as to the “substantial members” in DEF’s service territory, but it does not offer any specific information as to the precise number of members that are actually DEF customers. *See* Para. 5 and 7. Accordingly, DEF objects to their standing and reserves the right to conduct discovery to validate the number of current members within DEF’s service territory.

3. Further, Florida Rising goes to great lengths to incorrectly describe the purpose of this proceeding, in an apparent attempt to justify that this proceeding is pertinent to Florida Rising’s associational purpose. Specifically, Florida Rising alleges that the GSD rates are “below parity.” (Para. 9). Florida Rising further states, “As it stands right now, Duke has no separate proposed rates for large load customers, putting them on the GSD rate, which does not even cover

embedded costs for the current customers on that rate, let alone incremental costs for new, large load customers.” (Para. 5). As Florida Rising is well aware, DEF’s rates for all customers, including GSD, were set in a heavily litigated rate case in which Florida Rising was an active participant *See* Docket Number 20240025-EI. The Commission approved a settlement agreement in that docket, and Florida Rising neither objected to nor appealed the approval of that settlement agreement. To the extent Florida Rising is attempting to relitigate the level of GDS rates in this large load tariff docket, DEF objects to the inclusion of that issue as barred by the principles of res judicata and collateral estoppel. DEF further notes that, as it clearly states in its Petition in this docket, it is not seeking to change any customer rates in this proceeding (indeed, it could not seek any such changes, given the terms of the settlement agreement approved in Docket 20240025-EI). Accordingly, Florida Rising’s allegations about the alleged parade of horrors that would occur in this proceeding, absent their representation of their members’ interests, is simply misplaced. DEF will propose a new large load customer tariff in its next rate case proceeding, and all parties (including Florida Rising, if they meet the Commission’s standing requirements) will be able to fully litigate the rates all customers will pay. This is simply not the proceeding to have that discussion.

4. Likewise, and again under the guise of demonstrating how Florida Rising’s members’ interest need protection in this docket, Florida Rising’s Petition makes several erroneous statements about how DEF intends to serve new large load customers. (“Duke also does not articulate its generation plan to serve new, large load customers. Without such articulation, Duke *may* decide to install additional, fossil-fuel infrastructure, which is not cost-effective, and the costs of the which will fall on Florida Rising’s members without an incremental generation charge for large load customers.” (emphasis added)) (Para. 5). DEF first disputes the allegation that fossil-

fuel infrastructure is not cost-effective and is surprised that Florida Rising would make such a sweeping generalization without any evidence to support it. Next, in this proceeding, DEF is not requesting Commission approval to build new generation, recover the cost of that generation, or set new customer rates based on the cost of any alleged generation, in this proceeding. Nor is it obligated to set forth a generation plan to serve new large load customers; indeed, without the specifics of the size, location, and load ramp timing of a potential new large load customer, it would be impossible to present a generation plan for approval. Obviously, those factors significantly impact the resource plan necessary to serve such a customer. There are many other proceedings in which the Commission has the ability to review and approve DEF's resource plan; this docket is not the correct venue for such consideration.

5. Florida Rising further attempts to interject irrelevant and inappropriate issues into this proceeding when it describes its members' purported statement of interest in the proceeding (para. 9). Specifically, Florida Rising describes a series of increasingly ridiculous "if, then" statements about what could happen to DEF's rates, its generation plan, and the outcome of the next rate, all a result of the Commission's consideration of DEF's large load tariff. To the contrary, approval of DEF's proposal does not result in increased rates, cross-subsidies, or pre-approval of generation investments that have not even been identified by DEF or any other party. DEF also disagrees with the statement that the Commission's approval of this tariff will result in increased rates to low-income customers. Again, DEF's rates are not changing as a result of this docket, irrespective of Florida Rising's attempt to muddle the proceeding by stringing together multiple hypotheticals to create an argument based upon the common logical fallacy referred to as the slippery slope.

WHEREFORE, DEF requests that:

- (1) The Commission deny Florida Rising's Petition to Intervene and, in the alternative, permit DEF to conduct discovery to ascertain the validity of Florida Rising's standing allegations; and
- (2) The Commission deny Florida Rising's request to interject non-relevant issues into this docket.

Respectfully submitted this 12th day of May, 2026.

/s/ Dianne M. Triplett

DIANNE M. TRIPLETT

Deputy General Counsel

299 First Avenue North

St. Petersburg, FL 33701

T: 727. 820.4692

E: Dianne.Triplett@Duke-Energy.com

MATTHEW R. BERNIER

Associate General Counsel

106 E. College Avenue, Suite 800

Tallahassee, FL 32301

T: 850.521.1428

E: Matt.Bernier@Duke-Energy.com

STEPHANIE A. CUELLO

Senior Counsel

106 East College Avenue, Suite 800

Tallahassee, Florida 32301

T: (850) 521-1425

E: Stephanie.Cuello@duke-energy.com

FLRegulatoryLegal@duke-energy.com

Attorneys for Duke Energy Florida, LLC

CERTIFICATE OF SERVICE

Docket No. 20260064-EI

I **HEREBY CERTIFY** that a true and correct copy of the foregoing has been furnished by electronic mail this 12th day of May, 2026, to the following:

/s/ Dianne M. Triplett
Dianne M. Triplett

<p>M. Thompson / S. Farooqi Office of General Counsel Florida Public Service Commission 2540 Shumard Oak Blvd. Tallahassee, FL 32399-0850 MThomps@psc.state.fl.us sfarooqi@psc.state.fl.us</p>	<p>Walter L. Trierweiler / Charles J. Rehwinkel Patricia A. Christensen / Octavio Simoes-Ponce Austin A. Watrous Office of Public Counsel 111 W. Madison Street, Room 812 Tallahassee, Florida 32399 Trierweiler.walt@leg.state.fl.us Rehwinkel.charles@leg.state.fl.us christensen.patty@leg.state.fl.us ponce.octavio@leg.state.fl.us watrous.austin@leg.state.fl.us</p>
<p>Bradley Marshall Jordan Luebke Earthjustice/Florida Rising 111 S. Martin Luther King Jr. Blvd. Tallahassee, Florida 32301 bmarshall@earthjustice.org jluebke@earthjustice.org flcaseupdates@earthjustice.org</p>	<p>James W. Brew / Laura Wynn Baker Sarah B. Newman Stone Mattheis Xenopoulos & Brew, PC PCS Phosphate – White Springs 1025 Thomas Jefferson Street, NW Suite E-3400 Washington, DC 20007-5201 jbrew@smxblaw.com lwb@smxblaw.com sbn@smxblaw.com</p>