

**BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF FLORIDA**

In re: Florida Power & Light) Docket No. 20250011-EI
Company's Petition for a Base Rate) Filed: March 21, 2025
Increase)

PETITION TO INTERVENE OF EVGO SERVICES LLC

On February 28, 2025, Florida Power & Light Company (FPL or “the Company”) filed a petition for approval of a permanent increase in base rates and other relief, initiating the above-captioned proceeding (FPL rate case). Pursuant to Florida Statutes Chapters 120 and 366 and Florida Administrative Code Rule 28-106.205, EVgo Services LLC (EVgo or Petitioner) hereby respectfully petitions the Florida Public Service Commission (Commission) for leave to intervene in the FPL rate case. In support of this petition, EVgo states as follows:

Background on Petitioner and Petition

1. Affected Agency: The name and address of the agency affected by this Petition are as follows:

Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

2. Petitioner Contact Information: The name, address, telephone number, and email address of Petitioner are as follows:

EVgo Services, LLC
1661 E. Franklin Ave.
El Segundo, CA 90245

Attn: Katelyn Lee, Senior Associate, Market Development & Public Policy
(213) 500-9092

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3. Petitioner's Representatives: The name and address of counsel (qualified representative) for Petitioner, as well as other representatives for Petitioner, authorized to receive all notices, pleadings, orders, correspondence and other communications in this docket, are as follows:

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4. Affected Utility: The utility affected in this docket is Florida Power & Light Company (FPL).

5. Notice of Proceeding: EVgo received notice of this proceeding informally through its practice of monitoring Commission proceedings.

¹ Simultaneously with this Petition to Intervene, EVgo will file a request seeking representation by Mr. Nikhil Vijaykar as EVgo's qualified representative.

Statement of Substantial Interests

6. EVgo is one of the nation's leading public fast charging providers. With more than 1,100 fast charging stations across over 40 states, EVgo strategically deploys localized and accessible charging infrastructure by partnering with leading businesses across the U.S., including retailers, grocery stores, restaurants, shopping centers, gas stations, rideshare operators, and autonomous vehicle companies. At its dedicated Innovation Lab, EVgo performs extensive interoperability testing and has ongoing technical collaborations with leading automakers and industry partners to advance the EV charging industry and deliver a seamless charging experience.

7. EVgo is an active participant in the competitive market for direct current fast-charging (DCFC) in Florida, currently owning and operating more than 100 fast-charging stalls with plans for expansion. EVgo is also an electric commercial retail customer of FPL, taking service under the Company's General Service Demand rates.

8. EVgo participates in FPL's existing Electric Vehicle Charging Infrastructure Rider pilot, and may continue to participate or seek to participate in that program (to the extent it continues to remain available) and other FPL electric vehicle charging-related rates and programs (collectively, "EV charging programs").

9. EVgo previously was granted intervention, and participated actively, in Florida Public Service Commission Docket Nos. 20190110-EI; 20190222-EI; 20210016-EI and 20240025-EI.

10. EVgo regularly participates in utility rate and other proceedings before utility commissions in states across the country.

11. EVgo will bring significant expertise to bear in this proceeding, with respect to rates, investments, and programs that impact EV charging in FPL's service territory.

Statement of Affected Interests

12. In this proceeding, EVgo plans to evaluate FPL's testimony and exhibits, conduct discovery, and then raise issues and take positions that protect its substantial interests. As discussed above, those interests include its interests as a commercial customer of FPL, its interest as an electric vehicle service provider (EVSP) operating and expanding its charging network in FPL's service territory, and its interests as a current and prospective participant in FPL's EV charging programs.

13. This Commission has held that prospective intervenors must satisfy the two-prong standing test set forth in *Agrico Chemical Company v. Department of Environmental Regulation* (Agrico), 406 So. 2d 478, 482 (Fla. 2d DCA 1981). The Commission has further stated:

The intervenor must show that (1) he will suffer injury in fact that is of sufficient immediacy to entitle him to a Section 120.57, F.S., hearing, and (2) the substantial injury is of a type or nature that the proceeding is designed to protect. The first aspect of the test deals with the degree of injury. The second deals with the nature of the injury. The "injury in fact" must be both real and immediate and not speculative or conjectural.²

14. FPL's proposals in this rate case proceeding could cause EVgo to suffer substantial, real and immediate injuries-in-fact of the nature that this proceeding is designed to protect in at least two ways, each of which is independently sufficient to demonstrate EVgo's standing to participate as a full party in the proceeding.

15. First, in this proceeding, the Commission will consider several proposed changes to FPL's commercial tariffs, including changes to rates GSD-1 and GSLD-1.

² ORDER NO. PSC-2021-0151-PCO-EI, DOCKET NOS. 20190110-EI, 20190222-EI, 20210016-EI, p. 3 (citing *International Jai-Alai Players Assn. v. Florida Pari-Mutuel Commission*, 561 So.2d 1224, 1225-25 (Fla. 3d DCA 1990) (internal citations omitted)).

16. As this Petition referenced above, EVgo is a retail commercial electric customer of FPL. EVgo owns and operates DCFC stations in FPL's service territory; those charging stations interconnect to FPL's distribution system; and those charging stations take electric service under FPL's commercial retail tariffs, including rates GSD-1 and GSLD-1.

17. EVgo may therefore be directly affected by the rates, charges and rate designs the Commission establishes at the conclusion of this proceeding. Those impacts will be real and accrue immediately following the implementation of rates approved in this proceeding.

18. Moreover, as to the second prong of the *Agrico* test, the Commission should find that the injuries EVgo might suffer if FPL's proposed rates were approved are of the type and nature that this proceeding is designed to protect. That is because a rate case is designed to establish just, reasonable and non-discriminatory rates and charges and to protect retail customers from rates and charges that do not meet relevant legal standards.³

19. Accordingly, EVgo's substantial interest in FPL's commercial rates and charges satisfies the *Agrico* two-prong test, and the Commission should find that EVgo has standing to participate in this proceeding as an intervenor with full party status.

20. Second, in this proceeding, the Commission will consider the Company's proposal to make permanent its Electric Vehicle Charging Infrastructure Rider pilots (GSD-1EV and GSLD-1EV), as discussed in the testimony of FPL witness Cohen.

21. EVgo participates in the Company's existing Electric Vehicle Charging Infrastructure Rider pilot.

22. EVgo may therefore be directly affected by the Commission's action with respect to FPL's Electric Vehicle Charging Infrastructure Rider pilot, including the terms and conditions

³ Florida Statutes § 366.06(1).

the Commission ultimately approves for the rate (or its replacement). More concretely, those terms and conditions may impact both the economic viability of EVgo's DCFC stations in FPL's service territory, as well as EVgo's planned expansion in FPL's territory. Those impacts will be real and immediate following the implementation of rates approved in this proceeding, not speculative or conjectural, because EVgo would be subject to the terms and conditions approved in this proceeding to the extent its existing or new charging stations in FPL's service territory sought to participate in FPL's Electric Vehicle Charging Infrastructure Rider pilot.

23. Again, as to the second prong of the *Agrico* standing test, the Commission should find that the injuries EVgo would suffer if FPL's proposed changes to its Electric Vehicle Charging Infrastructure Rider pilots were approved are of the type and nature that this proceeding is designed to protect because the Commission is statutorily obligated to supervise the investments of public utilities, including the investments contemplated by its EV charging programs.⁴ Further, this rate case proceeding is designed to establish programs and initiatives that are just, reasonable, non-discriminatory, lawful and competitively neutral, and protect FPL's customers, like EVgo, from programs and initiatives that do not meet the relevant legal standards.⁵

24. Accordingly, EVgo's substantial interest in FPL's proposed modifications to its Electric Vehicle Charging Infrastructure Rider pilots satisfies the *Agrico* two-prong test, and the Commission should find that EVgo has standing to participate in this proceeding as an intervenor with full party status.

⁴ Fla. Stat. §§ 366.04, 366.041, 366.05.

⁵ Fla. Stat. § 366.06.

25. Timeliness: This Petition is timely filed. F.A.C. 28-106.205 requires petitions for leave to intervene be filed at least 20 days before the final hearing. Hearing in this proceeding has not yet been scheduled.

26. Statement of Position: FPL must meet its burden of proof in this matter. EVgo intends to conduct discovery and reserves the right to formulate its position on FPL's proposals based on information obtained during discovery or otherwise.

27. Disputed Issues of Material Fact: EVgo will evaluate at minimum the following issues of material fact through its participation in this proceeding:

- Are FPL's proposed commercial rates just and reasonable?
- Is FPL's proposal to make permanent its Electric Vehicle Charging Infrastructure Rider pilots reasonable and appropriate?

EVgo anticipates it may identify disputed issues of material fact over the course of the proceeding, and reserves the right to identify such issues.

28. Disputed Issues of Law: EVgo is not aware of any disputed issues of law at this early stage of the proceeding. However, EVgo anticipates it may identify disputed issues of law over the course of this proceeding, and reserves the right to identify such issues.

29. Statement of Ultimate Facts Alleged: EVgo cannot provide a complete statement of ultimate facts to be proven because it has not yet started discovery. EVgo expects alleged ultimate facts include, but are not limited to, whether the proposed rates and other relief requested by FPL are just and reasonable, and whether FPL's proposal to make permanent its Electric Vehicle Charging Infrastructure Rider is just, reasonable, appropriate, non-discriminatory, and lawful. EVgo anticipates additional alleged ultimate facts may be identified over the course of the proceeding.

30. Laws Entitling Petitioner to Relief and Relation to Alleged Facts: The rules and statutes entitling EVgo to relief include but are not necessarily limited to the following:

- Sections 120.569 and 120.57(1), Florida Statutes;
- Sections 366.03 through 366.07, Florida Statutes;
- Rule 28-106.201, Florida Administrative Code, and;
- Rule 28-106.205, Florida Administrative Code.

31. Statement of Conferral: As required by F.A.C. 28-106.204(3), EVgo has conferred with counsel for all other parties of record as of the date of the filing of this Petition, and no such party has stated an objection to this Petition. FPL indicated it takes no position at this time, pending review of the Petition. The Office of Public Counsel, Southern Alliance for Clean Energy; Federal Executive Agencies; Florida Industrial Power Users Group; Florida Rising, Inc.; the League of United Latin American Citizens of Florida (LULAC); and the Environmental Confederation of Southwest Florida, Inc each indicated they take no position on the Petition.

32. Relief Requested: EVgo requests the Commission permit it to intervene as a full party in this proceeding, including the right to conduct discovery, submit testimony, conduct cross examination, and submit briefs on all disputed issues of fact or law raised by the requested rate increase. EVgo further requests parties to provide the undersigned with all pleadings, testimony, evidence, and discovery filed in this proceeding.

CONCLUSION

WHEREFORE, EVgo respectfully requests that the Commission grant it intervenor status as a full party of record and allow it to participate fully in these proceedings.

Respectfully submitted, this 21st day of March, 2025.

/s/ Nikhil V. Jaykar

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CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing Petition to Intervene has been furnished by electronic mail this 21st day of March 2025 to the following:

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