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c. Filed on behalf of White Springs Agricultural Chemicals, Inc. d/b/a PCS Phosphate – White Springs

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e. Comments on Proposed Rulemaking of White Springs Agricultural Chemicals, Inc. d/b/a PCS Phosphate White Springs (attached as PCS Phosphate_RPS Comments FINAL.doc and PCS blackline of draft rule FINAL.doc)

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**PCS PHOSPHATE COMMENTS ON PROPOSED RULE
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I. Renewable Portfolio Standard

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17.400 Florida Renewable Portfolio Standard

(1) Application and Scope.

(a) The Commission shall establish numerical portfolio standards for each investor-owned electric utility that will promote the development of renewable energy, protect the economic viability of existing renewable energy facilities, diversify the types of fuel used to generate electricity in Florida, lessen Florida's dependence on fossil fuels for the production of electricity, minimize the volatility of fuel costs, encourage investment in the state, improve environmental conditions, and minimize the costs of power supply to electric utilities and their customers.

(b) After approval of the initial renewable portfolio standards, the Commission shall review and set renewable portfolio standards for each investor-owned electric utility at least once every five years. The Commission on its own motion, or upon petition by a substantially affected person or a utility, shall initiate a proceeding to review and, if appropriate, modify the renewable portfolio standards. All modifications of the approved renewable portfolio standards and the associated compliance plans shall only be on a prospective basis.

(c) In a proceeding to establish or modify the renewable portfolio standards, each investor-owned electric utility shall propose numerical renewable portfolio standards based on an analysis of the technical and economic potential for Florida renewable energy resources to provide reasonably achievable and affordable annual energy (KWH) savings.

(2) Definitions.

(a) "Florida renewable energy resources," means electrical, mechanical, or thermal energy produced from a method that uses one or more of the following fuels or energy sources:

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1 hydrogen, biomass, solar energy, geothermal energy, wind energy, ocean energy, waste heat,
2 or hydroelectric power that is produced in Florida.

3 (b) “Renewable energy,” means electrical energy produced from a method that uses one or
4 more of the following fuels or energy sources: hydrogen produced from sources other than
5 fossil fuels, biomass, solar energy, geothermal energy, wind energy, ocean energy, and
6 hydroelectric power. The term includes the alternative energy source, waste heat, from
7 sulfuric acid manufacturing operations.

8 (c) “Biomass,” means a power source that is comprised of, but not limited to, combustible
9 residues or gases from forest products manufacturing, waste, or co-products from agricultural
10 and orchard crops, waste or co-products from livestock and poultry operations, waste or
11 byproducts from food processing, urban wood waste, municipal solid waste, municipal liquid
12 waste treatment operations, and landfill gas.

13 (d) “Class I renewable energy source,” means Florida renewable energy resources derived
14 from wind or solar energy systems.

15 (e) “Class II renewable energy source,” means renewable energy derived from Florida
16 renewable energy resources other than wind or solar energy systems.

17 (f) “Renewable Energy Credit,” means a financial instrument that represents the unbundled,
18 separable, renewable attribute of renewable energy or equivalent solar thermal energy
19 produced in Florida and is equivalent to one megawatt-hour of electricity generated by a
20 source of renewable energy located in Florida.

21 (g) “Renewable Portfolio Standard,” means the minimum percentage of total annual retail
22 electricity sales by an investor-owned electric utility to consumers in Florida that shall be
23 supplied by renewable energy produced in Florida.

24 (h) “Solar Energy System,” means equipment that provides for the collection and use of
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1 incident solar energy for water heating, space heating or cooling, or other applications that
2 would normally require a conventional source of energy such as petroleum products, natural
3 gas, or electricity that performs primarily with solar energy. In other systems in which solar
4 energy is used in a supplemental way, only those components that collect and transfer solar
5 energy shall be included in this definition.

6 (i) "Solar Photovoltaic System," means a device that converts incident sunlight into electrical
7 current.

8 (j) "Solar thermal system," means a device that traps heat from incident sunlight in order to
9 heat water.

10 (k) "Equivalent Solar Thermal Energy," means the conversion of the thermal output, measured
11 in British Thermal Units, of a solar thermal system to equivalent units of one megawatt-hour
12 of electricity otherwise consumed from or output to the electric utility grid.

13 (3) Renewable Portfolio Standard. Within 90 days of the effective date of this rule, and not
14 less than every five years thereafter, each investor-owned electric utility shall file for approval
15 by the Commission proposed renewable portfolio standards based on an analysis of the
16 technical and economic potential of Florida renewable energy resources for each utility's
17 service area.

18 (a) Initially, each investor-owned utility shall submit proposed annual renewable portfolio
19 standards which meet or exceed the following long term standards through the production or
20 purchase of renewable energy credits pursuant to Rule 17.410, F.A.C.:

21 1. by January 1, 2010: 2 percent of the prior year's retail electricity sales;

22 2. by January 1, 2017: 3.75 percent of the prior year's retail electricity sales;

23 3. by January 1, 2025: 6 percent of the prior year's retail electricity sales;

24 4. by January 1, 2050: 20 percent of the prior year's retail electricity sales.

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2 Options for Wind & Solar Preference:

3 OPTION I:

4 (b) By January 1, 2017, a minimum of 25% of the renewable portfolio standard shall be
5 provided from Class I renewable energy sources;

6 OPTION II:

7 (b) By January 1, 2017, a minimum of 20% of the renewable portfolio standard shall be
8 provided from Class I solar photovoltaic or solar thermal systems and 5% of the renewable
9 energy portfolio standard shall be provided by Class I wind energy systems;

10 OPTION III:

11 (b) For purposes of compliance with the renewable portfolio standards, a multiplier of 5 shall
12 be applied to all renewable energy credits produced from Class I renewable energy sources
13 until the first year in which they represent, in aggregate, 25% of the annual Renewable
14 Portfolio Standard.

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16 (c) Each investor-owned electric utility proposed renewable portfolio standard filing shall, at a
17 minimum, contain the following:

18 1. Current and ten-year forecast of installed capacity in kilowatts for each Florida
19 renewable energy resource;

20 2. Levelized life-cycle cost in cents per kilowatt-hour for each Florida renewable
21 energy resource;

22 3. Current and ten-year forecast of the effects of the renewable portfolio standard on
23 the reduction of greenhouse gas emissions in Florida;

24 4. Current and ten-year forecast of the effects of the renewable portfolio standard on
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1 economic development in Florida; and

2 5. Current and ten-year forecast of the estimated retail rate impact for each class of
3 customers of the proposed renewable portfolio standard.

4 (4) Compliance.

5 (a) In approving the proposed renewable portfolio standards and enforcing compliance with
6 the approved renewable portfolio standards, the Commission shall consider excusing an
7 investor-owned electric utility from compliance with any renewable portfolio standard based
8 upon a showing that:

9 1. the supply of renewable energy or renewable energy credits is not adequate to
10 satisfy the demand for such energy; or

11 2. the cost of securing renewable energy or renewable energy credits was prohibitive
12 such that the total costs for compliance with the renewable portfolio standard exceeded one
13 percent of the investor-owned electric utility's total annual retail revenues.

14 (b) Any utility requesting to be excused from meeting its renewable portfolio standard must
15 submit its request along with the annual report required by Rule 25-17.400(6), F.A.C.

16 (5) Cost Recovery. Reasonable and prudent costs associated with the provision or purchase of
17 renewable energy or renewable energy credits to meet the utility's renewable portfolio
18 standards, including administrative costs of the Florida Renewable Energy Credit Market,
19 shall be recovered through the Environmental Cost Recovery clause.

20 (6) Contractual Flexibility. Subject to Commission approval, a renewable energy supplier
21 and purchasing utility may agree to establish such terms and conditions governing the
22 provision of capacity or energy produced by a renewable energy resource as they deem
23 appropriate and necessary to encourage renewable energy production. These conditions may
24 include, but are not limited to, billing methodology, contract length and applicable

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performance criteria.

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2 (7) Reporting Requirements. Each investor-owned electric utility shall file with the
3 Commission an annual report no later than April 1 of each year for the previous calendar year.

4 Each investor-owned electric utility's report shall include the following:

5 (a) the retail sales of the prior year in megawatt-hours;

6 (b) the quantity of self-generated renewable energy in megawatt-hours separated by fuel type;

7 (c) the quantity of renewable energy purchased in megawatt-hours, separated by type of
8 ownership and fuel type;

9 (d) the quantity and vintage of self-generated renewable energy credits;

10 (e) the quantity and vintage of renewable energy credits purchased;

11 (f) the fuel type and ownership of the Florida renewable energy resource associated with each
12 renewable energy credit;

13 (g) a statement as to whether it was in compliance with the renewable portfolio standard in the
14 previous calendar year; and

15 (h) the utility's plan for additional generation or procurement to meet the renewable portfolio
16 standard for the current calendar year and the following two years.

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18 Specific Authority 350.127(2), 366.05(1), FS. Law Implemented 366.02(2), 366.04(2)(c), (5), (6), 366.041,
19 366.05(1), 366.81, 366.82(1),(2), 366.91(2), 366.92 FS. History--New XX-XX-08.

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II. Florida Renewable Energy Credit Market

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17.410 Florida Renewable Energy Credit Market.

(1) Investor-owned electric utilities shall establish and administer, subject to Commission approval pursuant to subsection (4), an electronic renewable energy credit market. The renewable energy credit market shall allow for the transparent production, buying, selling, and trading of renewable energy credits used to comply with the renewable portfolio standards of Rule 25-17.400, F.A.C. All records associated with the production of and the buying, selling, or trading of renewable energy credits shall be available to the Commission for audit purposes.

(a) Investor-owned electric utilities are encouraged to collectively establish and contract with an independent not-for-profit corporation for the development, administration, and maintenance of a Florida Renewable Energy Credit Market.

(b) Municipal electric utilities and rural electric cooperative utilities are encouraged to participate in the Florida Renewable Energy Credit Market.

(c) The administrative costs associated with the Florida Renewable Energy Credit Market shall be collected either through membership dues, certification fees, or administrative fees assessed to a renewable energy credit. Fees shall be fair, equitable, and cost-based.

(2) Each investor-owned electric utility shall comply with the renewable portfolio standards approved by the Commission pursuant to Rule 25-17.400, F.A.C., through the production or purchase of renewable energy credits.

(a) The following entities are eligible to produce renewable energy credits that may be counted toward the renewable portfolio standard:

1. Investor-owned electric utility Florida owned renewable energy resources;

2. Municipal electric utility and rural electric cooperative utility owned Florida

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renewable energy resources:

1 3. Non-utility Florida renewable energy resources providing net capacity and energy
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3 under a purchase power agreement to a Florida electric utility;

4 4. Non-utility Florida renewable energy resources greater than 2 megawatts providing
5 on site generation to offset all or a part of the customer's electrical needs.

6 5. Non-utility Florida renewable energy resources greater than 2 megawatts providing
7 equivalent solar thermal energy to offset all or a part of the customer's electrical needs;

8 6. Customer-owned Florida renewable energy resources, 2 megawatts or less, that have
9 not received incentives from a Commission-approved demand-side conservation program
10 pursuant to the Florida Energy and Efficiency Conservation Act, Sections 366.80-.85 and
11 403.519, F.S.

12 (b) A renewable energy credit is retained by the owner of the eligible Florida renewable
13 energy resource from which it was derived unless specifically sold or transferred.

14 (c) A renewable energy credit shall be valid for two years after the date the corresponding
15 megawatt-hour or equivalent solar thermal energy was generated. A renewable energy credit
16 from a customer-owned renewable system less than 2 megawatts shall be valid for two years
17 after the date the renewable energy credit is certified. However, a renewable energy credit
18 shall be retired after it is used to comply with the Florida or any other state, regional or federal
19 renewable portfolio standard.

20 (d) Renewable energy credits shall not be used for compliance with the Florida renewable
21 portfolio standard if the renewable energy credit or its associated energy has already been
22 counted toward compliance with any other state or federal renewable portfolio standard.

23 (e) Renewable energy credits shall not be used for compliance with the Florida renewable
24 portfolio standard if the renewable energy credit results from a Commission-approved
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1 demand-side conservation program pursuant to the Florida Energy Efficiency and
2 Conservation Act, Sections 366.80-.85 and 403.519, F.S.

3 ~~(3) Initially, the price of each renewable energy credit shall be capped at the equivalent of \$16~~
4 ~~per ton of net greenhouse gas emissions (GHG) reduced by Florida renewable energy~~
5 ~~resources relative to the GHG emissions otherwise emitted by the utility. The price cap shall~~
6 ~~be reevaluated or phased out upon adoption of a state or federal cap and trade system.~~

7 (4) Within 90 days from the effective date of this rule, the investor-owned electric utilities
8 shall file for Commission approval the structure, governance, and procedures for
9 administering the renewable energy credit market. The compliance filing shall, at a minimum,
10 provide provisions for the following:

11 (a) a mechanism to buy, sell, and trade renewable energy credits generated by utilities and
12 Florida renewable energy resources;

13 (b) the aggregation of renewable energy credits for customer-owned Florida renewable energy
14 resources;

15 (c) the certification and verification of renewable energy credits as defined in Rule 25-
16 17.400(2)(f), F.A.C., including renewable energy credits resulting from Equivalent Solar
17 Thermal Energy as defined in Rule 25-17.400(2)(k), F.A.C.;

18 (d) an accounting system to verify compliance with the renewable portfolio standard; and

19 (e) a method to record each transaction instantaneously, and to indicate whether the renewable
20 energy credit is associated with a Class I or Class II renewable energy source as defined in
21 Rule 25-17.400(2)(d) and (e), F.A.C.

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23 Specific Authority 350.127(2), 366.05(1), FS. Law Implemented 366.02(2), 366.04(2)(c), (5), (6), 366.041,
24 366.05(1), 366.81, 366.82(1),(2), 366.91(2), 366.92 FS. History—New XX-XX-08.

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III. Municipal and Rural Electric Coop Reporting

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25-17.420 Municipal Electric Utility and Rural Electric Cooperative Renewable Energy Reporting

(1) Each municipal electric utility and rural electric cooperative utility shall file with the Commission an annual report no later than April 1 of each year for the previous calendar year.

Each utility's report shall include the following:

- (a) the retail sales of the prior year in megawatt-hours;
- (b) the quantity of self-generated renewable energy in megawatt-hours separated by fuel type;
- (c) the quantity of renewable energy purchased in megawatt-hours, separated by type of ownership and fuel type;
- (d) the quantity and vintage of self-generated renewable energy credits;
- (e) the quantity and vintage of renewable energy credits purchased;
- (f) the fuel type and ownership of the Florida renewable energy resource associated with each renewable energy credit;
- (g) a statement as to whether the utility has adopted a renewable portfolio standard, or has any plans to conduct a proceeding to establish a renewable portfolio standard in the upcoming year.

Specific Authority ~~350.127(2), 366.05(1), FS. Law Implemented 366.02(2), 366.04(2)(c), (5), (6), 366.041, 366.05(1), 366.81, 366.82(1),(2), 366.91(2), 366.92 FS. History--New XX-XX-08.~~

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