



*Via E-Filing*

June 10, 2014

Carlotta S. Stauffer, Director  
Office of Commission Clerk  
Florida Public Service Commission  
2540 Shumard Oak Blvd.  
Tallahassee, Florida 32399

**RE: Docket No. 130199-EI (Florida Power & Light Company)**  
**Docket No. 130200-EI (Duke Energy Florida, Inc.)**  
**Docket No. 130201-EI (Tampa Electric Company)**  
**Docket No. 130202-EI (Gulf Power Company)**  
**Docket No. 130203-EM (JEA)**  
**Docket No. 130204-EM (Orlando Utilities Commission)**  
**Docket No. 130205-EI (Florida Public Utilities Company)**

Dear Ms. Stauffer:

Please find enclosed for filing in the above-referenced consolidated proceeding the Petition to Intervene of The Alliance for Solar Choice. The Alliance for Solar Choice is concurrently filing a prehearing statement and rebuttal testimony in this consolidated proceeding. Please do not hesitate to contact me if you have any questions regarding this filing

Sincerely,

/s/ Thadeus B. Culley

Thadeus B. Culley  
Keyes, Fox & Wiedman LLP  
401 Harrison Oaks Blvd., Suite 100  
Cary, NC 27513  
(510) 314-8205  
[tculley@kfwlaw.com](mailto:tculley@kfwlaw.com)

Enclosures

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Commission review of numeric conservation goals (Florida Power & Light Company).	DOCKET NO. 130199-EI
In re: Commission review of numeric conservation goals (Duke Energy Florida, Inc.).	DOCKET NO. 130200-EI
In re: Commission review of numeric conservation goals (Tampa Electric Company).	DOCKET NO. 130201-EI
In re: Commission review of numeric conservation goals (Gulf Power Company).	DOCKET NO. 130202-EI
In re: Commission review of numeric conservation goals (JEA)	DOCKET NO. 130203-EM
In re: Commission review of numeric conservation goals (Orlando Utilities Commission)	DOCKET NO. 130204-EM
In re: Commission review of numeric conservation goals (Florida Public Utilities Company)	DOCKET NO. 130205-EI
	<b>FILED: JUNE 10, 2014</b>

**PETITION TO INTERVENE OF  
THE ALLIANCE FOR SOLAR CHOICE**

The Alliance for Solar Choice (“TASC”), by and through its undersigned qualified representative, respectfully submits this Petition, pursuant to Rule 25-22.039, Florida Administrative Code, for leave to intervene in the above-caption consolidated dockets. TASC states the following in support of its Petition:

1. The name and address of the agency affected by this Petition is:

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

2. The name and address of Petitioner are:

The Alliance for Solar Choice  
595 Market St, 29th Floor  
San Francisco, CA 94105

3. The name and address of Petitioner's qualified representative to receive all notices, pleadings, and other communications related to this docket is:

Thadeus B. Culley\*  
Keyes, Fox & Wiedman LLP  
401 Harrison Oaks Blvd., Suite 100  
Cary, NC 27514  
Phone: (510) 314-8205  
Email: [tculley@kfvlaw.com](mailto:tculley@kfvlaw.com)

\* Recognized as TASC's qualified representative in Order No. PSC-14-0286-FOF-OT

4. TASC received notice of the Florida Public Service Commission's ("Commission") commencement of this action through the August 19, 2013, Commission Order Consolidating Dockets and Establishing Procedure.

5. The Alliance for Solar Choice ("TASC") leads advocacy across the country for the rooftop solar industry. Founded by the largest rooftop companies in the nation, TASC represents the vast majority of the rooftop market in the United States. Its members include: Demeter Power Group, SolarCity Corporation, Solar Universe, Sungevity, Sunrun, and Verengo Solar. Several of TASC's member companies have an operational or business presence in the state of Florida and are, collectively, responsible for over one-hundred rooftop solar installations within the state.

6. TASC was formed on the belief that consumers should have the option to switch to onsite solar power for at least a portion of their energy supply. The residential rooftop solar market in Florida, which advances important state policy goals, has been driven by the desire of customers to assert control over their electric bills. TASC believes this trend should be encouraged. Accordingly, TASC is committed to supporting policies that enable greater numbers of customers to exercise the choice to self-generate electricity from clean, onsite renewable generation.

#### **STATEMENT OF AFFECTED INTEREST**

7. Pursuant to Rule 25-17-0021 and in accordance with the Florida Energy Efficiency and Conservation Act (“FEECA”), the Commission must establish demand-side management goals for the state’s electric utilities at the minimum frequency of every five years. Based on their most recent planning process, electric utilities must propose numeric goals for reducing winter and summer peak demand and overall annual energy savings, on a ten-year horizon.

8. Customer-sited distributed solar generation (“DSG”) is recognized as a demand-side resource, and a final determination in this proceeding will have a direct and substantial impact on policies that encourage the expansion of such resources in the state. The expansion of customer-sited DSG will create market opportunities for companies that offer services to finance, install or operate and maintain such facilities.

9. This proceeding directly impacts a substantial economic and proprietary interest of the TASC members currently operating in Florida, as TASC’s

members are engaged in the financing, installation, or operation and maintenance of demand-side resources (i.e., customer-sited DSG). International Jai-Alai Players Assn. v. Florida Pari-Mutuel Commission, 561 So. 2d 1224, 1225-26 (Fla. 3rd DCA 1990). See also, Village Park Mobile Home Assn., Inc. v. State Dept. of Business Regulation, 506 So. 2d 426, 434 (Fla. 1st DCA 1987), rev. den., 513 So. 2d 1063 (Fla. 1987).

10. TASC regularly intervenes in proceedings across the nation involving issues with direct implications on the rooftop solar market, consistent with TASC's stated organizational purpose to create and defend opportunities for DSG market growth.

11. The substantial interest of TASC members in the development of demand-side renewable resources is of the type that this proceeding, and the Florida Energy Efficiency and Conservation Act, is designed to protect. *See, e.g.*, F.S. § 366.81; Agrico Chemical Company v. Department of Environmental Regulation, 406 So. 2d 478, 482 (Fla. 2nd DCA 1981).

12. Two of TASC's member companies, SolarCity Corporation and Demeter Power Group, have an active business or operational presence in Florida and have developed or financed DSG projects in the state.

13. No other party will adequately represent the rights and interests of TASC or its members in this docket.

14. TASC accepts the record as it stands and its participation will not expand the scope of issues under consideration in this consolidated docket and will not delay the Commission's administration of the proceeding. TASC has reviewed the Commission's April 7, 2014 Order *Establishing Issues List*, and parties' direct testimony, and avers that its interest in intervention is directly and solely related to the issues under consideration.

15. TASC's Petition is timely pursuant to Rule 25-22.039, Florida Administrative Code.

#### **STATEMENT OF DISPUTED ISSUES OF FACT**

16. While additional disputed issues of fact may emerge, TASC suggests that the disputed issues of fact include the following:

- Whether sufficient justification exist to discontinue the utilities pilot solar incentive programs;
- Whether proposals for alternate program structures to support development of distributed solar resources, including Environmental Defense Fund's proposal for a utility-owned program, are consistent with FEECA goals to encourage customer-sited demand-side renewable energy systems; and
- Whether utility data inputs to the cost-effectiveness tests finding that the pilot solar incentive programs are not cost-effective under the RIM and TRC cost tests are valid.

## **STATEMENT OF ULTIMATE FACTS**

17. The timing of TASC's intervention in this proceeding, after submission of direct testimony, means that TASC will necessarily restrict its efforts to address other parties' direct presentations of evidence and to the legal and policy issues within the scope of this proceeding. Accordingly, TASC alleges the following ultimate facts:

- Alternate proposals for new programs to support development of renewable, demand-side resources, including utility-owned rooftop solar programs and community solar programs, are inferior to direct incentives as a means of providing Florida utility customers a choice of adopting such resources to help achieve utility conservation goals;
- Utility inputs to the cost-effectiveness tests evaluating the existing solar incentive program grossly overstate the costs and understate the benefits of the DSG programs to ratepayers.

## **STATUTES AND RULES THAT REQUIRE THE REQUESTED RELIEF**

1. F.S. §§ 366.80 – 366.89, § 403.519 (Florida Energy Efficiency and Conservation Act gives the Commission jurisdiction over the establishment of numeric goals for energy efficiency, conservation, and demand-side resources in the State.)

2. Rule 25-22.039 (Persons whose substantial interests are subject to determination in, or may be affected through an agency proceeding are entitled to intervene in such a proceeding.)

WHEREFORE, for the foregoing reasons, TASC respectfully requests that the Commission grant its Petition for Intervention and afford TASC full party status in this proceeding, so that TASC may submit filings in this docket, including its concurrently filed rebuttal testimony and prehearing statement, a posthearing statement and brief, and other documents to be considered in the Commission's consideration of issues within this consolidated docket.

Respectfully submitted this 10<sup>th</sup> day of June, 2014.

BY /s/ Thadeus B. Culley  
Thadeus B. Culley  
NC Bar No. 47001  
CA Bar No. 271602  
Keyes, Fox & Wiedman LLP  
401 Harrison Oaks Blvd., Suite 100  
Cary, NC 27513  
(510) 314-8205  
[tculley@kfwlaw.com](mailto:tculley@kfwlaw.com)

Qualified Representative of The Alliance  
for Solar Choice



## **CERTIFICATE OF SERVICE**

I hereby certify that on June 10, 2014 I sent a true and correct copy of this ***Petition to Intervene of The Alliance for Solar Choice*** via electronic mail or US Mail to the following:

**Wal-Mart Stores East, LP and Sam's East, Inc.**

Kenneth E. Baker  
Energy Department  
2001 SE 10th St.  
Bentonville, AR 72716-0550  
Phone: 479-204-0404  
FAX: 479-273-6851

**Sierra Club**

Diana Csank  
50 F St. NW, 8th Floor  
Washington, DC 20001  
Phone: (202) 548-4595  
FAX: (202) 547-6009  
Email: [Diana.Csank@sierraclub.org](mailto:Diana.Csank@sierraclub.org)

**Office of Public Counsel (14g)**

J.R. Kelly/E. Sayler  
c/o The Florida Legislature  
111 W. Madison Street, Rm. 812  
Tallahassee, FL 32393-1400  
Phone: (850) 488-9330  
Email: [Sayler.Erik@leg.state.fl.us](mailto:Sayler.Erik@leg.state.fl.us)

**Florida Power & Light Company**

Mr. Ken Hoffman  
215 South Monroe Street, Suite 810  
Tallahassee, FL 32301-1858  
Phone: (850) 521-3900  
FAX: (850) 521-3939  
Email: [ken.hoffman@fpl.com](mailto:ken.hoffman@fpl.com)

**Florida Department of Agriculture and Consumer Services**

Steven L. Hall, Senior Attorney  
Office of General Counsel  
407 South Calhoun Street, Suite 520  
Tallahassee, FL 32399  
Phone: 850-245-1000  
FAX: 850-245-1001  
Email: [Steven.Hall@FreshFromFlorida.com](mailto:Steven.Hall@FreshFromFlorida.com)

**Southern Alliance for Clean Energy**

George Cavros  
120 E. Oakland Park Blvd., Suite 105  
Fort Lauderdale, FL 33334  
Phone: 954-295-5714  
FAX: 866-924-2824

**PCS Phosphate - White Springs (14)**

James W. Brew / F. Alvin Taylor  
c/o Brickfield Law Firm  
1025 Thomas Jefferson St., NW, Eighth  
Washington, DC 20007-5201  
Phone: (202) 342-0800  
FAX: (202) 342-0807  
Email: [jbrew@bbrslaw.com](mailto:jbrew@bbrslaw.com)

**Gardner Law Firm**

Robert Scheffel Wright/John T. La Via,  
1300 Thomaswood Drive  
Tallahassee, FL 32308  
Phone: 850-385-0070  
FAX: 850-385-5416  
Email: [schef@gbwlegal.com](mailto:schef@gbwlegal.com)

**Florida Industrial Power Users Group (13 Moyle)**

Jon C. Moyle, Jr./Karen Putnal  
c/o Moyle Law Firm  
118 North Gadsden Street  
Tallahassee, FL 32301  
Phone: (850) 681-3828  
FAX: 681-8788  
Email: [jmoyle@moylelaw.com](mailto:jmoyle@moylelaw.com)

**Environmental Defense Fund (Finnigan QR-14)**

John Finnigan  
128 Winding Brook Lane  
Terrace Park, OH 45174  
Phone: 513-226-9558  
Email: [jfinnigan@edf.org](mailto:jfinnigan@edf.org)

**Earthjustice**

Alisa Coe/David G. Guest  
111 S. Martin Luther King Jr. Blvd.  
Tallahassee, FL 32301  
Phone: 850-681-0031  
FAX: 681-0020  
Email: [acoe@earthjustice.org](mailto:acoe@earthjustice.org)

**Tampa Electric Company**

Ms. Paula K. Brown  
Regulatory Affairs  
P. O. Box 111  
Tampa, FL 33601-0111  
Phone: (813) 228-1444  
FAX: (813) 228-1770  
Email: [Regdept@tecoenergy.com](mailto:Regdept@tecoenergy.com)

**Gulf Power Company**

Mr. Robert L. McGee, Jr.  
One Energy Place  
Pensacola, FL 32520-0780  
Phone: (850) 444-6530  
FAX: (850) 444-6026  
Email: [rlmcege@southernco.com](mailto:rlmcege@southernco.com)

**Hopping Law Firm**

Gary V. Perko  
P.O. Box 6526  
Tallahassee, FL 32314  
Email: [Gperko@hgslaw.com](mailto:Gperko@hgslaw.com)

**Florida Power & Light Company (Juno 13i)**

John Butler/Jessica Cano  
700 Universe Blvd  
Juno Beach, FL 33408  
Phone: (561) 304-5639  
FAX: (561) 691-7135  
Email: [John.Butler@FPL.com](mailto:John.Butler@FPL.com)

**Orlando Utilities Commission**

Mr. W. Christopher Browder  
P. O. Box 3193  
Orlando, FL 32802-3193  
Phone: (407) 423-9100 ext 4  
FAX: (407) 434-2220  
Email: [cbrowder@ouc.com](mailto:cbrowder@ouc.com)

**Duke Energy**

Mr. Paul Lewis, Jr.  
106 East College Avenue, Suite 800  
Tallahassee, FL 32301-7740  
Phone: (727) 820-5184  
FAX: (727) 820-5041  
Email: [paul.lewisjr@duke-energy.com](mailto:paul.lewisjr@duke-energy.com)

**Beggs & Lane (13)**

J. Stone/R. Badders/S. Griffin  
P.O. Box 12950  
Pensacola, FL 32591-2950  
Phone: 850-432-2451  
FAX: 850-469-3331  
Email: [srg@beggslane.com](mailto:srg@beggslane.com)

**The Alliance for Solar Choice**

Anne Smart  
595 Market St. 29th Floor  
San Francisco, CA 94105  
Phone: (408) 728-7166  
Email: [anne@allianceforsolarchoice.com](mailto:anne@allianceforsolarchoice.com)

**JEA**

Mr. P. G. Para  
21 West Church Street, Tower 16  
Jacksonville, FL 32202-3158  
Phone: (904) 665-6208  
FAX: (904) 665-4238  
Email: [parapg@jea.com](mailto:parapg@jea.com)

**Florida Power & Light Company (Miami)**

Kevin Donaldson  
4200 West Flagler Street  
Miami, FL 33134  
Phone: (305) 442-5071  
FAX: (305) 442-5435  
Email: [kevin.donaldson@fpl.com](mailto:kevin.donaldson@fpl.com)

**Florida Public Utilities Company**

Ms. Cheryl M. Martin  
1641 Worthington Road, Suite 220  
West Palm Beach, FL 33409-6703  
Phone: (561) 838-1735  
FAX: (561) 833-0151  
Email: [cyoung@fpuc.com](mailto:cyoung@fpuc.com)

**Ausley Law Firm (13d)**

J. Beasley/J. Wahlen/A. Daniels  
Post Office Box 391  
Tallahassee, FL 32302  
Phone: 850-224-9115  
FAX: (850) 222-7560  
Email: [jbeasley@ausley.com](mailto:jbeasley@ausley.com)

**Gunster Law Firm (13 Keating)**

Beth Keating  
215 South Monroe Street, Suite 601  
Tallahassee, FL 32301-1839  
Phone: 850-521-1706  
FAX: 561-671-2597  
Email: [bkeating@gunster.com](mailto:bkeating@gunster.com)

**Mike Rogers**

P.O. Box 12552  
Tallahassee, FL 32317  
Phone: (850) 566-2560  
Email: [mrogers@comcast.net](mailto:mrogers@comcast.net)

**Southeast Energy Efficiency Alliance**

Abby Schwimmer  
FL  
Phone: 404-602-9665  
Email: [aschwimmer@seealliance.org](mailto:aschwimmer@seealliance.org)

**Florida Solar Energy Industries Association**

Colleen McCann Kettles, JD  
FL  
Phone: (321) 638-1004  
Email: [ckettles@fsec.ucf.edu](mailto:ckettles@fsec.ucf.edu)

**Keyes, Fox and Wiedman LLP**

Kevin Fox/Justin Barnes/Rusty Haynes  
436 14th St., Ste. 1305  
Oakland, CA 94612  
Phone: (510) 314-8201  
Email: [kfox@kfwwlaw.com](mailto:kfox@kfwwlaw.com)

**OPOWER**

Alex Lopez  
FL  
Phone: (571) 483 3042  
Email: [alex.lopez@opower.com](mailto:alex.lopez@opower.com)

Dated: June 10, 2014 at Cary, North Carolina.

BY           /s/ Thadeus B. Culley            
Thadeus B. Culley  
NC Bar No. 47001  
CA Bar No. 271602  
Keyes, Fox & Wiedman LLP  
401 Harrison Oaks Blvd., Suite 100  
Cary, NC 27513  
(510) 314-8205  
[tculley@kfwwlaw.com](mailto:tculley@kfwwlaw.com)