

To the Public Service Commission of Florida and to the Pre-Hearing Officer of the PSC

RE: Docket Number 150185-E1

Pursuant to the rules previously unknown to us until August 31, 2015 I am responding to the FPL counselor's response to the complaint I filed for Erika Alvarez and me.

Counselor for FPL, Jessica Cano, has chosen to motion to dismiss our complaint and to my motion for oral argument in the same filing. Some information in my response is intended for a pre-hearing officer for my motion and also to the entire commission regarding counselor's motion to dismiss. Since I am not an attorney and counselor is, I am following counselor's example and responding in the same manner, i.e., handling both issues in one response.

History and Background

Ms Alvarez and I are average citizens of the state and without legal education or training. As citizen of this state we do have the right guaranteed under both the Constitution of Florida and under the Constitution of the United States to seek redress from our government and the PSC is simply an extension of that government. Until after my mailing and the PSC's receipt of the complaint I did not know the procedure to follow and I even requested those procedures when I was told by several sources that I better "dot my 'i's and cross my 't's". See Exhibit 1. In less than 24 hours of receipt of the FAC sections pertaining from General Counsel, I was sent a copy of counselor's response to the two issues germane to this conversation. In that response counselor cited the FAC and case history no less than eighteen times and covered some seven pages. As stated, we are citizens and in addition, customers of FPL, not trained in the Law and

we were never told what the rules or procedures are for this. I have heard that ignorance of the Law is no excuse, but this is an administrative legal issue which, while it must follow generally the Law, Administrative Law has much greater latitude in the application of the procedures. Certainly FPL, a multi-billion dollar publicly-traded business can afford a cadre of well-qualified attorneys and it does have them. Neither of us can afford even one attorney which we are sure would be quite costly if we could even find one versed in administrative law and willing to represent us given the gloomy prospect of recovering funds of any significance. So our impression is that here come we, plain, undereducated (in the Law) citizens who are taxed by a government which uses a goodly portion of those taxes to pay for politically elected officials' salaries and expenses pertaining which includes the legislature and the governor, both branches of government that have a direct say in the creation, operation and appointment of the PSC and its commissioners, to face a Goliath while armed not but with a slingshot.

All that is asked from us is to have a fair, full and impartial hearing before the commissioners appointed to protect the rights of we citizens and petitioners. All we are asking for is permission to seek redress from the PSC.

I note also that counselor's Exhibit A does exhibit extreme physical proximity of an FPL office to the office of the PSC; that both letters of Mr. Hoffman are "VIA HAND DELIVERY". Mr. Hoffman's office is in Tallahassee along with the offices of the PSC. Once again this corroborates my statement that this Goliath corporation, FPL, finds it necessary to place offices in the State Capitol while all its customers are in the southern half of the state! I am sure we customers are charged in our bills the expenses for those offices. We do get some savings in that FPL saves postage by hand delivering mail. Just how far from the PSC is Mr. Hoffman's offices? Obviously they are close enough for hand delivery of letters so we can well surmise

they are within walking distance. This is in contrast to Ms Alvarez and I having to travel by auto some 6 or 7 hours to the PSC's offices. Air fare is out of the question while I am sure FPL has at least one corporate jet for use by its employees including counselor and Mr. Hoffman.

In addition I find counselor has sought to demean and slight me in particular. On page two (2) of counselor's response, second paragraph, counselor states, " On August 25, 2015, Mr. Silvestri e-mailed FPL a copy of a letter purporting to be a 'motion for oral argument' regarding expedited consideration of the complaint." I find counselor's use of "purporting" to be rude, condescending, and has the aroma of arrogance. I mention these because I expect to be treated with respect and we will respect the defendant, its counselor, the pre-hearing officer, the commissioners and all employees of the PSC. I have been around the block enough times to recognize a snide remark and that sentence was written to be just that, an attempt to destroy my credibility before the Pre-Hearing Officer and this Commission. Once again we remind the commissioners and the officer of our right as citizens to seek redress. Again I remind: We are entitled to respect as citizens from all parties. Counselor has simply and quickly lowered the image of FPL a few notches with that sentence. Were I able to place my business to receive electric power from another company I would do so simply based on that statement. So counselor should keep in mind she is arguing against customers. For this alone counselor's motion to deny oral argument for an expedited process and motion to dismiss should be denied. I have further reasoning to present herein.

BY WAY OF QUESTION: Is one of the requirements to be a commissioner to hold license to practice law in Florida? I suspect not. Therefore does any of the case law and administrative code that counselor cites have any real meaning to the commissioners and the officer? I am a

somewhat well-educated person, holding a BS in Chemistry and a minor in Biology, I have well over 200 college credits, am well-read and informed and have even published two books, one of which was over 300,000 words. I find it somewhat overwhelming as a lay person, citizen and customer to wade through the eighteen citations and laws referenced. Even though retired I work part-time to lessen withdrawals from my wife's and my wife's retirement savings that have suffered tremendous value since the "Great Recession" of 2008 and subsequent years. I must tend to an ill wife who cannot drive due to that illness and wade through the paperwork attendant to Medicare for both of us. In fact I really need a part-time secretary to help with all the paperwork so seniors such as we can obtain medical care. My wife's inability to drive means I do the grocery and other shopping and take her to her medical appointments and medical tests. I do this in addition to tending to my own needs.

Ms Alvarez is an Hispanic, single mother and English is her second language. She is hard working, frugal and extremely intelligent, talented, informed and a model citizen. The counselor's response with a plethora of legalese is unnecessary in an administrative hearing or alleged informal and generalized process or whatever name all of this goes by. As I understand it, an administrative process does follow judicial procedure but in a more general way.

Attorney's are not required by either party, so why would FPL choose to send an attorney to argue computers, websites, typing times, statistics, etc. when all that is need is plain-language argument from both sides? Nowhere does seeking redress from the government mention the need for an attorney. That is not to say an attorney should not be allowed to speak on behalf of either or both parties, but certainly said attorneys should and do know how to communicate in plain language. That said, and while I responding to the motions by counselor, I am spending enormous personal time which takes away from the above duties cited to decipher what counselor is stating when referring to my not following this or that FAC section and/or quotes

case histories to demonstrate my ignorance. Why does counselor not just write it in plain language? I cannot help but wonder if the above is an attempt by FPL, a Goliath, to intimidate citizens, a young David, with its size and power. Does FPL; does counselor think that by doing so, I or we are going to roll over and play dead? And if counselor thinks that and said thought is to be upheld by this commission and officer, then this commission and this process would fail to demonstrate why there is a need for a citizen to seek redress through the administrative process. In other words, why not do away with all this process and advise citizens, the public, that if they want to seek redress from the PSC, an agency of said citizen's government, citizens must do so through the court system. If so, then eliminate this process from the rules and advise all citizens that at that time forward they must go to court to seek protection by the same government that was created to protect those citizens. And I do not think I must prove that government is instituted to protect its citizens. That thesis goes back to the beginning of civilization when leaders were chosen by theretofore nomadic peoples. Where is that protection now? To carry that further, what is the need for a Public Service Commission then? Simply allow the regulated businesses to do as they please and justice can be meted out by the Courts- if the citizens can afford an attorney.

However, I will attempt to follow the intent of the FAC and any and all other requirements for a fair, full, just and impartial hearing. Just forgive, if you will, my inept legal training.

MOTION TO DENY THE REQUEST OF DEFENDANT

Within FPL's "Motion to Dismiss Complaint and Response to Motion For Oral Argument within number 1, " Introduction and Background" on page one, paragraph one Counsel states "On

January 14, 2015, while preparing the system for the planned rebate 'launch', the rebate application webpage inadvertently became active earlier than scheduled." What is counsel's definition of "inadvertently" as used here? Referring to Exhibit A, "Earlier than scheduled" was a eight minutes earlier than scheduled, i.e., 8:22 a.m. instead of the announced start time of 8:30 a.m., which is stated in Mr. Hoffman's letter of January 16, 2015. Additionally, what is the purpose of a revised letter from Mr. Hoffman to Mr. Baez which is the purpose as indicated by the "RE" of the February 11, 2015 letter? What needed revising?

Mr. Hoffman's January 16, 2015 letter provides no insight into this because the second paragraph contains opinions only with no real evidence they are in fact true. I experienced no slowdown; I experience a website that stopped completely without warning and just as I was completing my application and ready to select the submit button. And then after considerable minutes I was booted out of the website totally. And that occurred while I followed phone instructions from an FPL employee who told me to "keep refreshing" repeatedly. An Email was sent to me at 9:02 a.m. with the message, "We are having technical problems please continue to refresh your screen." I am attaching that as my Exhibit 2 and my immediate notes the day of the problem are in Exhibit 3, paragraph 1 to show the chronology of this.

It is extremely noteworthy that Mr. Hoffman states in that letter, paragraph one "unanticipated spike in the number of 'hits' (users visiting or refreshing a webpage)...." He repeats that again on the next page of the letter in the first paragraph under the heading "Cause of system issues:" If refreshing causes slowdown then why was I told by FPL through its employee(s) to repeatedly "refresh"? That fact alone should "raise a red flag". It did with me once I learned from reading counsels exhibits that repeated refreshing is cited as cause of the website problems on January 21, 2015 opening. Therefore counselor's request for dismissal should be denied.

Initially and immediately after both the January 14, 2015 and the January 21, 2015 launch I filed what I thought were Formal Complaints. Due to no response from the PSC I filed another on February 21, 2015. I am attaching it as Exhibit 6 and reference again to Exhibits 3 and 4. Originally I kept these in my notes but submit them now for all to see. In hand writing of mine at bottom of these exhibits are the dates that I submitted them. They are not mechanically printed dates because they print-outs from the "information boxes" for a complaint on the PSC website. I copied the text and printed it but there was no provision to print a date for either one. Exhibit 3, first paragraph, was written very soon after the event and shows the chronology and times while still fresh in my mind. In Exhibit 5 "Addendum" I state how Mr. Emmons, FPL, advised me that another opening would occur in one week and so explains why I added an addendum. Exhibits 3 and 4 were written on January 21, 2015 and submitted then. It lists the chronology while fresh in my mind. Exhibit 4 is the second page of document on Exhibit 3. Exhibit 5 is out of date sequence but I find I must list it the sequence here to avoid introduction in the wrong place of this response. Exhibit 6 was sent on February 21, 2015. At the bottom I requested an investigation of the FPL launches by the PSC. Apparently the only investigation made was receipt of written explanations from Mr. Hoffman, FPL. No one from the PSC ever contacted either Ms Alvarez or me to obtain our explanation and concerns until April 22, 2015.

Counselor's Exhibit A has provided information unknown to us prior. Reading the letters from Mr. Hoffman raises more concerns and begs a full investigation by the PSC and which should allow us to be heard before the full commission and our complaint not to be dismissed at this time. Look at the math. The following recites times and data provided by Mr. Hoffman, who remind you, was not working the solar rebate program and so has no first-hand knowledge himself. Regarding January 14, 2015 opening Mr. Hoffman stated, "Between 8:22 a.m. and

8:30 a.m., 402 applications were completed and submitted....At 8:30 a.m., the program was re-opened, consistent with the previously scheduled launch time. Between 8:30 a.m, and 8:31 a.m., an additional 4 applications were completed and submitted, at which point the system automatically closed....The system is designed to stop accepting new applications when the funds allocated...plus an additional amount to accommodate a waitlist are reserved.” Mr. Hoffman does not provide the data on reservation receipt times individually nor a count of reservations incrementally. Therefore taking his figures only, on average 51 applications per minute was awarded (402/8). He then writes that when the site reopened at 8:30 four more reservations were finalized and the site stop accepting applications at 8:31 because all monies were depleted. He does not state whether or not these four applicants had continued data entry having entered between 8:22 and 8:26 or entered between 8:30 and 8:31. If the latter is the case, all four made their entries in one minute simultaneously! If the four additional reservations were made from those who initiated the process between 8:22 and 8:26, then 406 total reservations were completed in the nine minutes before 8:31 when no more applications would have been allowed by the FPL website because all the monies were depleted. This changes the average rate to 46 applications per minute (406/9). Then, per Mr. Hoffman, on January 21, 2015 133 reservations were awarded by the time the website experienced “issues” (See counselor’s Exhibit A.) He states that was at 8:31:56 so the average completion rate jumps to 67 per minute (133/2). For argument’s sake I will use a rate of reservation award, giving the benefit of doubt to FPL, at 51/minute. Therefore the rate from January 14, 2015 to January 21, 2015 the rate increases by 16/minute. That is a rate increase of 32 per cent. Clearly, a lot more explanation is needed from FPL than what the PSC has accepted to date. I remind that I had gone from initiation to “Security Check” by 8:31 on January 21, 2015. But I have no way of knowing where in the electronic forms that “Security Check” was requested. This needs to be revealed by FPL for clarification for all parties and the PSC. I am attaching Exhibit 7,

“Photovoltaic (PV) Application Checklist” which has the information needed for electronic entry by all applicants but not in the exact format and number of times the continue button had to be used and nor does it show the need for a “Security Check” entry which I mention in petitioner’s Exhibit 3, paragraph one.

On page 2 under “Argument”, A. 1., of counselor’s filing states, “A motion to dismiss questions whether the complaint alleges sufficient facts to state a cause of action as a matter of law.” As I understand this as a layman, counselor is using a lot of meaningless terms for the matter at hand. She goes on, “All of the elements of a cause of action must be properly alleged in a pleading....If not...dismissed.” I submit all of that is in the complaint. FPL refuses to divulge any more than the PSC requires as Exhibits 8 and 9 show. This is a copy of an Email sent to me by Diana Marr of the PSC on April 22, 2015. In the second-to-last paragraph she states, “You requested the names of reservation recipients and their connection to FPL. It is FPL’s policy not to disclose....” So how can all the elements be submitted when attempts by petitioner to obtain said same are denied? Statements are made throughout the exhibits and throughout correspondence I received that FPL and counselor continue to state “fair and impartial” and “first come, first served”. That is not evidence or sufficient facts; that is simply opinions without substantiation. FPL and counselor are relying on second-hand reports of employees who were not involved in the process and counselor and Mr. Hoffman were not involved. They are relying on reports through the chain of command by employees who likely are trying to defend their actions which at this point and from my perspective are in doubt regarding integrity and/or competence. After all, FPL is a corporation that generates untold numbers of Kilowatts, a tremendous amount of energy, an amount too enormous for the average person to comprehend and they run an infrastructure of generators, transmission lines, substations, transformers and untold other devices covering the entire half of the state and connected to a grid that scores of

other power companies are tied into, with computers. If FPL's information technology and computer engineers cannot competently run a website, there is serious concern here about its capability to run the huge energy system just listed. This is a serious business and the great blackout of August 2003 and the infamous blackout of the Northeastern United States in 1965 are cases in point that demand a power company to know what it is doing, to say the least. And the risk to life and limb such enormous power has is of even more importance not to be minimized. While it may have been the intention of Mr. Silagy, the FPL President CEO, to hold a fair and impartial process, was everyone else in the Goliath corporation willing and capable of following that order? Apparently not. And this needs to be considered because it too raises another red flag. Therefore the motion to dismiss should be denied.

On number 2, page 3 counselor uses the the phrase, "Petitioners make the sweeping conclusions that FPL 'did not abide by the Goals....'" First of all even I know "sweeping" is not a legal term and that it is an adjective used here in an emotional way in order to persuade by appealing to the officer's and the commissioners' emotions. The entire statement is opinion, not proven fact. It is my assertion that I am not required to argue my petition in order to get an opportunity to argue my petition. If counselor wants to know how I have made these "sweeping conclusions" then counselor must be willing to participate in a full, fair and impartial hearing before this esteemed commission and find out. Therefore I request counselor's request for dismissal be denied.

Then beginning at the bottom of page 3 and top of page 4 makes an absolutely absurd statement: "For example, Petitioners do not point to any portion of that order that requires FPL to administer its solar rebate programs in any particular way." Really now. Referring to counselor's Exhibit A, Mr. Hoffman's February 11, 2015 letter, opening the website eight minutes

early against the rules that FPL itself established and then a week later in a repeat process, the website has “issues” after one-minute and forty seconds of opening is the way to administer in a particular way? I learn something new every day, I suppose. The only way to run such a process is with fairness to all. If some are not treated fairly, then all have not been treated fairly. This process did not provide fairness despite second-party testimony, whose employment may be in danger to testify otherwise. Of course all the employees are going to say this and counselor is an employee. Therefore, counselor is suggesting that the way to “administer...in any particular way” is to administer irresponsibly! In addition, if “any particular way” is in order then why was the website turned off four minutes later and not reopened until 8:30 on January 14, 2015? It certainly appears someone at FPL was aware of rules having been implemented by FPL. Again the motion for dismissal must be denied.

I would need to know what DSM and FEECA is the acronym for. Counselor quotes them in counselor’s filings, pages 3 and 4. In effect we have the Statutes which intend to foster renewable energy sources for electric power generation. By placing, intentionally or by accident, obstacles in the way of applicants to seek a fair process, the process becomes unfair. FPL has admitted to this when it uses the word “inadvertent” even though we don’t know if that word is used to indicate an employee intended to set in motion or accidentally set in motion the wrong thing and is inadvertent from the executives’ standpoint having delegated to others these tasks. As President Truman once said, “The buck stops here.” This became an obstacle to many applicants who attempted to access the process which was required by the Statutes cited. This should raise a red flag. If nothing else, it makes the whole process subject to suspicion by a reasonable person and scrutiny of the process would be the result. Again the motion should be denied.

Our claim of favoritism which counsel has put in parenthesis on page 4 is a logical conclusion when viewed from our perspective and that of a reasonable person. While counselor states we fail to show how this is impartial and unfair on pages 4 and into page 5 at which point counselor states on page 5, "As...system opened early to all customers on January 14, 2015". That is an incorrect statement since "the system" opened early to certain customers who just happened to be there to witness the "apply now" button or were told in advance that it would open early. For others who are accustomed to clear rules, it did not open early unless they just happened to stumble upon that turn-on of the "apply now" button. The Statutes for this are intended, as are all laws, for everyone equally. They are not enacted for a select or certain few as are all laws so enacted. Then people become discouraged, disillusioned and cynical about renewable energy and the adaption of same is further slowed which is in direct intent of the Statutes cited. Not only does this put into suspicion the entire process, but it begs the question: Why did the PSC not launch its own formal investigation instead of relying on the statements of employees of FPL? The explanations FPL provided is a typical "fox guarding the hen house" situation. And of course, if no hens are in sight after the feathers have settled, the fox is going to offer all sorts of explanations for why the hens are absent when he provides his "after action" report in the morning.

Counselor is taking words out of context on pages 4 and 5 of her response document regarding "chance". While it is true I stated and still state this is a game of chance. It was by chance only because of the technical issues preventing communication between the website and each applicant's machine. Certain applicants or any particular individual after it has already had "issues" were able to complete the process while others were barred from doing so based on technology on a machine by machine or computer by computer or IP by IP basis. In my experience with computers and the Internet (the only way to access the website) not being able

to “get in”, to have access, is a random process dependent upon cyberspace issues which not even computer experts can explain every time and not even frequently. But inevitably the “issue” is human error. Recall the phrase, GIGO. That means garbage in is garbage out and therein lies the blame. Regarding my experience with these “issues” I was logged in on the January 21, 2015 opening and was not encountering difficulty and moving with good progress when the system froze. Afterwards I had several phone conversations with Bill Emmons, FPL, in which he stated that “some applicants were able to overcome the computer glitch, get through and receive a reservation”. So is this a first come, first served process or is it a process whereby it took certain computers to work the system while others didn’t? Worse, was it that the four-minute early opening eight minutes earlier than was advertised and the alleged “glitch” or “issues” planned by certain employees or contractors in advance? This should send up another red flag. The motion for dismissal should be denied.

On counselor’s motion, page five, the second-to-last sentence of item two, counselor states, “Petitioners may feel that the results of these system issues were “unfair” but that falls short of sufficiently alleging a cause of action for specific, unfair actions by FPL.” I ask the commission, then, were the system “issues” actions of the petitioners? This was FPL’s program and its website and it has already been established in the two letters from Mr. Hollman and in numerous other places including a letter to me from Eric Silagy, Exhibit 10, there were problems on FPL’s end with “inadvertent” turn on and then system “issues” which prevented petitioners from applying. The counselor is downplaying fairness and fair here and, while I stated I am not versed in the Law, isn’t there something in the Law about a Fairness Doctrine? I understand that there is. So fair and fairness are legal concepts and not to be characterized as if some bickering between children or those engaged in athletic competition. One more time-this motion to dismiss should be denied because fault for errors, intended or accidental, are clearly not the

part of the petitioners. I am asking you to deny the motion to dismiss based on what has been presented here.

Oral Argument

Counselor delves into the motion to deny oral argument beginning on page five. In the first paragraph counselor concludes my request for oral argument is for consideration to expedite the complaint process. That is correct, and despite the citations of FAC which are attempts to distract from a very simple motion, I am glad counselor put it into plain language. I do not see any need why “The request for oral argument shall state with particularity why oral argument would aid the Commissioners...in understanding and evaluating the issues to be decided...” (sic) I think the request speaks for itself. However, that quotation of Rule 25-22.0022(a) is non-existent, at least in the copy of I have provided by General Counsel. That section pertains to oral argument at an agenda conference. I emphasize “at” meaning while in session and is quoted from Rule 25-22.0022 (7) (a) which begins, “Oral argument at an agenda conference....” In Rule 25-22.0022, that is the only “a” clause. Otherwise I have no idea from what or where counselor is citing. I am considerate enough to understand that this is at the end of counselor’s seven pages of motions to deny my motions and counselor has become weary and has failed to dot the “i”s and cross the “t”s. However, counselor has asked that my hand be held to the fire, so to speak, because I have not followed the letter of the law despite my explanation in length at this document’s beginning that I am a lay citizen. While I simply intended, and remain intent, to request an expedited matter, it concerns me little if it is by oral argument or simply granted. My intent is to ensure a determination by the full commission before the Solar Rebate Program ends on December 31, 2015.

My reason for expediting are several:

1. On February 21, 2015 I requested via the PSC box for email messages on its website that this be investigated by the PSC. I waited a month after the second failed opening because I was waiting for a response from FPL. (I received no response to my February 21, 2015 request until April 22, 2015 in an Email from Diana Marr, PSC.)
2. On March 6, 2015 I received an Email from Denise Williams, FPL, which provided me the mailing address for Eric Silagy, President and CEO of FPL. Previously I had asked Ms Williams to allow me to speak in person to him but she refused to give me his phone number. (See Exhibits 12 and 13.)
3. On April 2, 2015 I wrote Mr. Silagy. Admittedly, during all this my wife suffered three seizures, one occurring while driving and she was in a car wreck. That and other health reasons with her have occupied my time.
4. On April 22, 2015 I asked to be heard at a the first available meeting in my email response to Diana Marr, PSC. I never received a response. (See Exhibit 11.)
5. In June 2015, probably on June 8 at the earliest, I received a response from Mr. Silagy in a letter dated June 1, 2015. I did not find his answers adequate.
6. On June 28, 2015 I wrote Mr Silagy again and awaited a reply.
7. On August 6, 2015 I mailed my formal complaint, having given Mr. Silagy more than adequate time to reply to my June 28, 2015 letter.
8. On August 13, 2015 I repeated my previous request to Ms Marr. (See Exhibit 1.)
Meanwhile my complaint was in transit via the USPS, mailed on August 6, 2015, certified mail, return receipt. It was delivered on August 13, 2015 but was not assigned a docket number until August 17, 2015.

Again, I think my motion to expedite is simple and straightforward and I am confused as to why counselor would object. I move that my motion be approved.

Thank You,

Richard C. Silvestri

Erika Alvarez (by Richard C. Silvestri).

EXHIBIT 1

Subject: PROCEDURE FOR FORMAL COMPLAINTS
From: RICHARD C SILVESTRI (rsilvest@bellsouth.net)
To: dmarr@psc.state.fl.us;
Cc: ssalisbury@pbpost.com;
Bcc: kelly.jr@leg.state.fl.us;
Date: Thursday, August 13, 2015 9:26 AM

Dear Ms Marr:

On March 6th you sent me an Email regarding my complaint against FPL. Immediately upon receipt I responded by Email to you. In it I asked twice for a formal hearing before the commission. Not knowing the procedure I made the best request I knew of. YOU NEVER REPLIED.

At this time I have been lead to believe there is some other process to follow and admonitions about "dotting 'i's and crossing 't's" and that my complaint has been resolved.

IT HAS NOT BEEN RESOLVED; not from where I stand. When was this resolved? Why was it resolved? By whom? Does the PSC have a procedure in writing about complaints and their resolution? If it does I AM REQUESTING A COPY OF THE PROCEDURE BY WHICH FORMAL COMPLAINTS ARE TO HANDLED.

I also request this Email be forwarded to Cindy Muir whose Email address I do not have. Attached are the pertinent Emails of March 6th.

Sincerely Yours,

Richard C. Silvestri.

SOLAR 08/13/15

EXHIBIT 2

EXHIBIT 1

Subject: Solar launch
From: SharedMailbox, PV-Support (SolarPVSupport@fpl.com)
To: RSILVEST@BELLSOUTH.NET;
Date: Wednesday, January 21, 2015 9:02 AM

Mr. Silvestri,

We are having technical problems please continue to refresh your screen.

Thank you,

SolarLab 01/20/15-3

EXHIBIT 3

THIS IS A FORMAL COMPLAINT. On January 14th I filed a formal complaint against FPL. The tracking number for that is 37757. Reference to that complaint will provide additional background information to this complaint. At 8:30 a.m. today, January 21st, FPL opened its site to customers like me who were seeking rebates for residential PV solar installations. I began immediately to input the necessary, required information but when I continued to a window entitled "Security Check" and typed in the code displayed, the site locked up. I kept trying to send my response to no avail. After several minutes I called FPL, 772-462-0555. at 8:38 a.m., and once my call was answered it was several more minutes before I reached a person in the solar rebate section. He said there was a problem with the site, but told me to try refreshing the page. I did that but that did nothing except bring up additional FPL home pages on my browser. Finally I lost everything. I then attempted to go back and input again but the site would no longer display any windows connected with the solar rebate program. Meanwhile the FPL rep was on the line with me. I told him I was completely out of the site and insisted that I speak with someone higher up. He told me he could get a supervisor on the line. I waited about two more minutes when he came on the line and told me there was no supervisor available. I told him I expected a return call from someone higher up right away and hung up at 8:49 a.m. At 11:38 a.m. I received a call from Bill Emmons, FPL, 305-442-5000, who told me FPL was aware the site had locked up during the process and would get back to me with more information before the day was out. I then called the PSC and spoke with Mark Futrell and related to him what had occurred. Later in the day he called me and basically gave me the same information that Mr. Emmons had. While writing this at 7:21 PM, Mr. Emmons, FPL, called again to say he was following up as promised and said that basically no decision from FPL had yet been reached.

To further clarify, I have two friends, Jerry Buechler and Erika Alvarez who also applied for the rebate this morning. Like me, it was Jerry's second attempt. They both said the system locked up at the security check when they were inputting their information. Jerry also said that he went back to the site and began the process all over and he saw there was only \$200K left. By the time he completed the process and submitted he received a response online that said all monies were allocated. Jerry was asking for approximately \$15K and Erika probably the same.

I feel certain had the system not locked up I would have received a reservation for the \$18K I was requesting because I was prompt and quick with my inputs, and I truly believe both Erika and Jerry would have gotten reservations for the same reason. However, due to this lockup and last weeks early site opening I have not been given an equal opportunity to obtain financial help, and for what it is worth, neither were they. This is not a grant handed out due to the good will of FPL, but because it was mandated for them to do so by the PSC and therefore the State of Florida. I made two good faith attempts to compete on a level playing field and feel I have been discriminated against. I am retired, age 71 and my wife also retired is 69. We have been FPL customers since right after our marriage or since about May 1965. We have never missed paying our electric bills, have enrolled in the on-call program almost 20 years ago, a program that has saved us money, but also helped prevent brown outs as I understand it from FPL. We have been on budget billing with FPL for two years now. I

SOLAR reb 012115-1

P.L.

~~HA~~ 1/21

EXHIBIT 4

made phone calls to elected officials several years back on FPL's behalf because the company was attempting to put a wind farm near its St. Lucie plant nearby. I did that despite a outcry from hundreds of my neighbors who were against that plan.

My State Representative, Larry Lee, Jr., requested on January 15th that the PSC closely monitor this second offering which was made because of the FPL error with last week's offering. I am requesting if said monitoring was done, how and by whom. I am also requesting the names of the reservation recipients and their connection to FPL if any and/or if they are relatives, friends, employees or contractors to FPL.

I await your reply.

Sincerely Yours,

Richard C. Silvestri.

used PSC Email on
website

P. 2 -

~~N/A~~

1/21

504AKreb012115-2

EXHIBIT 5 EXHIBIT 37

THIS IS A FORMAL COMPLAINT. I obtained an estimate for installing a solar PV system at our home and gathered all the information to be requested for the solar rebate from FPL. Following instructions that I must submit promptly at 8:30 am on the FPL website on January 14, 2015, at 7:30 am I gathered the information in front of me and went online to the FPL website to the page where I was to submit. This was at 7:35 am and the site was not yet accepting requests. At 8:24 I went again to the site allowing a few minutes in case there was an cyber problem. I was admitted in, so clearly the site had opened early. The site advised via one window that of the \$15 million I was told by FPL would be available, there was only some \$3.8 million left. I hurried through the process, had no trouble submitting and was done at approximately 8:33 am and submitted electronically. I got an immediate response that all monies were awarded. Therefore, contrary to the rules set by FPL itself, the site opened early between 7:35 and 8:26. Given that an average of \$1 million a minute was awarded based on what was left at 8:26, the site opened at least as early as 8:15. I have no way of knowing exactly when it opened BUT CLEARLY IT OPENED BEFORE 8:26 AM, BUT WAS ANNOUNCED TO OPEN AT 8:30. Not only is this unfair but since FPL is regulated in the public interest by laws of the State, this is government fraud! This is not a fair process which the PSC mandated that FPL continue until 1/1/16 but on a "first come, first awarded" basis which meant all the money was depleted at 8:30 when the application process was set to open. A friend of mine, Jerry Buechler, also applied on 1/14/15 right at 8:30 and all the money was depleted at that time he told me.

ADDENDUM-FORMAL COMPLAINT: On 1/14/15 I filed a formal complaint regarding FPL's handling of their solar rebate program. That complaint has the pertinent information. This morning I received a phone call from Bill Emmons of FPL in which he stated an error by FPL caused the site to open prior to published, announced start time of 8:30 and that by 8:30 all the reservation monies had been depleted. He advised another reservation process with another \$15 million will happen at 8:30 on 1/21 with all the same rules as before. He advised to be ready promptly at 8:30 on 1/21 to input my information and send it electronically.

I am asking your commission to monitor this process at 8:30 on 1/21 to ensure FPL follows through with its rules and that other applicants and myself are given fair, just treatment. I have asked my legislators Sen Joe Negron and Rep. Larry Lee, Jr. to contact you and request the same thing.

Used PSC EMAIL on
website

1/15/15

SOLAR Reb 011415

EXHIBIT 6

THIS IS A FORMAL COMPLAINT AGAINST FPL.

Apparently my first complaint was answered in that FPL re opened the process for applying for the solar rebate. I am not complaining about not getting the rebate but about not being treated fairly.

The second time on January 21st the website for inputting the request for a rebate opened right on time but then locked up for not only me but for at least two others applying. I made several calls once it did that and was advised they were trying to resolve the technical problem. Then the website closed totally and I was not able to complete an application. I discussed this with Bill Emmons, FPL, and he said they were working on a a solution. On January 23rd Emmons called me and said FPL had a way to date stamp who was inputting and the rebates would be given out first come basis based on that and I would hear from him on the 26th after FPL worked through that over the weekend. I did not hear from Emmons on the 23rd but called him a few days later. He said he still had no answer from his superiors. I then called on February 16th, left a message with no reply. On 2/20 the same thing and this morning, some 90 minutes ago, no reply to the message left at 10:29.

Once again, I am not complaining about not getting the rebate but about not being treated fairly.

I respectfully request you investigate this FORMAL COMPLAINT AGAINST FPL.

PSC EMAIL
website

APPROX 2/20 or 2/21

SOLAR reb 022015



EXHIBIT 7

FPL Solar Rebate Programs

Photovoltaic (PV) Application Checklist

Thank you for your interest in FPL's Solar Rebate Programs! During the next rebate cycle, FPL will take online applications for rebates on a first-come, first-served basis. Demand for these rebates is expected to be high, so the better you are prepared, the more likely it is you will secure one. If you have not already done so, please follow the recommended step-by-step process for your rebate program, found on www.FPL.com/solarrebates and on the next page of this document. Please be prepared to enter every item on this checklist into the online application.

Customer Contact Information

First Name:

Richard

Last Name:

Silvestri

Primary Phone Number:

404 - 309 - 5165

Extension

Secondary Phone Number:

Extension

Email Address:

rsilvest@bellsouth.net

Contractor Contact Information

Contractor's Business Name:

Solar-Bay, Inc

Contractor's License Number:

CVCS6880

Contractor's First Name:

Carl

Contractor's Last Name:

Weirich

Contractor's Primary Phone Number:

407 - 443 - 4404

Extension

Contractor's Secondary Phone Number:

409 - 680 - 9587

Extension

Contractor's Email Address:

Carl@Solar-Bay.net

System Information

Panel Size 1

Number of Panels:

36

Panel Size 2

Number of Panels:

Panel Size 3

Number of Panels:

Panel Size 4

Number of Panels:

Watts Per Panel:

250

Watts Per Panel:

Watts Per Panel:

Watts Per Panel:

Panel Model Number:

AS-6p30-250w

Panel Model Number:

Panel Model Number:

Panel Model Number:

Panel Manufacturer:

Amerisolar

Panel Manufacturer:

Panel Manufacturer:

Panel Manufacturer:

Inverter Model 1

Quantity:

2

Inverter Model 2

Quantity:

Inverter Model 3

Quantity:

Inverter Model 4

Quantity:

Inverter Model:

SB5000TLUS

Inverter Model:

Inverter Model:

Inverter Model:

Inverter Manufacturer:

SMA

Inverter Manufacturer:

Inverter Manufacturer:

Inverter Manufacturer:

Total Installed System Cost:

29,835

Projected Annual kWh:

13,305

EXHIBIT 8

On Apr 22, 2015, at 10:26, Diana Marr <dmarr@PSC.STATE.FL.US> wrote:

Dear Mr. Silvestri,

Thank you for your correspondence regarding Florida Power and Light Company's (FPL) residential solar photovoltaic (PV) pilot program.

In 2009, the Florida Public Service Commission (Commission) directed FPL and the other investor-owned electric utilities to develop pilot programs to encourage solar PV technologies and solar water heating. The pilot programs ultimately approved by the Commission were designed to offer rebates to customers to offset a portion of the upfront cost of solar PV and solar water heating, and provide solar PV systems to schools and solar water heating systems to low-income customers. Because all customers pay for the solar PV and solar water heating pilot programs, a cap was placed on the maximum expenditure each year for the solar pilot programs to protect ratepayers from undue rate increases. FPL's annual expenditure cap for its solar pilot programs was \$15,536,870. The pilot programs began in 2011 and are to conclude in 2015.

Once the Commission's staff learned of issues associated with the launch of FPL's residential solar rebate program on January 14, 2015, we requested a full explanation from FPL. FPL responded that at 8:22 a.m. on January 14, 2015, the solar reservation system was being tested in preparation for the 8:30 a.m. launch. When the system was refreshed, the "Apply Now" button inadvertently appeared and was active. When customers saw the button, they immediately began the application process. FPL noticed the active button at 8:26 a.m. and turned it off. The "Apply Now" button was reactivated at 8:30 a.m. and the application process resumed. The system automatically shut down at 8:31 a.m. when the funds allocated to the residential solar program had been completely reserved. The time of the last funded reservation was 8:24 a.m. FPL reported that you logged into the FPL website at 7:33 a.m.; however, there is no record of you completing or submitting an application for the rebate prior to the funds being reserved. FPL received 406 applications on January 14, 2015.

SOLAR reb 042215-1

EXHIBIT 9

In response to the inadvertent early launch of the rebate reservation system, FPL reallocated \$4 million for the residential solar PV program from the total aggregate annual limit of \$15.5 million for all solar programs and scheduled a second launch for January 21, 2015. The launch was available to any customer, on a first come first served basis, who had not already received a funded reservation. The FPL solar rebate application system opened up at 8:30:16 a.m. and accepted applications. At 8:31:56 a.m. website problems began to occur. The application system was fully restored at 9:01:48 a.m. and continued to accept applications. The system stopped accepting applications at 9:05:52 a.m. when all funding had been reserved. FPL stated you logged onto the FPL website at 7:21 a.m. and accessed the FPL solar rebate application system at 8:30:56 a.m.; however, there is no record of you completing or submitting an application for a rebate.

FPL reported that the volume of requests received in response to the January 21, 2015 launch was so great (approximately 30,000 hits in five minutes), that its computer systems for the reservation program were briefly overwhelmed and experienced technical difficulties, temporarily resulting in a slowed and interrupted application process. It was learned that multiple computer-users accessed the rebate application system simultaneously on behalf of individual customers. FPL's second residential solar PV launch resulted in 219 applications being received: the first 187 applications received confirmed reservations and 32 were placed on the wait list.

You requested the names of reservation recipients and their connection to FPL. It is FPL's policy not to disclose customer-specific information with third parties without customer authorization, including the amount of a customer's solar PV reservation. Our review indicates FPL consistently applied the program standards and reservation process for all solar rebate programs.

Thank you again for expressing your concerns. The Florida Public Service Commission appreciates the opportunity to assist you.

Best Regards,

Diana Marr

Diana Marr
 Public Utility Analyst
 Office of Industry Development and Market Analysis
 Florida Public Service Commission
dmarr@psc.state.fl.us

*4/22 "answered"
 to me via
 Email*

SOCAR 042215-2

EXHIBIT 10



✓
Eric E. Silagy
President and
Chief Executive Officer

June 1, 2015

✓
Mr. Richard C. Silvestri
5708 Buchanan Drive
Fort Pierce, FL 34982

Re: Bill Account # 18736-50012

Dear Mr. Silvestri:

Thank you for taking the time to write to me. I understand your disappointment. Please allow me to explain how the solar PV rebate funding was allocated earlier this year:

- On Jan. 14, 2015, the rebate application process inadvertently opened a few minutes early, allowing some customers to reserve funding prior to the scheduled 8:30 a.m. launch. This was our error, and hence, we determined that, instead of voiding early reservations, it would be best to honor all of the approximately \$4 million in residential solar PV rebates that had been reserved. In addition, we opted to provide a second round of residential solar PV rebates to ensure all customers were offered a fair chance to apply.
- On Jan. 21, 2015, we made an additional \$4 million in residential solar PV rebate funding available to customers. During this second application period, our website experienced a significant slow-down for approximately 30 minutes. We investigated and determined that this was due to a spike in the number of "hits" (users visiting or refreshing a webpage) to the solar rebate reservation webpage. Due primarily to some visitors repeatedly refreshing, the website received more hits during the January 21 offering than all prior solar rebate launches combined, causing it to operate more slowly than normal. However, our investigation determined that this did not affect the fairness of the allocation of rebate reservations. The system followed standard procedure and accepted completed applications on a first-come, first-served basis.

For customers who did not secure rebate reservations, we recognize that the process was frustrating. Although, philosophically, we do not support programs that inequitably require all of our customers to subsidize a relative few, I assure you that we strived to conduct this mandated pilot as fairly as possible. Unfortunately, this type of program is simply not fair to all of our customers, and the Public Service Commission chose not to continue it beyond the five-year pilot term.

We truly value you as a customer and applaud your interest in clean energy. As you know, we care deeply about clean energy at FPL. We continue to make progress in adding more solar power to our system, and we do our best to support customers who choose to install their own solar panels.

On a personal note, I am very sorry to hear that your wife is not in good health. I know how difficult it can be to care for a loved one, and I offer you both my thoughts and prayers.

Sincerely,

A handwritten signature in blue ink that reads "Eric Silagy".

Eric Silagy
President & CEO

Florida Power & Light Company

700 Universe Boulevard, Juno Beach, FL 33408

SOLAR reb 060115

On Wednesday, April 22, 2015 10:56 AM, Richard C Silvestri <rsilvest@bellsouth.net> wrote:

Ms Marr:

I am requesting a formal appeal to Commission itself at the earliest future meeting. Your explanation fails to address my complaint that the process was not fair to all. Even an FPL spokesperson stated "some applicants were able to over the computer glitch, get through and receive a reservation. Your explanation wordy and provides info already known by most. You never contacted me to get my total explanation but obviously you or your colleagues at the PSC gone through great lengths to get FPL's partial truths which have lot of mistruth. I wrote Eric Silagy as advised by his own staffer and there had been more than ample time for his reply or at the least an acknowledgement of my letter and advising he was having the matter researched in-house.

Once again through you and your colleagues the Commission has demonstrated it works for the public utility industry and not the citizens who pay all the salaries of each commissioner and its 300+ employees.

Therefore my request to be heard at the first available meeting.

RCS via iPhone

EXHIBIT II

quest reply
to Marr
via iPhone

SOLANA neb 042215-3

EXHIBIT 12

Subject: Executive Contact Information Requested

From: Williams, Denise (Denise.Williams@fpl.com)

To: RSILVEST@BELLSOUTH.NET;

Date: Friday, March 6, 2015 12:44 PM

March , 2015

Mr. Richard C. Silvestri
 5708 Buchanan Drive
 Fort Pierce, Florida 34982

Re: Account Number 18736-50012

Mr. Silvestri,

I am sorry you are not satisfied with the information provided regarding the Solar Rebate investigation outcome.

As discussed, our Executives are not readily available to handle incoming calls; therefore, we cannot provide their direct phone numbers. In order to have your concern addressed, I can provide you with the mailing address to our Corporate Office.

Please be assured your correspondence will be reviewed upon receipt.

Solar reb 030615-1

EXHIBIT 13

The mailing address is as follows: FPL-Correspondence, Attn: Eric Silagy, P.O Box 025576, Miami, Florida 33102-5576.

Should you have any questions or concerns, please feel free to respond to this email or contact me at 1 (800) 397-6544 extension 19.

Kind Regards,

Denise Williams

Corporate Resolution Specialist

sent / rec'd
3/6