

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for approval of FPL) Docket No. 20190061-EI
SolarTogether program and tariff, by)
Florida Power & Light Company) Filed July 12, 2019
_____)

**PETITION TO INTERVENE BY
SOUTHERN ALLIANCE FOR CLEAN ENERGY**

Pursuant to sections 120.569, 120.57, Florida Statutes, and Rule and 28-106.205, Florida Administrative Code, Southern Alliance for Clean Energy (“SACE”), through its undersigned counsel, petitions for leave to intervene in the above captioned, proceeding, and in support thereof states:

I. AGENCY AFFECTED

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

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

II. IDENTIFICATION OF THE INTERVENOR AND ITS COUNSEL

2. The name and address of Petitioner is:

Southern Alliance for Clean Energy
P.O. Box 1842
Knoxville, Tennessee 37901
Telephone: (865) 637-6055

3. The name and address of counsel for Petitioner, authorized to receive all notices, pleadings, and other communications in this docket is:

George Cavros
Southern Alliance for Clean Energy
120 E. Oakland Park Blvd., Suite 105
Fort Lauderdale, FL 33334

(954) 295-5714
george@cavros-law.com

III. RECEIPT OF NOTICE OF AGENCY'S PROPOSED ACTION

4. Petitioner received notice of the Florida Public Service Commission's ("Commission") action by reviewing the Commission's Order Establishing Procedure filed in the above-captioned docket on July 5, 2019.

IV. THE INTERVENOR'S SUBSTANTIAL INTERESTS

5. SACE is a non-profit clean energy corporation organized under the laws of the state of Tennessee and authorized to conduct operations in the State of Florida. The mission of SACE, as reflected in its bylaws, is to advocate for energy plans, policies, and systems that best serve the environmental, public health, and economic interest of communities in the Southeast, including Florida and recovery of costs associated with such plans policies and systems. SACE's mission is to promote responsible energy choices to ensure clean, safe, and healthy communities throughout the Southeast, including Florida. As part of that mission, SACE strongly supports and advocates for the development of solar energy as a low cost generation resource with no fuel costs, no price volatility, and as a zero emission generation resource. It supports and advocates for a diversity of solar programs and ownership structures that benefit customers – including community (shared) solar programs.

6. In the above-captioned proceeding, the Commission will consider whether to approve Florida Power and Light Co.'s ("FPL") SolarTogether community solar program and its associated tariff. SACE has a substantial interest in the subject matter and outcome of this proceeding. SACE has staff in Florida working to advance the goal of meaningful development of solar power, including community solar programs. In addition, there is a substantial number of

members, 162 SACE members, residing in FPL's service territory and dedicated to advancing low cost, low risk clean energy solutions, such as community solar programs in order to promote responsible energy choices that ensure clean, safe, and healthy communities in Florida.

7. To further its mission, SACE has presented experts and provided technical testimony in numerous forums throughout Florida, including before the Commission. SACE, for instance, has filed comments on program design of proposed solar programs in Docket Nos. 20140070-EG; 20150248-EG; 20180204-EG, and the above-captioned docket. Additionally, SACE has been granted intervention by this Commission in numerous proceedings, including: *In re: Commission review of numeric conservation goals*, Docket Nos. 20190015-21-EG; *In re: Application for limited proceeding to approve 2017 second revised and restated settlement agreement, including certain rate adjustments, by Duke Energy Florida, LLC.*, Docket No. 20170183-EI; *In re: Petition for rate increase by Gulf Power Company*, Docket No. 160186; *Petition for determination of need for Okeechobee Clean Energy Center Unit 1, by Florida Power & Light Company*: Docket No. 20150196; *In re: Energy conservation cost recovery clause*, Docket Nos. 20110002-EG – 20140002-EG; *In re: Nuclear cost recovery clause*, Docket Nos. 20090009-EI – 20180009-EI; and *Petition for determination of need for Citrus County Combined Cycle Power Plant, by Duke Energy Florida, Inc.*: Docket No. 20140110.

V. STATEMENT OF AFFECTED INTERESTS

8. As part of its mission to promote responsible energy choices and ensure clean, safe and healthy communities throughout the Southeast, SACE supports and advocates for the meaningful development of low cost, clean solar power, including community solar programs. The proposed FPL SolarTogether program, which is the subject matter of this docket, will be the largest shared solar program in the United States (1,490 megawatts (MW) and according to FPL will

double the amount of solar capacity dedicated to community solar in the United States.¹ This represents an enormous clean energy opportunity for many of the state's electricity customers, including customers who are SACE members. Community solar programs play an important role in extending the economic and environmental benefits of solar power to customers who may not be able to directly take advantage of rooftop solar power. Therefore, a successfully designed community solar program, one which maximizes economic benefit to customers, will advance the adoption of low-cost, clean solar power and is consistent with SACE's mission, and that of its members.

9. The residential customer allocation of the program will be equal to approximately 74,500 customers subscribed at 100% of their energy use.² The subscription rate for Phase 1 of the program is established as \$6.76 per kilowatt (kW). Participants will receive a bill credit based on the generation in kilowatt-hours (kWh) from their subscribed capacity. In Phase 1 of the program, the Benefit Rate starts at 3.42881 cents per kilowatt hour and will escalate at 1.45 percent annually³ providing a financial benefit to participants over time. The program will be available and marketed to FPL's residential customers, including customers who are SACE members. A portion of the financial benefit of the program is also projected to inure to FPL customers who may choose not to participate, including customers who are SACE members. Therefore, SACE members, whether participants in the program, or not, have a substantial economic interest in ensuring a well-designed program that is consistent with best practices in program design. As

¹ FPL Press Release, 'FPL announces plans for the largest community solar program in the U.S.," March 13, 2019.

² Florida Power & Light Company, *Petition by Florida Power & Light Company for Approval of FPL SolarTogether Program and Tariff*, March 13, 2019, at 2.

³*Id* at 10.

such, Commission actions and orders in this docket are inexorably intertwined with the substantial interest of SACE and its members.

10. For the above stated reasons, SACE has associational standing to intervene in this matter. It has a substantial number of members that will be substantially affected by the Commission's decision in this docket, the matter of the proceeding is well within the interest and scope of SACE and its members, and the type of relief requested is appropriate on behalf of SACE members because intervention will allow SACE a meaningful opportunity to review, examine aspects of the program and raise issues of material fact as appropriate. *Florida Home Builders Association v. Department of Labor and Employment Security*, 412 So. 2d 351, 353-54 (Fla. 1982), and *Farmworker Rights Organization, Inc. v. Department of Health and Rehabilitative Services*, 417 So. 2d 753, 754 (Fla. 1st DCA 1982), which is based on the basic standing principles established in *Agrico Chemical Company v. Department of Environmental Regulation*, 406 So. 2d 478, 481-82 (Fla. 2d DCA 1981).

11. SACE is authorized by its bylaws to represent its interests and the interests of its members in legal actions, including formal administrative actions such as these. The subject matter of this docket is well within the scope of interest and activities of SACE, and the relief requested is the type of relief appropriate for SACE to receive on behalf of its members. The rights and interests of SACE and its members cannot be adequately represented by any other party in this docket, and intervention will not unduly delay or prejudice the rights of other parties.

VI. STATEMENT OF POSITION

12. FPL must meet its burden of proof in this matter.

VII. STATEMENT OF DISPUTED ISSUES OF FACT

13. Disputed issues of material fact have not yet been identified with certainty. SACE anticipates the disputed issues of material fact to include, but not limited to, the following:

- a) Whether the program appropriately reflects the cost and benefits to customers participating in the program?
- b) Whether the program appropriately reflects the cost and benefits to the general body of ratepayers?
- c) Whether the program properly values solar energy as a system resource?

VIII. STATEMENT OF ULTIMATE FACT

14. Ultimate facts alleged and at issue include, but are not limited to that fact that FPL is required to meet its burden of proof in this matter.

IX. STATUTES AND RULES THAT REQUIRE THE RELIEF REQUESTED

15. The rules and statutes that entitle SACE to intervene and participate in this case include, but are not limited to, the following:

- a. §120.569, Fla. Stat.;
- b. § 120.57, Fla. Stat.;
- c. R. 28-106.205, F.A.C.; and
- d. R. 28-106.201, F.A.C.

X. STATEMENT OF COMPLIANCE WITH R. 28-106.204(3)

16. Counsel for SACE has conferred with counsel for FPL and Office of Public Counsel and can represent that both parties take no position on SACE's petition.

XI. RELIEF SOUGHT

17. WHEREFORE, SACE respectfully requests that the Commission enter an order granting it leave to intervene in the above-styled docket as a full party, and further requests parties

to provide the undersigned with all pleadings, testimony, evidence and discovery filed in the docket.

RESPECTFULLY SUBMITTED this 12th day of July, 2019

/s/ George Cavros

George Cavros

Southern Alliance for Clean Energy

120 E. Oakland Park Blvd., Suite 105

Fort Lauderdale, FL 33334

(954) 295-5714

Counsel for Petitioner

Southern Alliance for Clean Energy

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy and correct copy of the foregoing was served on this 12th day of July, via electronic mail on:

| | |
|---|---|
| Florida Public Service Commission Walter Trierweller Office of the General Counsel 2540 Shumard Oak Boulevard Tallahassee, Florida 32399-0850 wtrierwe@psc.state.fl.us | J.R Kelly/Stephanie Morse Office of Public Counsel c/o The Florida Legislature 111 W. Madison Street, Room 812 Tallahassee, FL 32399-1400 rehwinkel.charles@leg.state.fl.us kelly.jr@leg.state.fl.us morse.stephanie@leg.state.fl.us |
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DATED this 12th day of July, 2019.

/s/ George Cavros
Attorney