



Kenneth M. Rubin
Assistant General Counsel
Florida Power & Light Company
700 Universe Boulevard
Juno Beach, FL 33408-0420
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October 21, 2019

-VIA ELECTRONIC FILING -

Mr. Adam Teitzman
Commission Clerk
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850

Re: Docket No 20190167-EI – In re: Petition to Compel Florida Power & Light to Comply with Fla. Stat. §366.91 and Rule 25-6.065(Staff’s First Data Request to FPL Amended)

Dear Mr. Teitzman:

Enclosed please find FPL’s responses to Staff’s First Data Request to FPL (Amended), Nos. 1 through 5, together with redacted copies of certain documents which contain information FPL contends is entitled to confidential treatment. I have on this date filed a Notice of Intent to Request Confidential Classification of the information which has been redacted from certain documents produced with FPL’s responses to the Data Request, as the redacted documents include information which is arguably personally identifiable information of the petitioners and their agents or representatives. Absent consent from the Petitioners to produce the unredacted documents, FPL will proceed to file a Request for Confidential Classification seeking permission from the Commission to continue to treat the identified information as confidential.

Please contact me at (561) 691-2512 should you or your Staff have any questions or concerns regarding this filing.

Sincerely,

/s/Kenneth M. Rubin
Kenneth M. Rubin

Enclosures

cc: Charles Murphy, Esq.

Kyle P. Egger, Esq.

QUESTION:

Please explain the steps in the process for approval or denial of interconnection applications.

- a. Please provide each algorithm used to address interconnection applications, if any.
- b. Please identify each employee or consultant who has reviewed the Petitioners' application and the role played by each person identified.
- c. Please provide all standard operating procedures that are used by Florida Power & Light Company at each step of the interconnection application process.

RESPONSE:

The process of approval or denial of interconnection applications includes the following steps:

- 1) The customer fills out an online application which requires the customer to identify the PV system size.
- 2) The online application processes the information provided by the customer and checks the proposed PV system to ensure:
 - The Gross Power Rating (GPR) does not exceed 90% of the customer's utility distribution service rating; and
 - The PV system is sized so that energy produced by the renewable generator is not projected to exceed 115% of the customer's annual kWh consumption.
 - FPL's on-line Net Energy Metering (NEM) guidelines (including a copy of FPL's Interconnection Agreements for Tier 1, 2 and 3) can be accessed at <https://www.fpl.com/clean-energy/net-metering/guidelines.html>. These guidelines provide information regarding the parameters of the program, instructions and information for the customer, and the requirements to interconnect and net meter.
- 3) The online application process determines which Tier the proposed PV system qualifies for:
 - For Tier 1 (up to 10 kW)
 - i. Customer submits a signed interconnection agreement; and
 - ii. Customer submits approved permit for the installation from the authority having jurisdiction.
 - For Tier 2 (>10 kW up to 100 kW)
 - i. Same as Tier 1 plus:
 1. Customer pays an application fee of \$400; and
 2. Customer submits documentation showing proof of insurance in the amount of no less than \$1 million.

- For Tier 3 (>100 kW up to 2 MW)
 - i. Same as Tier 1 plus:
 - 1. Customer pays an application fee of \$1,000; and
 - 2. Customer submits documentation showing proof of insurance in the amount of no less than \$2 million.
 - 4) Once all of the documentation has been received from the customer and approved for compliance with the FPL tariff and Rule 25-6.065, F.A.C., FPL will send an email confirming that a bi-directional meter has been ordered to be installed at the customer's premise.
 - 5) FPL randomly selects new applications for field verifications before the bi-directional meter has been installed.
 - 6) After the bi-directional meter is installed, FPL will send an email with permission to operate the PV system.
- a. FPL runs two specific, baseline calculations to assess whether interconnection applications may be accepted: the 90% Rule and the 115% guideline.
 - 90% Rule: FPL's online application process uses the customer premise information to identify the FPL transformer serving the customer. The application then accesses the FPL database to determine the existing load on the transformer and calculates the percent capacity remaining on the transformer to ensure it will remain less than 90% of the proposed GPR once the customer's PV system has been interconnected.
 - 115% Guideline: the online application process calculates the most recent 12-month kWh energy usage at the premise and compares it to the estimated annual production of the proposed PV system using the National Renewable Energy Laboratory (NREL) PV Watts calculator. The PV Watts calculator, a free tool provided by NREL, estimates the annual solar production based on numerous customer supplied inputs including, size, orientation, tilt angle and geographic location. This process flags those customer applications where the proposed production exceeds 115% of the calculated 12-month usage.
- b. The following employees reviewed the Petitioners' application:
 - **Jacqueline Barrera and Briseida Morejon**: Application Processors - processed and reviewed the customer's application and forwarded it to Richard Claudio for handling exceptions.
 - **Richard Claudio**: Customer Response Specialist – addressed the customer's issues and exceptions, principally the fact that the customer's solar PV system was oversized based on electricity usage.
 - **Kaz Melians**: NEM program manager - received notification of the issue regarding the size of the customer's proposed solar PV system from Richard Claudio in order to make a final determination on the customer's application.

- c. FPL follows the standard operating procedures which are identified in the online application process using the website link provided above. Below is a more detailed step-by-step process workflow description:
- 1) The customer begins the application process online to obtain pre-approval for system size prior to the customer installing the renewable generation system. The information needed to obtain pre-approval is as follows:
 - a. FPL account number where the system will be installed;
 - b. Taxpayer identification number (SSN or EIN) matching the name on the FPL account; and
 - c. Equipment size and details.
 - 2) After receiving the pre-approval online, the customer may install the renewable generation system.
 - 3) The customer signs the interconnection agreement that matches the system size (i.e., Tier 1, 2 or 3) as part of the online application.
 - 4) Once installation is complete, the system is inspected by the local authority that has jurisdiction. The customer uploads a copy of the approved permit or a print screen from the local authority's website indicating the permit has been approved. The information included in connection with the approved permit includes the following:
 - a. Electrical and mechanical inspection signed off/approved by the local inspector;
 - b. Description of work (e.g., solar, solar panels, PV, wind turbine, etc.);
 - c. Address where the system was installed;
 - d. Permit number; and
 - e. Building department name.
 - 5) FPL sends the customer an email acknowledgment upon receipt of the documents listed above.
 - 6) Once all documentation has been received and approved, FPL sends the customer an email confirming that a bi-directional meter has been ordered. The email includes a reminder to the customer not to begin operation of the proposed NEM system until the bi-directional meter has been installed.
 - 7) After the bi-directional meter has been installed, FPL sends an email advising the customer that they have permission to operate the renewable generation system as a participant in FPL's NEM program.

QUESTION:

If an interconnection application is denied, is there an appeals process?

- a. If yes, please identify each employee or consultant involved in the review of the appeal and the procedures followed at each stage of the review process.
- b. If yes, please identify the standards that apply at each stage of the review process.
- c. If not, why not?

RESPONSE:

Yes.

- a. The following employees were involved in the review of the appeal. The procedures followed at each step of the review process are as follows:
 - Customer Response Specialist (Richard Claudio):
 - i. Contacts the customer to explain why the application was denied.
 - ii. Reviews Net Energy Metering (NEM) rules and guidelines with customer.
 - iii. Requests information from the customer to understand any extenuating circumstances.
 - iv. Advises customer of corrections necessary to approve application.
 - v. Approves or denies application.
 1. If the application is not approved through this process, the appeal is escalated to the manager.
 - NEM Program Manager (Kaz Melians):
 - i. Reviews application and any additional information provided by Richard Claudio.
 - ii. If this review confirms that denial remains the appropriate action, manager contacts customer to explain reason for denial and provide corrections required for approval.
- b. The following standards are applied at each stage of the review process:
 1. Review application for compliance with Rule 25-6.065, F.A.C. and FPL Tariff and guidelines;
 2. Contact customer;
 3. Determine if there are any exceptions that would allow for interconnection in accordance and compliance with the NEM rules and FPL guidelines; and
 4. Provide feedback to customer.
- c. Not applicable.

QUESTION:

Please identify the specific reason(s) that the Petitioners' interconnection application was denied.

RESPONSE:

The Petitioners' interconnection application was denied because their proposed PV system size exceeded the 115% guideline, which is described in FPL's response to Staff's First Data Request No. 1(a). The estimated annual production produced by the PV system was expected to exceed 115% of the customer's annual kWh consumption.

QUESTION:

Please provide a copy of all written communications that Florida Power & Light Company has had with the Petitioners regarding interconnection.

RESPONSE:

Please see attached communications between FPL and the customer and his representatives obtained through a search of the email files, with confidential information redacted.

FPL has filed a Notice of Intent and will request confidential classification of the identified information.

From: FPL Account Management <FPL_Account_Management@email.fpl.com>
Sent: Tuesday, January 29, 2019 4:36 PM
To: SharedMailbox,NETMETERING-WEBAPPLICATION-TEAM
Subject: FPL: Net metering application received

Florida Power & Light Company
Docket No. 20190167-EI
Staff's First Data Request
Request No. 4
Attachment No. 1-Redacted
Page 1 of 2



Application Received

Thank you for your interest in becoming a private solar customer. Your net metering application number is 18889.

Your information will be processed within 2 business day(s) after which we'll let you know the next steps.

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Docket No. 20190167-EI
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Attachment No. 1-Redacted
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From: FPL Account Management <FPL_Account_Management@email.fpl.com>
Sent: Wednesday, January 30, 2019 10:10 AM
To: SharedMailbox,NETMETERING-WEBAPPLICATION-TEAM
Subject: FPL: Updates needed to complete your request

Florida Power & Light Company
Docket No. 20190167-EI
Staff's First Data Request
Request No. 4
Attachment No. 2-Redacted
Page 1 of 2



Updates Needed

Your net metering application 18889 is missing important information. In order to complete your request, please finish the following incomplete item(s):

- TAX IDENTIFICATION # CHECK - The name on the FPL account with the SS/TIN entered on the application does not match IRS records. You need to go back to the application, delete the previous entry and then enter the correct number. Remember to click on save & continue.
- TAX IDENTIFICATION # CHECK - Once you click on edit go back to the customer information screen either by clicking on edit in that section if on the review screen or clicking on the first button in the black ribbon on the top of the screen to go to this section. Then resubmit.

Remember to hit the submit button to save your updates when you complete your net metering application.

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Page 2 of 2**

From: FPL Account Management <FPL_Account_Management@email.fpl.com>
Sent: Thursday, January 31, 2019 10:41 AM
To: SharedMailbox,NETMETERING-WEBAPPLICATION-TEAM
Subject: FPL: Net metering application received

Florida Power & Light Company
Docket No. 20190167-EI
Staff's First Data Request
Request No. 4
Attachment No. 3-Redacted
Page 1 of 2



Application Received

Thank you for your interest in becoming a private solar customer. Your net metering application number is 19138.

Your information will be processed within 2 business day(s) of receiving your application fee after which we'll let you know the next steps.

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Request No. 4
Attachment No. 3-Redacted
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From: Claudio, Richard <Richard.Claudio@fpl.com>
Sent: Friday, February 1, 2019 10:58 AM
To: [REDACTED]
Cc: [REDACTED] Melians, Kaz; SharedMailbox, Netmetering-Forwarding
Subject: FW: System Size check Failed - [REDACTED]

Subject: RE: System Size check Failed - [REDACTED]

Mr. Gonzales,

I spoke to my supervisor, Kaz Melians and after further review we were able increase the number of panels.



Please correct the application to show 8.69 KW AC as the Equipment and show 34 panels at 300 watts each to qualify. Disconnecting and or removing panels is your choice. I hope this clears up the sizing issue. Please forward this information to your contractor.

Thank you,





FPL Net Metering
Distributed Generation
Customer Response Specialist
Richard Claudio
772-774-2796

CUSTOMER INFORMATION

NAME & ADDRESS

 Floyd Gonzales



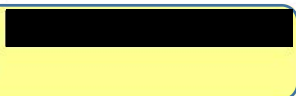
CONTACT INFORMATION





[More +](#)

CONTRACTOR INFORMATION

CONTRACTOR NAME



 

SYSTEM INFORMATION



EQUIPMENT	9.95 kW AC
 SolarWorld Americas... Sunmodule Plus SWA ... 39 Solar Panel(s) 300 W each Generator Information >	9.95 kW AC New
INVERTERS	8.97 kW AC
 Enphase Energy Inc. IQ6-60-x-US [240V] 39 Inverter(s) 230 W (240 V) each	8.97 kW AC New
SYSTEM CHECK	
 System Size Check 12 Month Usage Proj. Annual Production	Failed 14,307 kWh 18,836 kWh
 Transformer Check Available Transformer Capacity Connected System Size	Successful 41 kW AC 9 kW AC

DOCUMENTATION

DOCUMENTS

-  Electrical Passed Permit
-  Interconnection Agreement

TOTAL SYSTEM COST

[More +](#)

From: Gonzales [REDACTED]
Sent: Friday, February 01, 2019 4:59 PM
To: [REDACTED]
Cc: Melians, Kaz <Kaz.Melians@fpl.com>; SharedMailbox, Netmetering-Forwarding <Netmetering-Forwarding.SharedMailbox@nexteraenergy.com>; Claudio, Richard <Richard.Claudio@fpl.com>
Subject: Re: System Size check Failed [REDACTED]

CAUTION - EXTERNAL EMAIL

In response to Mr. Richard Claudio's email. I first received a call a few weeks back after our first tier 2 application. He told me that our system was too large and needed to be reduced in size from 49 panels to 39 panels. I was confused and wanted more information so he put me on the phone with Kaz Melians, his supervisor. I was basically told the same thing by Kaz. I spoke with Richard again on January 30 and he told me that we had to go from 39 to 29. Again, he never gave me a valid reason as to why but just kept telling me that our system is too large and exceeded our yearly use, which was the first time I ever even heard of this so-called requirement.

After the second telephone conversation when he told me to reduce to 29 panels I asked him to send me an email detailing all of the requirements and why exactly they were asking me to reduce the number of panels again. I never received that or any other email until today. The discussions with them back-and-forth seemed more like a negotiation rather than anything based on facts. In my opinion, these conversations are very unprofessional on the part of FP&L and we would like to move past all this and resume with our original Tier 2 agreement.

Thank you.

Floyd Gonzales

Sent from AOL Mobile Mail

On Friday, February 1, 2019, Eng. Gabriel J. Da Veiga [REDACTED] wrote:

Good Afternoon Mr. Claudio,

We have spoken with our client Mr. Gonzales and we have come to the conclusion that the client wishes to have all 47 panels interconnected to the system. We understand that FPL has no legal basis to detain Mr. Gonzales request for Net Metering Approval.

1. System Capacity: On the Interconnection Agreement for Customer-Owner Renewable Generation Tier 2 ("Tier 2 Net Meter Agreement") it states that the limitation on sizing is only based on "utility distribution service rating", this service rating for the homeowner was recently increased from 200A to 400A. Our system's output will reach 56.4A(OCCP), which is in compliance with Florida Public Service Commission Rule 25-6.065 F.A.C

2. AC Output Calculation: Although the Florida Public Service Commission Rule 25-6 F.A.C states: "For inverter-based systems, the AC nameplate generating capacity shall be calculated by multiplying the

total installed DC nameplate generating capacity by .85 in order to account for losses during the conversion from DC to AC.”, This is actually not in compliance with NEC 2014 690.8(A)(3):

- o **(3) Inverter Output Circuit Current.** The maximum current shall be the inverter continuous output current rating.

3. Sizing of PV: It was disclosed by Mr. Gonzales and Mr. Da Veiga that the reason this system is larger than the current kWh/Year consumption is that the client has expanded his home and is looking to increase consumption. This is due to:

- o New Living Area Expansion & Remodel
- o Increased size of Service Rating of 200A to 400A.
- o Plans for New Pool & Spa Area
- o PV Phase 2 is also planned!

In the Tier 2 Net Meter Agreement it never states limitation of sizing of system based on previous energy consumption. The only place where it may show any type of detail is on your website, stating :” *Systems should not be sized so large that energy produced by the renewable generator would be expected to exceed 115 percent of the customer’s annual kWh consumption.*”

This is taken as a suggestion, but in no way is it considered legally binding to obligate our client to reduce its system size or output.

Based on this, the correct sizing for Tier 1 compliance for this system would be 43 Panels for 9.89kw(AC)and not 34 as requested by FPL. It means that systems are calculated with larger outputs than they really are in regards their capacities. This means that FPL has been forcing clients to purchase an insurance that is not required under a false calculation.

In conclusion, we request that the Tier 2 Application for the 47 Modules with Micro Inverter be approved as is with no modification as there is no legal basis to be rejected. Mr. Gonzales had requested that we re-submit the application and we did such as of yesterday January 31st. We have waited long enough and our payment is pending because of this unnecessarily delayed Agreement, we request that FPL resolve this matter in a timely fashion.

Additionally, I want to discuss:

4. Tier 2 Insurance: I had spoken with Mr. Kaz Melians regarding the request to clarify why systems greater than 10kw(AC) require a General Liability Insurance of \$1m, he explained its because of the size of system and the electrical grid if there is a failure and it outputs power and harms someone. To clarify, all these inverters are compliant with UL1741. I request that you provide a written clarification for this.

5. Search of License: It came to our attention that you searched the Element Solar License in the DBPR and told our client that it was cancelled and we no longer are participating in the Net Meter Program with FPL and should be wary. To clarify, the license was requested to be in Voluntary Inactive as we are restructuring our corporate structure. This in no way affects Mr. Gonzales’s request as project was completed and the license that was used for application is different. Also, customers are the ones that participate on the program, not contractors. Do request more professionalism.

Please govern yourself accordingly,

GJD

From: Eng. Gabriel J. Da Veiga [REDACTED]
Sent: Monday, February 4, 2019 1:59 PM
To: Melians, Kaz; [REDACTED]
Cc: SharedMailbox, Netmetering-Forwarding; Claudio, Richard
Subject: Re: System Size check Failed - [REDACTED]

Good Afternoon Mr. Melians,

As per your email, You clarify that you DO permit systems with higher production of 115%.

Also per [Florida Public Service Commission Rule 25-6.065 F.A.C](#)

4(d) For Tiers 1 and 2, provided the customer-owned renewable generation equipment complies with paragraphs (4)(a) and (b), the investor-owned utility shall not require further design review, testing, or additional equipment other than that provided for in subsection (6). For Tier 3, if an interconnection study is necessary, further design review, testing and additional equipment as identified in the study may be required.

4(a) To qualify for expedited interconnection under this rule, customer-owned renewable generation must have a gross power rating that:

1. Does not exceed 90% of the customer's utility distribution service rating; and (Already established we are in compliance.)

2. Falls within one of the following ranges:

Tier 1 – 10 kW or less;

Tier 2 – greater than 10 kW and less than or equal to 100 kW; or

Tier 3 – greater than 100 kW and less than or equal to 2 MW.

As established in the previous email, the statement of 115% on your website IN NO WAY is it legally binding, as per [Florida Public Service Commission Rule 25-6.065 F.A.C](#), it does not list, establish or restrict system sizing per consumption. We are in complete disagreement with FPL's rejection of the project.

Please provide FPL's Legal Basis for rejecting such Net Metering Agreement.

Also, there are two other points from the last email that FPL needs to provide information (points 4 & 5)

Eng. Gabriel J. Da Veiga



From: Melians, Kaz <Kaz.Melians@fpl.com>

Sent: Monday, February 4, 2019 9:50 AM

To: [REDACTED]

Cc: SharedMailbox, Netmetering-Forwarding; Claudio, Richard; [REDACTED]

Subject: RE: System Size check Failed - [REDACTED]

Mr. Gonzales,

We are sorry for any confusion our conversations may have caused regarding the status of your application. This email will serve as to clarify our position and the status of your Net Metering application.

Per Florida Public Service Commission Rule 25-6.065 F.A.C

(2.a) "Customer-owned renewable generation" means an electric generating system located on a customer's premises that is primarily intended to offset part or all of the customer's electricity requirements with renewable energy.

As such, we do permit renewable systems that have a generating capacity greater than 115% of the customer's annual kWh consumption. Your annual consumption is 14,307 kWh and the application you submitted has a projected annual consumption of 22,700 kWh. Thus your application exceeds your annual consumption by 154%.

Your current application is not approved.

Sincerely

Kaz Melians

Manager, Product Support

Florida Power & Light Company

772.223.4226 [REDACTED]

kaz.melians@fpl.com

From: FPL Account Management <FPL_Account_Management@email.fpl.com>
Sent: Friday, February 08, 2019 11:38 AM
To: SharedMailbox,NETMETERING-WEBAPPLICATION-TEAM
Subject: FPL: Updates needed to complete your request

Florida Power & Light Company
Docket No. 20190167-EI
Staff's First Data Request
Request No. 4
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Page 1 of 2



Updates Needed

Your net metering application 19138 is missing important information. In order to complete your request, please finish the following incomplete item(s):

- EQUIPMENT - Application under review due to system sizing. Please do not resubmit until sizing issue has been resolved.

Remember to hit the submit button to save your updates when you complete your net metering application.

[UPDATE APPLICATION](#)

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Staff's First Data Request
Request No. 4
Attachment No. 8-Redacted
Page 2 of 2

Original Denied email

From: FPL Account Management <FPL_Account_Management@email.fpl.com>
Sent: Friday, February 08, 2019 11:38 AM
To: SharedMailbox,NETMETERING-WEBAPPLICATION-TEAM <NETMETERING-WEBAPPLICATION-TEAM.SharedMailbox@nexteraenergy.com>
Subject: FPL: Updates needed to complete your request



Floyd Gonzales

Updates Needed

Your net metering application 19138 is missing important information. In order to complete your request, please finish the following incomplete item(s):

- EQUIPMENT - Application under review due to system sizing. Please do not resubmit until sizing issue has been resolved.

Remember to hit the submit button to save your updates when you complete your net metering application.

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From: Eng. Gabriel J. Da Veiga [REDACTED]
Sent: Friday, February 15, 2019 11:07 AM
To: Melians, Kaz <Kaz.Melians@fpl.com>; [REDACTED]
Cc: SharedMailbox, Netmetering-Forwarding <Netmetering-Forwarding.SharedMailbox@nexteraenergy.com>; Claudio, Richard <Richard.Claudio@fpl.com>
Subject: Re: System Size check Failed - [REDACTED]

Good Morning Mr. Melians,

We sent an email dated Feb 4th and he have yet to receive a response. As per Florida Public Service Commission **25-6.065**

7(c) The Standard Interconnection Agreement shall be executed by the investor-owned utility within 30 calendar days of receipt of a completed application. If the investor-owned utility determines that an interconnection study is necessary for a Tier 3 customer, the investor-owned utility shall execute the Standard Interconnection Agreement within 90 days of a completed application.

The original application was submitted on January 15th 2019, this means that FPL has till today February 15th at 5:00PM to either provide an approval to Mr. Gonzalez's Tier 2 Net Metering Agreement or Provide Legal Basis for rejection of such.

If FPL does not comply, we will be taking further steps to ensure our client's rights are respected.

GJD

From: Melians, Kaz <Kaz.Melians@fpl.com>
Sent: Monday, February 18, 2019 3:58 PM
To: [REDACTED]
Cc: SharedMailbox, Netmetering-Forwarding <Netmetering-Forwarding.SharedMailbox@nexteraenergy.com>; Claudio, Richard <Richard.Claudio@fpl.com>
Subject: RE: System Size check Failed - [REDACTED]

Dear Mr. Da Veiga,

Our legal department has reviewed your communications and provided me with the following legal support for FPL's rule that renewable systems such as the system at issue are allowed to generate up to 115% of the customer's annual kWh consumption, but no more than 115%:

FPL's policy of requiring systems to be sized so that they are not expected to exceed 115% of the customer's annual kWh consumption, a policy clearly outlined on FPL's website, is entirely consistent with and in full compliance with both Florida Statutes and the Florida Administrative Code. In fact, FPL's policy of allowing a system that generates up to 115% of the customer's annual kWh consumption, rather than 100% of the annual kWh consumption, provides a benefit for customers that some might argue goes even further to the benefit of the customer than a strict interpretation of both the statute and the Florida Administrative Code. That said, FPL understands that an analysis of each unique system is based on a range of values obtained from PV Watts and as such we feel that we can appropriately consider these factors in approving interconnection agreements for net metering customers whose systems generate up to 115% of the annual kWh consumption.

As mentioned above, FPL's policy is arguably more expansive than either the enabling statute or the Florida Administrative Code provision that govern this situation. The enabling statute, section 366.91, Florida Statutes, defines "Customer-owned renewable generation" as "an electric generating system located on a customer's premises that is primarily intended to offset *part or all* of the customer's electricity requirements with renewable energy." (emphasis added). The plain meaning of "all" - as that term is used in the statute and is commonly understood - means 100%. In short, a strict reading of the statute that authorizes the type of system about which you have inquired would limit the size of your system so that it would generate an amount of energy up to 100% (i.e., all) of your annual kWh consumption.

Section 366.91(5), Florida Statutes, directed each utility to develop a standardized interconnection agreement and net metering program for customer-owned renewable generation. That same statute required the FPSC to establish requirements related to the expedited interconnection and net metering of customer-owned renewable generation.

Following the enactment of Section 366.91, Florida Statutes, the FPSC promulgated Rule 25-6.065, Florida Administrative Code. Consistent with the enabling statute, the Commission Rule defines "Customer-owned renewable generation" as "an electric generating system located on a customer's premises that is primarily intended to offset *part or all* of the customer's electricity requirements with renewable energy. The term

“customer-owned renewable generation” does not preclude the customer of record from contracting for the purchase, lease, operation, or maintenance of an on-site renewable generation system with a third-party under terms and conditions that do not include the retail purchase of electricity from the third party.” (Emphasis added) In short, the Commission Rule is entirely consistent with the direction and guidance provided by the Legislature regarding customer-owned renewable systems.

Without belaboring the point further, FPL is confident that the policy of allowing customer-owned net metered systems that generate up to 115% of the customer’s annual kWh consumption, rather than 100% of the annual kWh consumption, fully complies with the controlling statute and administrative code provision by allowing for systems that generate “part or all” of the customer’s electricity requirements with renewable energy.

If you should have any further questions, please let me know.

Kaz Melians

Manager, Product Support
Florida Power & Light Company
772.223.4226 [REDACTED]
kaz.melians@fpl.com

From: [FPL Account Management](#)
To: [SharedMailbox.NETMETERING-WEBAPPLICATION-TEAM](#)
Subject: FPL: Updates needed to complete your request
Date: Tuesday, April 09, 2019 8:37:00 PM



Floyd Gonzales

Updates Needed

Your net metering application 19138 is missing important information. In order to complete your request, please finish the following incomplete item(s):

- EQUIPMENT - Other - Application under review due to system sizing. Please do not resubmit until sizing issue has been resolved.

Remember to hit the submit button to save your updates when you complete your net metering application.

As a reminder, you submitted your net metering application 60 days ago. Your application remains active one year from the pre-approval date.

[UPDATE APPLICATION](#)

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Reminder Need Input Apr 09

From: FPL Account Management <FPL_Account_Management@email.fpl.com>

Sent: Tuesday, April 09, 2019 8:36 PM

To: SharedMailbox,NETMETERING-WEBAPPLICATION-TEAM <NETMETERING-WEBAPPLICATION-TEAM.SharedMailbox@nexteraenergy.com>

Subject: FPL: Updates needed to complete your request



Floyd Gonzales

Updates Needed

Your net metering application 19138 is missing important information. In order to complete your request, please finish the following incomplete item(s):

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From: Eng. Gabriel J. Da Veiga [REDACTED] >
Sent: Tuesday, July 30, 2019 2:00 AM
To: Melians, Kaz <[REDACTED]>
Cc: SharedMailbox, Netmetering-Forwarding <Netmetering-Forwarding.SharedMailbox@nexteraenergy.com>; Claudio, Richard <Richard.Claudio@fpl.com>; Kyle Egger [REDACTED] >
Subject: Re: System Size check Failed - [REDACTED]

Good Morning Mr. Melians,

At this moment our legal counsel has submitted to the FPSC for an intervention regarding FPL's Failure to follow the Law. The last few months while FPL was ignoring our requests and failing to comply with Rule 25-6.065, our client submitted, got approved, and completed the installation of the pool and other facilities we had discussed previously. Which means as we had warned, the energy consumption already has gone up. FPL's failure to comply has cost already thousands of dollars to our client and we as a company are still owed by our client as it is our responsibility until our client has received the service he has been offered.

That being said, please consider this our **FORMAL NOTICE** to turn on the Solar System at the Gonzalez/Irwin Residence, This request is in accordance to:

(b) Provisions that permit the investor-owned utility to inspect customer-owned renewable generation and its component equipment, and the documents necessary to ensure compliance with subsections (2) through (4). **The customer shall notify the investor-owned utility at least 10 days prior to initially placing customer equipment and protective apparatus in service.** and the investor-owned utility shall have the right to have personnel present on the in-service date. If the customer-owned renewable generation system is subsequently modified in order to increase its gross power rating, the customer must notify the investor-owned utility by submitting a new application specifying the modifications at least 30 days prior to making the modifications.

Based on our Formal Notice, please see below:

(d) The customer must execute the Standard Interconnection Agreement and return it to the investor-owned utility at least 30 calendar days prior to beginning parallel operations and within one year after the utility executes the Agreement. All physical inspections must be completed by the utility within 30 calendar days of receipt of the customer's executed Standard Interconnection Agreement. If the inspection is delayed at the customer's request, **the customer shall contact the utility to reschedule an inspection. The investor-owned utility shall reschedule the inspection within 10 business days of the customer's request.**

(8) Net Metering.

(a) Each investor-owned utility shall enable each customer-owned renewable generation facility interconnected to the investor-owned utility's electrical grid pursuant to this rule to net meter.

(b) Each investor-owned utility shall install, at no additional cost to the customer, metering equipment at the point of delivery capable of measuring the difference between the electricity supplied to the customer from the investor-owned utility and the electricity generated by the customer and delivered to the investor-owned utility's electric grid.

We will be switching on the system on **Friday August 9th** at 10:00am. FPL has till then to replace the existing meter with one that is in compliance with Net Metering and shall activate Net Metering for our clients Dashboard so they can finally, after months of FPL's unlawful behavior has caused our client and our company Thousands of Dollars, enjoy the benefits of their investment.

Do understand, we are very clear that we are in compliance with Rule and FPL at this point has to comply.

GJD

From: Rubin, Ken
Sent: Monday, October 21, 2019 10:26 AM
To: 'kyle.egger@nearingfirm.com' <kyle.egger@nearingfirm.com>
Subject: Gonzales-Irwin (Docket No. 20190167-EI)

Dear Kyle:

I am sending this email to advise you that your client, Floyd Gonzales, has reached out directly to Kaz Melians here at FPL regarding the status of his interconnection request. We did not initiate the contact with your client, nor will we absent your consent. Also, please be assured that neither I nor anyone in the Law Department have had any contact with your client.

Based upon the information that Mr. Gonzales communicated to Mr. Melians during their recent discussion, Mr. Melians again reviewed the history of your client's electricity usage. I have been advised that based upon the past 3 months' electricity usage, including the most recent billing cycle that ends today, October 21, 2019, your client's usage now falls within the 115% guideline and his application for interconnection as a tier 2 net metered customer may now proceed through the process for approval. Our goal is to interconnect your client's system as soon as possible so that he may begin to net meter. As a result, I am requesting your consent to permit Mr. Melians or his designee to communicate directly with Mr. Gonzales to complete the application process to allow interconnection to take place.

I respectfully submit that this development should end the regulatory litigation, as no actual case or controversy will remain. However, if you intend to proceed with the litigation notwithstanding this change in circumstances, our work to interconnect Mr. Gonzales' solar system will be without prejudice to your right to argue that the litigation should proceed, both procedurally and substantively, and without prejudice to FPL to argue the contrary points, both procedurally and substantively. I will advise Commission Staff of this development to assure that they have the pertinent facts, and I will copy you on that communication.

Before closing, I also want to bring to your attention a recent decision of the Florida Public Service Commission in Docket No. 20190176-EI. I have attached a copy of the Commission's October 10, 2019 order for your consideration. In that docket, a group of 10 utility customers petitioned the Commission to open a rulemaking to modify certain provisions of the net metering rule. One of the areas the petitioners sought to change involved a request to allow net metering customers or their contractors to choose the size of their net metered systems. In rejecting this claim, the Commission wrote that "Petitioners may be seeking to generate electricity at a capacity that is beyond what is currently needed to offset part or all of their electricity requirements." The Commission discussed the purpose of the net metering rule, including the statement that "certain provisions of the rule were meant to ensure that customers will not intentionally oversize their systems for the primary purpose of selling energy to the utility or becoming an independent power producer." And while we in no way mean to suggest or imply that it was ever your client's goal to intentionally oversize his system, the fact of the matter is that at the time of his initial application, and in fact up until this month, Mr. Gonzales' system would have been oversized, and would have generated electricity significantly in excess of his historical and projected electricity requirements.

Kyle, I look forward to hearing from you in the hope that we can proceed with your client's application and interconnection at the earliest possible time, as that is my primary objective in sending this

communication. I also appreciate your consideration of the litigation position I have addressed in this note.

Best regards,

Ken

Ken Rubin, Esq.
Assistant General Counsel
Florida Power & Light Company
Direct: 561-691-2512
Fax: 561-691-7135
E-mail: ken.rubin@fpl.com

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QUESTION:

Please provide a written summary of each oral and/or electronic communications Florida Power & Light Company has had with the Petitioners regarding interconnection.

RESPONSE:

Please see below for oral and electronic communications between FPL and the Petitioners regarding their interconnection. The written communications produced in response to Staff's First Data Request No. 4 speak for themselves, though further explanations and summaries of the oral communications are provided below.

January 15, 2019

- Customer submits an initial application for a Tier 1 system (for 39 panels, 9.95 kW); a flag comes up on the application and a system processor forwards the application to Richard Claudio.

January 18, 2019

- Richard Claudio contacts the customer and explains the reason for the application deficiency (115% guideline).
- Customer expresses dissatisfaction with FPL's position and the call is elevated to Kaz Melians. Mr. Melians speaks with the customer and explains FPL's position, and identifies the customer's options for achieving approval of the application. The customer then states that he will be adding a pool and additional load in the future. Mr. Melians explains that FPL will take the future loads into account, but the customer will have to provide FPL with plans/specific load information in order to calculate the customer's new projected usage.

January 30, 2019

- Richard Claudio contacts the customer to further explain the reason for the deficiency and what is needed to approve the application. Mr. Claudio also mentions that the contractor's license for the customer's contractor is inactive with the state.

January 31, 2019

- Customer submits a new application with 47 panels, 11.99 kW, making it a Tier 2 project.

February 1, 2019

- Richard Claudio sends an email to the customer explaining that the application is still over the 115% threshold and that he must reduce the number of panels. Please note this email (see Staff's First Data Request No. 4 – Attachment No. 4) referenced the customer's initial Tier 1 application, rather than the currently pending Tier 2 application.

February 4, 2019

- Mr. Melians sends an email to the customer clarifying that the production from 47 panels is at 154% of the customer's annual kWh usage. Note that this email (see Staff's First Data Request – Attachment No. 7) included a scrivener's error that said FPL does permit renewable systems that have a generating capacity greater than 115% of the customer's annual kWh consumption. Both the remainder of the email and verbal communication with the customer confirmed that FPL does **not** permit renewable systems that have a generating capacity greater than 115% of the customer's annual kWh consumption.
- After sending the email, on or about February 4, 2019, Mr. Melians discusses options with the customer.

February 18, 2019

- Mr. Melians sends an email to the customer and contractor clarifying FPL's legal position. Also, Mr. Melians contacts the customer's contractor, Mr. DaVeiga, to further explain FPL's position, and to address the comment regarding the contractor's license. Mr. Melians addresses pending issues preventing approval of the NEM application and explains to the contractor that the insurance requirement is included in Rule 25-6.065.

March – June, 2019

- Contractor notifies Mr. Melians that he has retained legal counsel to address the issue. Mr. Melians speaks with the attorney, Kyle Egger, and explains the application process and reason for denial. Mr. Melians explains the customer's options to correct the application and addresses the comment about the contractor's license.

July 30, 2019

- FPL receives a letter from the customer's contractor notifying FPL of the Florida Public Service Commission filing.

August 1-12, 2019

- Contractor calls Mr. Melians and demands that FPL approve the application, insisting that FPL has no legal right to deny. Mr. Melians reaffirms FPL's position and explains that the customer's new usage data has been reviewed, but based on the increased usage data, the application is still not within the required 115% guideline.

September 12, 2019

- Customer (Mr. Gonzales) calls the FPL Care Center and requests the status of his application. The inquiry is referred to Mr. Melians' department and sent to Mr. Melians' attention. In response to the customer's request, Mr. Melians contacts the customer and explains the customer's current situation. Mr. Melians advises the customer that the matter is now with legal as a result of the formal petition filed by his attorney but also explains that the customer's new electric kWh usage (August 2019 bill shows 3,406 kWh) puts him closer to the 115% guideline. The customer asks if FPL can just turn on the

- panels that qualify, and Mr. Melians explains that as part of FPL's standard procedure, this option was offered back in February and still remains an option (see February 1, 2019 email produced in Staff's First Data Request No. 4 – Attachment No. 4). Mr. Gonzales expresses frustration with his contractor and stated that his only objective was to operate his PV system and become a net metering customer.
- A few days later, Mr. Gonzales calls Mr. Melians again to understand what would happen to the application if his usage continues to increase. Mr. Melians explains that FPL would reevaluate his application and that given the current usage trajectory, the customer will seemingly be compliant with the 115% guideline as his usage continues to increase, in which case, his application would proceed.

October 21, 2019

- FPL sends email to the customer's attorney advising that based upon the past 3 months of usage at the customer's premise, including the billing cycle ending October 21, 2019, the customer's usage now falls within FPL's 115% guideline. As a result, the customer's application for interconnection as a tier 2 net metered customer may now proceed through the process for approval. Once that process has been completed, the customer's solar PV system may be interconnected and the customer may begin to net meter.