

**Ruth Nettles**

080407-EG

through  
080412-EG

**From:** ljacobs50@comcast.net  
**Sent:** Wednesday, November 25, 2009 11:48 AM  
**To:** Filings@psc.state.fl.us  
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**Subject:** Docket Nos 080407-080413 NRDC/SACE Letter to Staff  
**Attachments:** letter on supplemental recommendation clarification FINAL.pdf

a. Person Responsible for Filing

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b. Docket Nos. 080407-080413 Commission Review of Numeric Conservation Goals

c. Filed on behalf of the Natural Resources Defense Council ("NRDC") and the Southern Alliance for Clean Energy, Inc. ("SACE")

d. Total Pages = 3

e. Letter to Staff Regarding Clarification of Supplemental Recommendation

DOCUMENT NUMBER - DATE

11570 NOV 25 8

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11/25/2009

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November 24, 2009

E. LEON JACOBS, JR., ESQ.

Katherine Fleming,  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 323990

*Via electronic mail*

Re: Dockets 080407-EG through 080412-EG ; Correction regarding Staff's  
November 20, 2009 Supplemental Recommendation

Dear Ms. Fleming:

I write on behalf of Intervenors Natural Resources Defense Council and Southern Alliance for Clean Energy (Intervenors). Intervenors request that the staff review and clarify for the Commissioners an element of the PSC Staff's November 20, 2009 supplemental recommendation in dockets 080407-EG through 080412-EG, which we believe to be in error. Specifically, the tables appearing on page 9 of the recommendation (page 2 of 8 of attachment 1) through page 13 are mislabeled "Top Ten Free Riders Based on Energy Savings." In fact, the measures listed in these table are not "free riders." Free riders are, of course, not measures but people who accept incentives even though they would adopt a measure anyway. In order to correctly portray its contents, the table's label should have indicated that these are the cost-effective measures excluded due to the two-year payback rule. This error creates the potential for a serious misunderstanding. As currently stated, the table could be misread to indicate that all of the energy savings listed in the table are free rider adoptions, i.e., adoptions that would occur anyway. In fact the contrary is likely true: If the table reflects technical potential, then all of the energy savings would consist of non-free rider adoptions.

In order to eliminate the prospect and consequences of a decision based on this error, Intervenors request that Staff inform the Commissioners, through an addendum and on the record, of this mislabeling and clarify that these measures represent the cost-effective potential associated with the top ten measures excluded by the two-year payback. In addition, Intervenors ask that the Staff clarify for the Commissioners whether any of the potential energy savings reflect "free rider" adoptions.

Sincerely,

/s/ Leon Jacobs

E. Leon Jacobs, Jr.

Attorney for Natural Resources Defense Council and the Southern Alliance for Clean  
Energy

DOCUMENT NUMBER-DATE

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## CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy and correct copy of the foregoing was served on this 25th of November, 2009, via the internet on:

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/s/ Leon Jacobs