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COGENERATION & ALTERNATIVE ENERGY  
ENERGY REGULATORY LAW

**VIA HAND DELIVERY**

September 17, 2003

RECEIVED FPSC  
03 SEP 17 AM 11:56  
COMMISSION  
CLERK

Ms. Blanca S. Bayó, Director  
Division of Records & Reporting  
Florida Public Service Commission  
Capitol Circle Office Center  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399

In Re: **FPSC Docket No. 030752-EI**  
Petition of Florida Power & Light Company For Approval of a  
Green Power Pricing Power Research

Dear Ms. Bayó:

Enclosed for filing in the referenced proceeding find an original and 10 copies of Preliminary Comments Of Florida Qfs. If you have any questions or require anything further regarding this filing, please do not hesitate to contact us.

Sincerely,



Richard A. Zambo  
Florida Bar No. 312525

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AUS \_\_\_\_\_  
CAF \_\_\_\_\_ Enclosures  
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FPSC-BUREAU OF RECORDS

Florida Industrial ... etc...  
DOCUMENT NUMBER DATE

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FPSC-COMMISSION CLERK

City of Tampa etc...

DOCUMENT NO.  
08846-03  
9/17/03

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition of Florida Power & Light )  
Company For Approval of a Green Power )  
Pricing Power Research Project )

Docket No. 030752-EI  
Filed: September 17, 2003

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PRELIMINARY COMMENTS OF:

Florida Industrial Cogeneration Association  
Florida Phosphate Council

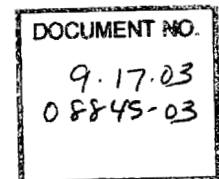
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The Florida Industrial Cogeneration Association and the Florida Phosphate Council ("Industrial QFs"), by and through their undersigned attorney, file these preliminary comments in the captioned proceeding.

1. Industrial QFs own and/or operate qualifying facilities (as defined under Federal law) which use Florida "renewable" energy resources to produce electricity.

2. Industrial QFs utilize renewable energy from waste heat recovered in manufacturing operations for the production of electricity. Although the FPL Tariff does not specifically exclude this renewable energy resource from its definition, neither does it specifically include waste heat -- as it does other named resources.

3. Florida Power & Light Company (FPL), by virtue of the provision of its proposed green power pricing tariff ("FPL Tariff"), presumes to single-handedly address and resolve - on behalf of the State of Florida - the important public policy issue of defining what does or does not constitute a "green" and/or "renewable" energy resource.



4. This important public policy issue has been clearly delegated to the Commission by the Legislature as evidenced by statutory language such as that included in the Florida Energy Efficiency and Conservation Act (FEECA). As provided therein, the Legislature expresses, in no uncertain terms, its intent: ". . . that the use of solar energy, renewable energy resources, highly efficient systems, cogeneration . . . be encouraged." Industrial QFs do not agree that such responsibility can or should be delegated to a regulated utility subject to Commission rate regulations, much less to a third-party as suggest by FPL.

5. Not only does FPL venture to assume the Commission's responsibility to encourage renewable energy, FPL further seeks the Commission acquiescence in permitting FPL's "TREC supplier" to assist in determining the important public policy of which resources will qualify as green and/or renewable resources.

6. Moreover, FPL's clearly expressed intent is to secure green and/or renewable energy TRECs from electricity producing resources located outside of the State of Florida. Unless that out-of-state electricity will be actually transmitted and delivered into the Florida electrical grid, the green and/or renewable energy "benefits" associated with such facilities will not be bestowed on Florida, but will remain in the state in which the facilities are located. Such a notion is contrary to articulated Legislative policy to advance the development and use of renewable energy resources in this state.

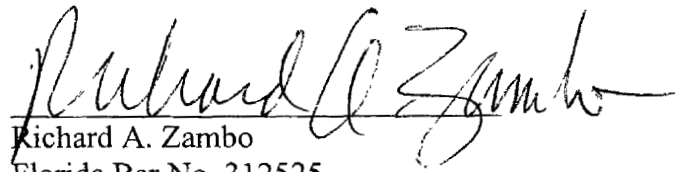
7. The acquisition of TRECs from out-of-state, without actual physical delivery of the electricity produced by the associated green and/or renewable TRECs into the Florida grid system, will not benefit Florida or its citizens, but rather is likely to result in harm due to the chilling effect it would have on the encouragement or development of Florida indigenous green and/or renewable energy resources in our State.

8. Industrial QFs urge the Commission to reject the FPL Tariff, unless FPL:

(a) Modifies the FPL Tariff language by revising the definition of green/renewable to specifically include waste heat from the fertilizer manufacturing process; and,

(b) Modifies the FPL Tariff language to provide that FPL will first exhaust all opportunities for securing green/renewable energy within Florida's borders, before being permitted to resort to out-of-state TRECS in order to achieve applicable green/renewable energy requirements.

Respectfully submitted this 17th day of September, 2003.

  
Richard A. Zambo  
Florida Bar No. 312525

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