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December 15, 2008

VIA HAND DELIVERY

Ann Cole, Commission Clerk
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, Florida 32399-0850

RECEIVED-FPSC
08 DEC 15 PM 1:36
COMMISSION
CLERK

RE: Commission Review of Numeric Conservation Goals - FPL
Docket No. 080407-EG
Commission Review of Numeric Conservation Goals - Progress Energy
Docket No. 080408-EG
Commission Review of Numeric Conservation Goals - TECO
Docket No. 080409-EG
Commission Review of Numeric Conservation Goals - Gulf Power
Docket No. 080410-EG
Commission Review of Numeric Conservation Goals - FPUC
Docket No. 080411-EG
Commission Review of Numeric Conservation Goals - OUC
Docket No. 080412-EG
Commission Review of Numeric Conservation Goals - JEA
Docket No. 080413-EG

Dear Ms. Cole:

Attached please find the original and seven copies of the Florida Solar Coalition's Petition to Intervene to be filed in the above-styled cases and one (1) copy of the Petition to Intervene to be stamped and returned to our office.

Should you have any questions or need any additional information regarding this filing please contact me.

Very truly yours,


Suzanne Brownless
Attorney for the Florida Solar Coalition

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ADM _____ 12/15/08
CLK _____ Riv.N.

DOCUMENT NUMBER-DATE

11544 DEC 15 08

FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Commission review of numeric conservation goals for Florida Power & Light Company.
_____ /

DOCKET NO. 080407-EG

In re: Commission review of numeric conservation goals for Progress Energy Florida, Inc.
_____ /

DOCKET NO. 080408-EG

In re: Commission review of numeric conservation goals for Tampa Electric Company.
_____ /

DOCKET NO. 080409-EG

In re: Commission review of numeric conservation goals for Gulf Power Company.
_____ /

DOCKET NO. 080410-EG

In re: Commission review of numeric conservation goals for Florida Public Utilities Company.
_____ /

DOCKET NO. 080411-EG

In re: Commission review of numeric conservation goals for Orlando Utilities Commission.
_____ /

DOCKET NO. 080412-EG

In re: Commission review of numeric conservation goals for JEA.
_____ /

DOCKET NO. 080413-EG

PETITION TO INTERVENE OF THE FLORIDA SOLAR COALITION

The Florida Solar Coalition (FSC), by and through its undersigned attorney, pursuant to Rules 28-106.201 and 25-22.039, F.A.C., files this Petition to Intervene and in support thereof states as follows:

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

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

DOCUMENT NUMBER-DATE

11544 DEC 15 88

FPSC-COMMISSION CLERK

2. The names and addresses of the contacts for the Petitioner are:

Florida Solar Coalition
c/o Carrie Hitt, President
Solar Alliance
P.O. Box 534
North Scituate, Mass. 02060

Florida Solar Coalition
c/o Bruce Kershner, Executive Director
FLASEIA
231 West Bay Avenue
Longwood, Florida 32750-4125

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

Suzanne Brownless
Suzanne Brownless, PA
1975 Buford Blvd.
Tallahassee, Florida 32308
Phone: (850) 877-5200
FAX: (850) 878-0090
Email: suzannebrownless@comcast.net

4. Petitioner received notice of the Florida Public Service Commission's (PSC, Commission) action through its Notice of Commission Workshop dated November 24, 2008.

5. The Florida Solar Coalition is comprised of three organizations: the Florida Solar Energy Industries Association (FLASEIA), The Vote Solar Initiative, and the Solar Alliance. FLASEIA is a Florida not-for-profit corporation which consists of 120 companies involved in Florida's solar energy industry. Members include solar manufacturers and distributors as well as Florida contractors, retailers and consultants who install and maintain solar water heating, pool heating and solar electric systems throughout Florida. FLASEIA membership also includes Gainesville Regional Utilities, Lakeland Electric Utilities, the Florida Solar Energy Center and Florida Solar Energy Research and Education Foundation. Individual members of FLASEIA reside throughout Florida and are both commercial and residential ratepayers of Florida Power & Light Company, Progress Energy of Florida, Tampa Electric Company, Gulf Power Company, Orlando Utilities Commission, GRU and JEA. The corporate offices of FLASEIA are located in Longwood, Florida and receive electric service from Progress Energy of Florida.

The Vote Solar Initiative is a not-for-profit professional association of companies with members in Florida and throughout the United States whose goal is to increase energy independence and decrease global warming by developing the full potential of solar technologies through state legislation and initiatives.

The Solar Alliance is an organization of 31 solar manufacturers, integrators and installers working in Florida and throughout the United States to develop solar power's full energy potential through federal and state regulatory policies. Representative members are: American Solar Electric, Applied Materials, Borrego Solar, Kyocera Solar, Oerlikon Solar, Mitsubishi Electric, MMA Renewable Ventures, Iberdola Renewables, Mainstream Energy, Sanyo Energy, Schott Solar, Sharp Solar, SolarCity, Solaria, Solar Power Partners, SolarWorld, SPG Solar, SunEdison, SunPower, Suntech, Tioga Energy, Trinity Solar, Uni-Solar and Xantrex.

The purpose of the Florida Solar Coalition is to develop the full potential of solar energy in Florida by stimulating investment in solar power and thereby creating a self-sustaining vibrant solar energy market in Florida which will decrease dependence on fossil fuels and increase quality technical jobs for Florida's citizens.

Statement of Substantial Interest

6. The Florida Solar Coalition has been deeply involved in the development of a Renewable Portfolio Standard (RPS) for Florida both at the Legislature and before the Commission in the RPS rulemaking docket, Docket 080503-EI. Navigant's technical potential study for the RPS docket included solar thermal applications greater than 2 MW. The Itron/KEMA technical potential study which will form the basis for the FEECA utilities' conservation and demand side management goals in this docket includes solar thermal applications under 2 MW, i.e., residential and small commercial solar systems which have in the past, and will in the future, significantly reduce demand on the FEECA utilities' systems. Likewise, the technical potential of residential and small commercial solar photovoltaic

systems should be included in the Itron/KEMA technical potential study so that demand side management programs can be developed using those readily available technologies. Both the RPS docket and this conservation and energy efficiency docket must work together if the most efficient means of developing Florida's full potential for solar energy is to be reached.

7. These dockets will set the numeric goals for the major investor-owned and affected municipal utilities for conservation and energy efficiency measures for the next five years. The cost of these programs will be recovered through the Conservation Cost Recovery Clause (CCRC) directly from the Florida Energy Efficiency Conservation Act (FEECA) utilities'¹ ratepayers which include virtually all of FLASEIA's individual members and businesses. The individual programs approved by the Commission to implement the goals set for these demand side management and efficiency programs, including small solar commercial and residential systems, directly affects the viability of the Florida solar industry market and the members of the FSC who service that market. The development of a sustainable, viable renewable energy market in Florida, in which FSC's members actively participate, is a stated goal of the Legislature as expressed in §366.92(1), F.S.²

8. Further, the Legislature in §366.82(2), F.S. has specifically stated that:

The commission shall adopt appropriate goals for increasing the efficiency of energy consumption and **increasing the development of demand-side renewable energy systems**, specifically including goals designed to increase the conservation of expensive resources, such as petroleum fuels, to reduce and control the growth rates of weather-sensitive peak demand, and **to encourage development of demand-side renewable energy resources.**
[Emphasis added.]

¹ Florida Power & Light Company, Progress Energy Florida, Inc., Tampa Electric Company, Gulf Power Company, Florida Public Utilities Company, Orlando Utilities Commission and JEA.

² "(1) It is the intent of the Legislature to promote the development of renewable energy; protect the economic viability of Florida's existing renewable energy facilities; diversify the type of fuel used to generate electricity in Florida; lessen Florida's dependence of natural gas and fuel oil for the production of electricity; minimize the volatility of fuel costs; encourage investment within the state; improve environmental conditions; and, at the same time, minimize the costs of power supply to electric utilities and their customers."

9. “Demand-side renewable energy” is defined in §366.(1)(b), F.S., as “ a system located on the customer’s premises generating thermal or electric energy using Florida renewable energy resources and primarily intended to offset all or part of the customer’s electricity requirements provided such system does not exceed 2 megawatts.”

10. The Florida Solar Coalition, and its individual and company members, are directly affected by the decisions made in this docket both because their electric rates will be directly impacted by the FEECA goals set in this docket and because FSC members are engaged in the renewable energy manufacturing and businesses which this docket is tasked with encouraging. Thus, the two-prong test of *Agrico Chemical Co. v. Department of Environmental Regulation*, 406 So.2d 478, 482 (Fla. 2d DCA 1981); *reh.denied*, 415 So.2d 1359 (Fla. 1982), have been fully met. See also: *Ameristeel Corp. v. Clark*, 691 So.2d 473, 477 (Fla. 1997).

Disputed Issues of Material Fact

11. The electric utilities have not yet submitted their testimony in this docket enabling the Petitioner to identify disputed issues of material fact. However, even at this early stage, Petitioners disagree with the position that residential and small commercial photovoltaic systems should not be considered as technologies evaluated in the Itron/KEMA technical potential study which will provide the data for the economic studies used to develop the goals for each participating utility.

Statement of ultimate facts

12. The Florida Energy Efficiency and Conservation Act (FEECA), §§ 366.80-.85 and 403.519, F.S., was originally enacted in 1980 to encourage electric utilities to utilize cost-effective conservation measures and cogeneration to reduce electric consumption and weather-sensitive peak demand. Chapter 2008-227, Laws of Fla., effective July 1, 2008, substantially modified FEECA by adding demand side renewable energy systems to those conservation measures which should be encouraged. §366.81, F.S. Further, efficiency measures in generation, transmission and distribution

were added to the types of measures included in the programs eligible for recovery through the CCRC. §366.82(2), F.S. The expansion of FEECA to include these new programs, in consort with new statutory requirements to consider the effect of green house gas regulatory compliance costs when setting FEECA goals, substantially expand the Commission's task. It is important that the Commission coordinate this FEECA docket with its net metering rule, Rule 25-6.065, F.A.C., and RPS docket (Docket No. 080503-EI) in order to maximize the development of renewable energy and the reduction of green house gases to the ratepayer's benefit. This will require the Commission to appropriately evaluate all renewable, energy efficiency, conservation, and demand side resources on a life-cycle basis against their fossil fuel equivalents.

Statutes and Rules that Support the Relief Requested

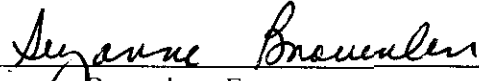
13. The statutes and rules that support the relief requested are as follows: Chapter 120, F.S.; §§ 366.80-.85, F.S.; Rule 25-22.039 and Chapter 25-17, F.A.C.

14. Sections 120.569 and 120.57, F.S., apply to all proceedings in which the substantial interests of a party are determined by an agency. Sections 366.80-.85, F.S., FEECA, require the Commission to set numeric goals for energy efficiency, conservation and demand side management resources for each affected utility.

15. Rules 25-22.039 and 28-106.201, F.A.C., provide that a person whose substantial interests are subject to determination, or may be affected, in an administrative proceeding shall be allowed to intervene and participate in that proceeding. Chapter 25-17, F.A.C., provides for the submission of data to the Commission to set FEECA goals as required by §366.81, F.S.

WHEREFORE, the Florida Solar Coalition requests that the Commission grant its petition to intervene in these dockets as a full party and require that all parties provide the undersigned with all notices, pleadings, testimony, evidence and discovery filed in these dockets.

Respectfully submitted this 15th day of December, 2008 by:

A handwritten signature in cursive script that reads "Suzanne Brownless". The signature is written in black ink and is positioned above a horizontal line.

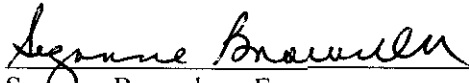
Suzanne Brownless, Esq.
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1975 Buford Blvd.
Tallahassee, FL 32308
Phone: (850) 877-5200; FAX: (850) 878-0090
ATTORNEY FOR FLORIDA SOLAR COALITION

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been provided by U.S. Mail and email, this 15th day of December, 2008 to the following persons:

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| <p>Katherine Fleming, Esq. Florida Public Service Commission 2540 Shumard Oak Boulevard Tallahassee, Florida 32399-0850 keflemin@psc.state.fl.us</p> | <p>J.R. Kelly, Esq. Stephen Burgess, Esq. Office of Public Counsel 111 West Madison Street, room 812 Tallahassee, Florida 32399-1400 burgess.steve@leg.state.fl.us</p> |
| <p>Wade Litchfield, Esq. Florida Power & Light Co. 215 South Monroe Street, Suite 810 Tallahassee, Florida 32301 wade_litchfield@fpl.com</p> | <p>Paul Lewis, Jr. Progress Energy Florida, Inc. 106 East College Avenue, Suite 800 Tallahassee, Fla. 32301-7740 paul.lewisjr@pgnmail.com</p> |
| <p>John T. Burnett, Esq. Progress Energy Service Company, LLC P.O. Box 14042 St. Petersburg, Fla. 33733-4042 john.burnett@pgnmail.com</p> | <p>Paula K. Brown TECO Regulatory Affairs P.O. Box 111 Tampa, Florida 33601-0111 Regdept@tecoenergy.com</p> |
| <p>Susan D. Ritenour Gulf Power Company One Energy Place Pensacola, Fla. 32520-0780 sdriteno@southernco.com</p> | <p>John T. English Florida Public Utilities Co. P.O. Box 3395 West Palm Beach, Fla. 33402-3395</p> |
| <p>Norman H. Horton, Jr. Esq. Messer, Caparello & Self, PA P.O. Box 15579 Tallahassee, Fla. 32317 nhorton@lawfla.com</p> | <p>Susan F. Clark, Esq. Radey, Thomas, Yon & Clark, PA 301 South Bronough Street, Suite 200 Tallahassee, Florida 32301 sclark@radeylaw.com</p> |
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| <p>Jeff Curry Lakeland Electric Utility Company 501 East Lemon Street Lakeland, Florida 33801 jeff.curry@lakelandelectric.com</p> | <p>E. Leon Jacobs, Jr. Williams & Jacobs, LLC 1720 South Gadsden Street, MS 14 Suite 201 Tallahassee, Florida 32301 Ljacobs50@comcast.net</p> |


Suzanne Brownless, Esq.

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