

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

IN RE: Petition for Approval of Demand-side Management Plan of Progress Energy Florida, Inc.) DOCKET NO. 100160-EG))

FLORIDA SOLAR ENERGY INDUSTRY ASSOCIATION'S PETITION TO INTERVENE

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

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

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

2. Name and address of Petitioner: The name and address of the Petitioner is:

Florida Solar Energy Industry Association
Bruce Kershner, Executive Director
FlaSEIA
231 West Bay Avenue
Longwood, Florida 32750-4125

3. Petitioner's representatives: 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
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4. Notice of docket: Petitioner received notice of this docket by review of the Florida Public Service Commission's (Commission, PSC) website.

5. Statement of Substantial Interest: FlaSEIA is a Florida not-for-profit corporation which

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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.

6. In this docket the Commission will review the demand-side management programs submitted by Progress Energy Florida, Inc. (PEF) to meet their demand-side management goals established by the Commission in Order No. PSC-09-0855-FOF-EG, issued on December 30, 2009 as amended by Order No. PSC-10-0198-FOF-EG, issued on March 31, 2010. FlaSEIA, as a member of the Florida Solar Coalition, was an intervenor in the FEECA dockets in which the Commission set the current conservation goals.¹

7. The Florida Solar Energy Industries Association and its individual and company members, are directly affected by the decisions made in this docket for two reasons. First, the electric rates of FlaSEIA's individual members and companies will be directly impacted by the demand-side energy programs approved in this docket. Second, FlaSEIA members are engaged in solar renewable energy manufacturing and businesses in Florida. Order PSC-09-0855-FOF-EG requires PEF to design programs to encourage and develop demand-side renewable energy systems in Florida and has set

¹ Dockets Nos. 080407-EG, 080408-EG, 080409-EG, 080410-EG, 080411-EG, 080412-EG and 080413-EG in which the demand-side management goals for Florida Power & Light, Co., Progress Energy Florida, Inc., Tampa Electric Company, Gulf Power Company, Florida Public Utilities Company, Orlando Utilities Commission and JEA, respectively, were established.

specific dollar amounts to be spent by each investor-owned utility annually to do so. PEF is required to expend up to \$6,467,592.00 each year to develop solar photovoltaic and thermal programs. 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), has been fully met. See also: *Ameristeel Corp. v. Clark*, 691 So.2d 473, 477 (Fla. 1997).

8. Disputed Issues of Material Fact: Disputed issues of material fact include, but are not limited to, the following:

a. Do the terms and conditions of the programs proposed by PEF for solar renewable demand-side energy systems maximize the development of solar renewable energy systems in Florida within the annual budget proposed?

9. Statement of ultimate facts: Ultimate facts include, but are not limited to, the following:

a. Should PEF's proposed solar renewable demand-side energy programs be approved as filed?

10. Rules and statutes justifying relief: The rules and statutes that entitle FlaSEIA to intervene and participate in this case include, but are not limited to:

- a. Section 120.569, Fla. Stat.
- b. Section 120.57, Fla. Stat.
- c. Section 366.80-.85(1), Fla. Stat.
- d. Rule 25-22.039, F.A.C.
- e. Rule 28-106.201, F.A.C.

11. Relief: FlaSEIA requests that it be permitted to intervene as a full party in this docket.

WHEREFORE, the Florida Solar Energy Industry Association 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 23rd day of April, 2010 by:

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Attorney for FlaSEIA

c: 6800

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been provided by U.S. Mail, postage prepaid, and electronic mail this 23rd day of April 2010 to the following:

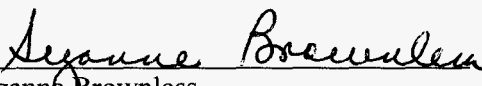
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