

Antonia Hover

From: Antonia Hover on behalf of Records Clerk
Sent: Monday, August 22, 2022 2:57 PM
To: 'david@ourchildrenstrust.org'
Cc: Consumer Contact
Subject: FW: Letter re: Utilities' 2022 Ten-Year Site Plans, Docket No. PSC-20220000
Attachments: 2022.08.22_PSC 2022 TYSP Letter_Final.pdf

Good Afternoon, Mr. Schwartz.

We will be placing your comments below in consumer correspondence in Docket Number 20220000, and forwarding them to the Office of Consumer Assistance and Outreach.

Thank you!

Toni Hover
Commission Deputy Clerk I
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399
Phone: (850) 413-6467

From: David Schwartz <david@ourchildrenstrust.org>
Sent: Monday, August 22, 2022 1:59 PM
To: Keith Hetrick <khetrick@psc.state.fl.us>; Margo DuVal <mduval@psc.state.fl.us>; Jacob Imig <JImig@psc.state.fl.us>; Records Clerk <CLERK@PSC.STATE.FL.US>
Subject: Letter re: Utilities' 2022 Ten-Year Site Plans, Docket No. PSC-20220000

Dear Mr. Hetrick, Ms. Duval, Mr. Imig, and PSC Clerk,

On behalf of Florida's youth, including Delaney Reynolds, Levi Draheim, Valholly Frank, and Isaac Augspberg, Our Children's Trust submits the attached letter concerning the 2022 ten-year site plans submitted to the Florida Public Service Commission by Florida's electric utilities. We respectfully urge the Commission to find all 2022 ten-year site plans "unsuitable" as they are not consistent with various state legal requirements nor the utilities' own public commitments to increase the use of renewable energy and achieve decarbonization targets.

We appreciate your consideration of this letter and look forward to working with the Commission as it reviews and evaluates utilities' 2022 ten-year site plans. We respectfully request that you respond to this letter, in writing, at your earliest convenience and in advance of your determination as to the suitability of utilities' 2022 ten-year site plans.

Please let me know if you have any trouble accessing the attachment.

Sincerely,

David

David Schwartz
Staff Attorney
he/him

[Our Children's Trust](#)

P.O. Box 5181
Eugene, OR 97405
O: 541-375-0158
C: 310-918-3858

#YouthGov
DONATE NOW

This message may contain privileged and/or confidential information. It is for the exclusive use of the intended recipient(s). Any review, use, disclosure or distribution by persons or entities other than the intended recipient(s) is prohibited. If you are not the intended recipient, please contact the sender by reply and destroy all copies of the original message. Thank you.



August 22, 2022

Keith Hetrick, General Counsel
Margo Duval, Office of the General Counsel
Jacob Imig, Senior Attorney
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850

Via email to: Keith Hetrick: kherrick@psc.state.fl.us; Margo Duval: mduval@psc.state.fl.us;
Jacob Imig: jimig@psc.state.fl.us ; and PSC Clerk: clerk@psc.state.fl.us.
Re: Utilities' 2022 Ten-Year Site Plans; Docket No. PSC-20220000

Dear Mr. Hetrick and Ms. Duval,

On behalf of Florida's youth, including Delaney Reynolds, Levi Draheim, Valholly Frank, and Isaac Augspurg, Our Children's Trust ("OCT") submits the following letter concerning the 2022 ten-year site plans submitted to the Florida Public Service Commission ("PSC") by Florida's electric utilities.¹ We respectfully urge the PSC to find all site plans "unsuitable"² as they are not consistent with state legal requirements nor the utilities' own public commitments to increase the use of renewable energy and achieve decarbonization targets. OCT is the only law firm in the United States dedicated to representing youth whose fundamental, constitutional rights to life, liberty, property, and equal protection of the law are being infringed by the government's climate change-inducing conduct. OCT's work aims to secure young people's constitutional rights to a safe climate and systemic and science-based climate remedies at every level of government.

As you know, time is running out to avoid the worst effects of climate change, and these effects are already being felt by Florida's youth in ways that were unimaginable one generation ago. The PSC's ten-year site plan review process represents the only long-term energy planning undertaken by the State of Florida. For years, the PSC has routinely found utilities' ten-year site plans to be "suitable" even though they are inconsistent with state law and energy policy, and have resulted in an energy system that is violating the constitutional rights of Florida youth. The PSC is required by law to regulate public utilities "in the public interest" as "an exercise of the police power of the state for the protection of the public welfare." Fla. Stat. § 366.01. The PSC should not abdicate its responsibility to rigorously determine whether utilities' ten-year site plans are "suitable" under Florida law and consistent with state legal requirements to "diversify the

¹ See Fla. Admin. Code §§ 25-22.071(1)(a), (b) (only electric utilities with existing generating capacity of 250 mW or greater, or those that construct a new generating facility of 75mW or greater are required to submit ten-year site plans). Ten (10) electric utilities submitted 2022 ten-year site plans – Duke Energy Florida, Florida Municipal Power Agency, Florida Power & Light, Gainesville Regional Utilities, JEA, Lakeland Electric, Orlando Utilities Commission, Seminole Electric Cooperative, City of Tallahassee Utilities, and Tampa Electric Company. See *Ten-Year Site Plans*, Fla. Pub. Serv. Comm'n, [PSC.STATE.FL.US, http://www.psc.state.fl.us/ElectricNaturalGas/TenYearSitePlans](http://www.psc.state.fl.us/ElectricNaturalGas/TenYearSitePlans).

² See Fla. Stat. § 186.801(2).



types of fuel used to generate electricity in Florida” and “lessen Florida’s dependence on natural gas and fuel oil for the production of electricity.”³

OCT asks the PSC to find that the utilities’ 2022 ten-year site plans are “unsuitable” under Fla. Stat. § 186.801(2) for the reasons set forth in this letter. The utilities’ 2022 ten-year site plans violate Florida law by, among other deficiencies as described below, facilitating increased natural gas infrastructure and use over this critical period for climate change mitigation opportunity. Although NextEra and Duke Energy have publicly announced emissions reduction plans, their 2022 site plans still forecast significant—and in the case of Duke Energy Florida, increased—natural gas use over the next decade. The PSC cannot continue to find such plans “suitable” that lock-in Florida’s reliance on fossil fuels and which are contrary to state law and harmful to the public interest. OCT urges the PSC to find utilities’ 2022 ten-year site plans to be “unsuitable for planning purposes” and to suggest alternatives to each plan pursuant to Fla. Stat. § 186.801(2). We respectfully request that you respond to this letter, in writing, at your earliest convenience and in advance of your determination as to the suitability of the 2022 ten-year site plans. Our clients are also available to meet with you in person to discuss the contents of this letter, should you find that useful.

Respectfully submitted,

/s/ Andrea K. Rodgers
Andrea K. Rodgers
OCT Senior Litigation Attorney
andrea@ourchildrenstrust.org

/s/ Mitchell A. Chester
Law Office of Mitchell A. Chester, P.A.
Plantation, Florida
mchester@mitchellchester.com

David Schwartz
OCT Staff Attorney
david@ourchildrenstrust.org

³ Fla. Stat. § 366.92(1).

The PSC's Suitability Findings Must Comply With State Law & Policy

The PSC is mandated to regulate and supervise Florida's electric utilities in the public interest with respect to rates, services, and other matters.⁴ The PSC oversees the ten-year site plan process, through which electric utilities submit their plans for power-generation, including forecasts of energy sources and proposed locations of new generating units.⁵ The PSC is the sole agency tasked with reviewing utilities' ten-year site plans and has the sole authority to determine whether a utility's plan is "suitable" or "unsuitable."⁶ The PSC also has the power to "suggest alternatives" to utilities' plans.⁷

The PSC's ten-year site planning process is the "culmination" of Florida's version of integrated resource planning, and the ten-year site plans themselves set forth the utilities' load forecasts and how it plans to meet those generation needs over a ten-year period, so as to "give state, regional, and local agencies advance notice of proposed power plants and transmission facilities."⁸ The PSC is tasked with undertaking a "preliminary study" of utilities' ten-year site plans, and while the plans may be amended at any time upon notification to the PSC so that they are up-to-date for planning purposes, a "suitable" determination from PSC serves as the agency's official endorsement of the utility's approach to electricity generation as being in the public interest in the short- and long-term. Indeed, the PSC's suitability findings are made available by PSC "to the Florida Department of Environmental Protection for its consideration at any subsequent certification proceeding pursuant to the Electrical Power Plant Siting Act or the Electric Transmission Line Siting Act."⁹

Since at least 1999, the furthest back the PSC's publicly-available online records go,¹⁰ the PSC has not once found a utility's ten-year site plan to be "unsuitable."¹¹ For over two decades, the PSC has published a report that contains a largely copy-pasted analysis of utilities' ten-year site plans (save for the changing figures) and which invariably finds such plans "suitable."¹² As detailed below, the PSC's suitability determinations have historically been made without a

⁴ See Fla. Stat. § 366.01.

⁵ See Fla. Stat. § 186.801(1).

⁶ See Fla. Stat. § 186.801(2).

⁷ *Id.*

⁸ Fla. Pub. Serv. Comm'n, *Review of the 2021 Ten-Year Site Plans of Florida's Electric Utilities 7* (Oct. 2021), <http://www.psc.state.fl.us/Files/PDF/Utilities/Electricgas/TenYearSitePlans/2021/Review.pdf>.

⁹ *Id.* at 1-2.

¹⁰ See *Ten-Year Site Plans*, Fla. Pub. Serv. Comm'n, PSC.STATE.FL.US, <http://www.psc.state.fl.us/ElectricNaturalGas/TenYearSitePlans>.

¹¹ Although in 2000, PSC found the City of Tallahassee Utilities' plan to be "conditionally suitable", see Fla. Pub. Serv. Comm'n, *Review of Electric Utility 2000 Ten-Year Site Plans 7*, <http://www.psc.state.fl.us/Files/PDF/Utilities/Electricgas/TenYearSitePlans/archive/tysp2000.pdf>.

¹² See, e.g., Fla. Pub. Serv. Comm'n, *Review of the 2021 Ten-Year Site Plans of Florida's Electric Utilities 9* (Oct. 2021), <http://www.psc.state.fl.us/Files/PDF/Utilities/Electricgas/TenYearSitePlans/2021/Review.pdf>. (The Commission's ultimate statement finding all utilities' plans "suitable" is largely the same year-after-year: "Based on its review, the Commission finds all 11 reporting utilities' 2021 Ten-Year Site Plans to be suitable for planning purposes. During its review, the Commission has determined that the projections for load growth appear reasonable and that the reporting utilities have identified sufficient generation facilities to maintain an adequate supply of electricity at a reasonable cost.").

proper analysis of the factors set forth in the ten-year site plan statute and without consideration of whether the plans anticipate providing energy in a way that protects public welfare.¹³

Ultimately, the PSC's systematic approval of ten-year site plans that continuously project increases in fossil fuel use has led to precisely the sort of electricity system that Florida's Legislature sought to avoid when it enacted the ten-year site plan requirement, the Florida Renewable Energy Policy, and other state laws designed to protect the public interest.¹⁴ The PSC's decisions have resulted in an electrical power system that is economically harmful to Florida consumers and that causes climate change that is injuring Florida's youth.

Given the technical and economic feasibility of wide-scale adoption of zero-carbon renewable sources of energy in Florida—as evidenced by Florida Power & Light (“FPL”) and Duke Energy Florida’s (“DEF”) public decarbonization commitments and studies by experts showing how to decarbonize Florida—the PSC should find utilities’ 2022 ten-year site plans “unsuitable” for the following reasons:

1. Plans fail to consider the lack of fuel diversity they propose and fail to consider the anticipated environmental impacts of near complete dependence on natural gas.
2. Plans do not analyze alternatives to heavy reliance on natural gas, including renewable energy alternatives that are available and economically and technologically feasible.
3. Plans are inconsistent with the State Comprehensive Plan.
4. Plans violate Florida's Renewable Energy Policy.
5. Plans are inconsistent with FDACS' Renewable Energy Goals.
6. Plans ignore city and county decarbonization requirements.
7. Plans are inconsistent with utilities' own public decarbonization commitments.

Once the PSC finds utilities’ 2022 plans “unsuitable,” it should “suggest alternatives” to the plans pursuant to Fla. Stat. § 186.801(2) that bring the plans into compliance with Florida law and with certain utilities’ own public decarbonization commitments.

Utilities’ 2022 Ten-Year Site Plans Fail to Consider Lack of Fuel Diversity—Fla. Stat. § 186.801(2)(b)

Fuel diversity in electricity production is vital as it provides options and flexibility to ensure that Floridians can keep the lights on in times of expected, and unexpected, events. It also serves to ensure rate affordability and Florida's energy independence. The utilities’ 2022 plans overwhelming reliance on one source of fuel—natural gas—supports a finding that the plans are unsuitable. The PSC is required to consider plans’ collective effect on fuel diversity in Florida.¹⁵ The PSC's analysis of fuel diversity must be consistent with the express legislative intent to “lessen Florida's dependence on natural gas and fuel oil for the production of electricity”

¹³ See Fla. Stat. §§ 186.801(2), 366.01.

¹⁴ See Fla. Stat. § 366.92.

¹⁵ Fla. Stat. § 186.801(2)(b).

mandated in Florida's Renewable Energy Policy.¹⁶ By approving ten-year site plans that project significant new or increased dependence on natural gas generation, the PSC fails to consider the effects of the current and projected lack of fuel diversity in Florida's electricity system, with devastating consequences to Florida's environment, economy, and young Floridians.

Of the ten electric utilities to submit 2022 ten-year site plans, seven utilities—DEF, Florida Municipal Power Agency, Gainesville Regional Utilities, Lakeland Electric, Seminole Electric Cooperative, City of Tallahassee Utilities, and Tampa Electric Company—propose increases in their natural gas use over the 2021 to 2031 time period.¹⁷ For these utilities proposing to increase their natural gas usage by 2031, the *lowest* proposed percentage of energy generation to come from natural gas in 2031 is 70.6 % (Gainesville), while the highest is nearly 100% (Tallahassee).¹⁸ Four of these utilities—Florida Municipal Power Agency, Lakeland, Seminole, and Tallahassee—propose more than 80% of their power to come from natural gas in 2031.¹⁹ Seminole Electric Cooperative, which serves approximately 1.9 million customers, has the most drastic proposed increase in natural gas use over the planning period of 55.9% (26.9% in 2021 to 82.8% natural gas in 2031).²⁰ Collectively, these seven utilities serve over 5 million residential and commercial customers across the state of Florida.

Although the utilities all propose to complement their natural gas generation with one or more other forms of power production—increasingly solar, but generally also coal, nuclear, or “landfill” “biogas” or other forms of “renewable” natural gas—the overall trend in Florida's electricity sector is dominated by fossil natural gas. Florida's dependence on natural gas is not an aberration or accident—it is the result of the PSC's long-standing practice of rubber-stamping utilities' ten-year site plans as “suitable,” since this is the only form of long-range energy planning done by Florida's government. Florida's dependence on natural gas is a bad deal for both consumers and the environment.

Current natural gas prices are highly volatile and have increased dramatically,²¹ and this price volatility is typically passed directly onto consumers.²² Indeed, earlier this year, the PSC

¹⁶ See Fla. Stat. § 366.92(1).

¹⁷ See *Ten-Year Site Plans*, Fla. Pub. Serv. Comm'n, PSC.STATE.FL.US, <http://www.psc.state.fl.us/ElectricNaturalGas/TenYearSitePlans> (2022 – in particular the “Schedule 6.1” and “Schedule 6.2” Tables in each utility's plan details its fuel requirements in both GWh and percentages, respectfully).

¹⁸ See *id.*

¹⁹ See *id.*

²⁰ Seminole Electric Cooperative, *Ten-Year Site Plan 2022 – 2031 (Detail as of December 31, 2021)*, at 22 (Apr. 1, 2022), <http://www.psc.state.fl.us/Files/PDF/Utilities/Electricgas/TenYearSitePlans/2022/Seminole%20Electric%20Cooperative.pdf> (Schedule 6.2).

²¹ Scott Disavino, *U.S. Natgas Volatility Jumps to a Record as Prices Soar Worldwide*, REUTERS.COM (Oct. 7, 2021), <https://www.reuters.com/business/energy/us-natgas-volatility-jumps-record-prices-soar-worldwide-2021-10-06/>; Liz Hampton, *Price Volatility and Rising Demand Revive U.S. Natural Gas Trading*, REUTERS.COM (Apr. 8, 2022), <https://www.reuters.com/business/energy/price-volatility-rising-demand-revive-us-natural-gas-trading-2022-04-08/>.

²² *EIA Forecasts U.S. Winter Natural Gas Bills Will be 30% Higher than Last Winter*, U.S. Energy Info. Admin., EIA.GOV (Oct. 25, 2021), <https://www.eia.gov/todayinenergy/detail.php?id=50076> (“Changes in natural gas spot prices typically get passed along to retail rates over a period of months because of regulatory rate structures. Utilities

approved a massive rate increase for FPL customers and did so in large part due to the rising costs of natural gas.²³ Florida's overreliance on natural gas also thwarts Florida's energy independence and economic wellbeing, as up to \$5 billion leaves the state's economy every year to pay for out-of-state gas.²⁴ The utilities' 2022 ten-year site plans do not address the troubling lack of fuel diversity that will continue if the plans are fully implemented, and for this reason alone the PSC should find these plans to be "unsuitable."

Utilities' 2022 Ten-Year Site Plans Do Not Analyze Anticipated Environmental Impacts of Proposed Natural Gas Power Plants—Fla. Stat. § 186.801(2)(c)

Under Fla. Stat. § 186.801(2)(c) the PSC must specifically consider the "anticipated environmental impact of each proposed electrical power site" detailed in a utility's ten-year site plan.²⁵ Not only do the utilities' 2022 ten-year site plans not address the substantial environmental and climate impacts stemming from their natural gas-dependent plans, the plans that do propose new natural gas units do not evaluate the environmental or climate impacts of these new generation facilities. Of the ten utilities that filed 2022 ten-year site plans, three—DEF, Lakeland, and Seminole—propose to construct new natural gas-fired generation over the course of the planning period.²⁶ This proposed new generation totals more than 2,000 MW.²⁷ The most significant natural gas additions over the current planning period are proposed by Seminole Electric Cooperative—it plans to add 1134 MW of natural gas in Q4 of 2022; 609 MW of natural gas in 2025; and 347 MW of natural gas in 2027.²⁸

Seminole's plan does not evaluate the "anticipated environmental impacts" from these plants' construction; the site plan does not contain the words "climate change," "methane," or

generally cannot profit or lose money from natural gas commodity sales, whose costs are passed along directly to the consumer.")

²³ See, e.g., Hannah Morse, *Your Next Florida Power & Light Electric Bill is Going Way Up. Here is Why and How Much*, PALMBEACHPOST.COM (Jan. 7, 2022), <https://www.palmbeachpost.com/story/news/2022/01/07/florida-power-light-fpl-customers-see-higher-electricity-bills-2022/9080639002/>.

²⁴ Katie Chiles Ottenweller, *Vote Solar, More than \$5 Billion Flees Florida's Economy Every Year to Pay for Out-of-state Fossil Fuels*, VOTESOLAR.ORG (July 13, 2020), <https://votesolar.org/more-than-5-billion-flees-floridas-economy-every-year-to-pay-for-out-of-state-fossil-fuels/>.

²⁵ Fla. Stat. § 186.801(2)(c).

²⁶ See *Ten-Year Site Plans*, Fla. Pub. Serv. Comm'n, PSC.STATE.FL.US, <http://www.psc.state.fl.us/ElectricNaturalGas/TenYearSitePlans>.

²⁷ See Duke Energy Florida, *Ten-Year Site Plan as of December 31, 2021; Undocketed*, at 3-2 (Apr. 1, 2022), <http://www.psc.state.fl.us/Files/PDF/Utilities/Electricgas/TenYearSitePlans/2022/Duke%20Energy%20Florida.pdf> (214 MW natural gas proposed in 2029); Lakeland Electric, *Ten Year Site Plan 2022-2031*, at 1-1 (Apr. 1, 2022), <http://www.psc.state.fl.us/Files/PDF/Utilities/Electricgas/TenYearSitePlans/2022/Lakeland%20Electric.pdf> (adding 120 MW natural gas by end of 2023); Seminole Electric Cooperative, *Ten-Year Site Plan 2022 - 2031 (Detail as of December 31, 2021)*, at 35 (Apr. 1, 2022), <http://www.psc.state.fl.us/Files/PDF/Utilities/Electricgas/TenYearSitePlans/2022/Seminole%20Electric%20Cooperative.pdf> (noting three planned natural gas projects – 1134 MW planned for Q4 2022; 609 MW planned for 2025; and 347 MW planned for 2027).

²⁸ See Seminole Electric Cooperative, *Ten-Year Site Plan 2022 - 2031 (Detail as of December 31, 2021)*, at 35 (Apr. 1, 2022), <http://www.psc.state.fl.us/Files/PDF/Utilities/Electricgas/TenYearSitePlans/2022/Seminole%20Electric%20Cooperative.pdf>.

“carbon dioxide”²⁹—terms one would expect to be included in a document required to contain an evaluation of “[t]he anticipated environmental impact of each proposed electrical power plant site.” Seminole’s ten-year site plan does not evaluate the environmental or climate impacts that will result from the proposed natural gas plants’ carbon dioxide (“CO₂”) emissions, nor does the plan evaluate the environmental impacts relating to the plant’s operation, such as the transport of natural gas to the plant via pipeline which carries risks of leaks or spills or the harmful methane that is emitted during the production and transport of the natural gas. The Florida Legislature made clear that these anticipated environmental impacts must be assessed by the PSC at the Ten-Year Site Plan stage, not only on a site-specific basis, such as when the PSC makes a determination of need for an electrical power plant under Fla. Stat. § 403.519.³⁰ It is unlawful for the PSC to read the requirement to assess anticipated environmental impacts out of the ten-year site plan statute.

In addition to these proposed sites, FPL’s 2022 ten-year site plan notes that the utility plans to bring online a new 1,267 MW natural gas fired unit by the end of 2022 as part of a modernization of an existing facility.³¹ FPL claims the modernization will result in a lower amount of natural gas used across FPL’s system.³² However, FPL’s 2022 ten-year site plan does not address the environmental or climate impacts of this particular addition or revision, even if the plan does tout FPL’s progress in reducing its overall carbon dioxide emissions and donating to environmental organizations.³³ While natural gas power plants do emit less carbon dioxide per megawatt hour than coal-fired power plants,³⁴ natural gas plants still emit on average 976 pounds of CO₂ per MWh, compared to 0 pounds of CO₂ per MWh for renewables and nuclear. Additionally, natural gas plants also contribute to additional, non-CO₂ pollution in the form of methane emissions from natural gas pipeline leaks and other leaks from natural gas-related infrastructure, none of which are assessed in the plans.³⁵

Utilities’ 2022 Ten-Year Site Plans Do Not Analyze Economically and Technologically Feasible Alternatives to Continued Natural Gas Dependence—Fla. Stat. § 186.801(2)(d)

The PSC is required to review “possible alternatives” to each utility’s proposed plan under Fla. Stat. § 186.801(2)(d) and has the authority to suggest alternatives to utilities’ plans

²⁹ See *id.*

³⁰ See Fla. Stat. §§ 186.801(2)(c), 403.519(3) (PSC “shall be the sole forum for the determination [of need for an electrical power plant subject to the Florida Electrical Power Plant Siting Act.]”).

³¹ Florida Power & Light Company, *Ten Year Power Plant Site Plan 2022 – 2031*, at 96 (Apr. 1, 2022), <http://www.psc.state.fl.us/Files/PDF/Utilities/Electricgas/TenYearSitePlans/2022/Florida%20Power%20and%20Light%20Company.pdf>.

³² *Id.* at 101.

³³ *Id.* at 283-84.

³⁴ U.S. Energy Info. Admin, *Electric Power Sector CO₂ Emissions Drop as Generation Mix Shifts from Coal to Natural Gas*, EIA.GOV (June 9, 2021), <https://www.eia.gov/todayinenergy/detail.php?id=48296#:~:text=When%20generating%20electricity%2C%20coal%20emits,pounds%20of%20CO2%2FMWh>.

³⁵ See, e.g., Hannah Morse, *Why FPL’s ‘Clean’ Power Plants are Ranked in Report Among Top Carbon Producers*, PALMBEACHPOST.COM (Mar. 28, 2022), <https://www.palmbeachpost.com/story/news/local/2022/03/28/florida-power-light-plant-ranks-dirty-but-company-disputes-claim/7041464001/>.

under Fla. Stat. § 186.801(2). While this statutory obligation applies to the PSC and not to the utilities, it is notable that only one utility—FPL—included an alternative forecast in its plan.³⁶ Even then, the differences between its “business as usual” and alternative plans were relatively minor – such as differences in absolute energy use to account for higher winter loads in anticipation of extreme weather events like the devastating 2021 winter storm in Texas.³⁷

Otherwise, the utilities’ 2022 ten-year site plans fail to consider or provide information to the PSC about feasible plan alternatives. Notably, though, both NextEra and Duke Energy, parent companies for FPL and DEF respectively, have announced goals to achieve significant emissions reductions by 2050, with interim goals of around 50% renewables by 2030.³⁸ These public goals, which as discussed below are inconsistent with FPL and DEF’s 2022 ten-year site plans, indicate that major utilities are aware of alternatives to continued natural gas dependence. Where, as here, such plans run afoul of numerous aspects of Florida law—as well as fail to satisfy the utilities’ own public decarbonization commitments—the PSC must find the utilities’ plans to be “unsuitable.”

Further, there is no question that economically and technologically feasible alternatives to continued natural gas dependence exist. In 2020, the energy modeling and consulting firm Evolved Energy Research (“EER”) released a report detailing five technically and economically feasible pathways for Florida to decarbonize all sectors, including the electricity sector, by 2050, while keeping costs below the historical cost of energy in Florida under a business-as-usual approach.³⁹ Dr. Mark Jacobson, co-founder and Director of Stanford University’s Atmosphere/Energy Program, has similarly determined that Florida could meet all of its energy needs with wind-water-solar supply while still keeping the grid stable 100% of the time, creating jobs, saving lives, and cutting emissions.⁴⁰ The PSC should review these alternative scenarios when assessing alternatives to the utilities’ proposed plans.

Realizing alternative energy scenarios will require early investments in renewable energy infrastructure to harness Florida’s abundant solar energy potential, as opposed to investments in new natural gas generation. This has become the obvious choice for Florida given the recent passage of the Inflation Reduction Act, which has been called “An Energy Transition ‘Game

³⁶ See Florida Power & Light Company, *Ten Year Power Plant Site Plan 2022 – 2031* (Apr. 1, 2022), <http://www.psc.state.fl.us/Files/PDF/Utilities/Electricgas/TenYearSitePlans/2022/Florida%20Power%20and%20Light%20Company.pdf>.

³⁷ *Id.* at 93.

³⁸ *A Real Plan for Real Zero*, NextEra Energy, NEXTERAENERGY.COM, <https://www.nexteraenergy.com/real-zero.html>; *Duke Energy Expands Clean Energy Action Plan*, Duke Energy, NEWS.DUKE-ENERGY.COM (Feb. 9, 2022), <https://news.duke-energy.com/releases/duke-energy-expands-clean-energy-action-plan>.

³⁹ Ben Haley et al., Evolved Energy Research, *350 PPM Pathways for Florida* (Oct. 6, 2020), <https://static1.squarespace.com/static/571d109b04426270152febe0/t/5f7ff0f44a97c21b0c0d82c7/1602220328211/350+PPM+Pathways+Florida+Report.pdf>.

⁴⁰ Mark Z. Jacobson et al., *Zero Air Pollution and Zero Carbon from All Energy Without Blackouts at Low Cost in Florida* (Dec. 7, 2021), <https://web.stanford.edu/group/efmh/jacobson/Articles/I/21-USStates-PDFs/21-WWS-Florida.pdf>. See also Mark Jacobson et al., *Zero Air Pollution and Zero Carbon from all Energy at Low Cost and Without Blackouts in Variable Weather Throughout the U.S. with 100% Wind-Water-Solar and Storage*, 184 *Renewable Energy* 430, 430-42 (2022), <https://web.stanford.edu/group/efmh/jacobson/Articles/I/21-USStates-PDFs/21-USStatesPaper.pdf>.

Changer”⁴¹ and a means “to accelerate decarbonization.”⁴² Duke Energy’s CEO, Lynn Good, said, “The clean energy tax credits will lower our cost of service, which in turn reduces the cost to customers of our energy transition.”⁴³ Florida utilities in their ten-year site plans, on the other hand, are still planning for new natural gas generating units that are not in the public interest, even though there are technically and economically feasible alternatives that do not contribute to climate change and will save Floridians money. This is equivalent to investing in land lines instead of cell phones. For example:

- DEF will add a new combustion turbine unit in 2029 that will have 214 MW of capacity;
- FPL will make various upgrades to its combined cycle unit at its existing Lauderdale power plant site in 2022;
- Lakeland Electric will add six Reciprocating Internal Combustion Engines (RICEs) for 120 MW of natural gas-generated capacity in 2024;
- Seminole Electric will add two combined cycle facilities and one combustion turbine facility in 2022, 2025, and 2027 respectively for over 2,000 MW of new natural gas generating capacity; and
- Tampa Electric will add natural gas projects in 2022, 2023, 2025, and 2028 for a total of five new units with a combined capacity of over 550 MW.⁴⁴

In addition, many utilities have accounted for power purchase agreements that add natural gas capacity.⁴⁵ Utilities’ 2022 ten-year site plans do not consider approaches to renewable energy generation at the necessary scale. Though many utilities tout their efforts and abilities to invest in solar and battery storage technologies, those promises must be viewed in the context of Florida’s overwhelming reliance and dependence on natural gas. According to data from the Florida Reliability Coordinating Council, natural gas is projected to generate 171,226 GWh in 2021 and 185,330 GWh in 2030 while renewable energy sources are projected to generate only 15,392 GWh in 2021 and 41,656 GWh in 2030.⁴⁶ Renewable energy production is projected to increase linearly at about 2,802.6 GWh per year (99.99% certainty) whereas natural gas production is projected to increase linearly at about 1,482.5 GWh per year (99.97% certainty).⁴⁷

⁴¹ Sidley Austin, LLP, Tax and Energy Update, *Inflation Reduction Act: Overview of Energy-Related Tax Provisions – An Energy Transition “Game Changer”* (Aug. 18, 2022), <https://www.sidley.com/en/insights/newsupdates/2022/08/inflation-reduction-act-an-energy-transition-game-changer>.

⁴² Marianne Lavelle, *The New US Climate Law Will Reduce Carbon Emissions and Make Electricity Less Expensive, Economists Say*, Inside Climate News (Aug. 19, 2022), https://insideclimatenews.org/news/19082022/inflation-reduction-act-electricity-prices-carbon-reduction/?utm_source=InsideClimate+News&utm_campaign=604a0b954b-&utm_medium=email&utm_term=0_29c928ffb5-604a0b954b-327830353.

⁴³ *Id.*

⁴⁴ *See Ten-Year Site Plans*, Fla. Pub. Serv. Comm’n, PSC.STATE.FL.US, <http://www.psc.state.fl.us/ElectricNaturalGas/TenYearSitePlans> (2022, Schedule 9 Tables).

⁴⁵ *See id.*

⁴⁶ Christina Rau, Florida Reliability Coordinating Council, *2021 Regional Load & Resource Plan FRCC-MS-PL-378 Version 2*, at S-18, Form 9.1 (2021), http://www.psc.state.fl.us/Files/PDF/Utilities/Electricgas/TenYearSitePlans/2021/FRCC_RLRP.pdf.

⁴⁷ *Id.*

At these rates of increase, renewable energy production will not equal natural gas energy production until the year 2140. Taking almost five generations just to achieve parity between natural gas and renewable energy use represents an abject failure to capitalize on Florida's "significant solar energy potential" and to comply with Florida's explicit Renewable Energy Policy.⁴⁸ In the absence of analyses considering renewable alternatives to new fossil fuel infrastructure to meet projected future energy demand, the PSC should designate utilities' 2022 ten-year site plans as "unsuitable".

Utilities' 2022 Ten-Year Site Plans are Inconsistent with the State Comprehensive Plan— Fla. Stat. § 186.801(2)(f)

Section 186.801(2)(f), Florida Statutes, requires the PSC to review "the extent to which the [utility's] plan is consistent with the state comprehensive plan." The State Comprehensive Plan is unambiguous in its intent to reduce Florida's reliance on fossil fuels. The stated goal of the comprehensive plan regarding energy is that Florida "*shall* reduce atmospheric carbon dioxide by promoting an increased use of renewable energy resources and low-carbon-emitting electric power plants."⁴⁹ Legislatively established policies include "promot[ing] the development and application of solar energy technologies and passive solar design techniques" and "promot[ing] the use and development of renewable energy resources and low-carbon-emitting electric power plants."⁵⁰ In addition, the Florida Legislature has declared policies to "improve air quality and maintain the improved level to safeguard human health and prevent damage to the natural environment,"⁵¹ and "encourage the use of alternative energy resources that do not degrade air quality."⁵² Importantly, the Legislature has dictated that "Florida shall provide programs sufficient to protect the health, safety, and welfare of all of its children."⁵³ The PSC cannot continue to ignore these clear legislative directives.

The utilities say nothing about how their plans are consistent with these provisions of the State Comprehensive Plan. The PSC should designate utilities' 2022 ten-year site plans as "unsuitable" because the plans are facially inconsistent with the State Comprehensive Plan because they have no analysis as to how the plans will reduce atmospheric CO₂ nor do they explain how proposing an increase in natural gas use and development while simultaneously failing to adequately account for renewable energy alternatives is compliant with the State Comprehensive Plan. Nor do the plans explain how a fossil fuel dominated energy system protects the health, safety, and welfare of all of Florida's children, which is not surprising. Climate change has created a children's health crisis and "present and future generations of children bear and will continue to bear an unacceptably high disease burden from climate

⁴⁸ Fla. Stat. § 366.92.

⁴⁹ See Fla. Stat. § 187.201(11)(a).

⁵⁰ See Fla. Stat. §§ 187.201(11)(b)(7), (b)(9).

⁵¹ See Fla. Stat. § 187.201(10)(b)(1).

⁵² See Fla. Stat. § 187.201(10)(b)(4).

⁵³ See Fla. Stat. § 187.201(1)(a).

change.”⁵⁴ Energy generation from natural gas expected by Florida’s utilities hardly changes over the current ten-year period (i.e., 2022 to 2031). Though natural gas as a percentage of total energy generation may decrease by a few percentage points from 2022 to 2031, utilities’ 2022 ten-year site plans collectively indicate that the total amount of energy (MW) coming from natural gas will increase from 2022 to 2031, which will in turn *increase* atmospheric levels CO₂ and *increase* the health harms being imposed on Florida’s children.⁵⁵

Utilities’ 2022 Ten-Year Site Plans Violate Florida Renewable Energy Policy—Fla. Stat. § 366.92

The Florida Legislature clearly intends to drive a renewable energy transition in the state, as there are many environmental and economic reasons to do so, and the PSC’s suitability determination should be guided with this intention in mind. In 2006, the Legislature adopted the Florida Renewable Energy Policy, which set forth the Legislature’s intent to “diversify the types of fuel used to generate electricity,” and “lessen Florida’s dependence on natural gas and fuel oil for the production of electricity.”⁵⁶ The PSC is charged with implementing Florida’s Renewable Energy Policy.⁵⁷ Although the Renewable Energy Policy has been amended a number of times since 2006, the legislative intent provision has remained consistent and unchanged.⁵⁸

In its previous suitability determinations, the PSC has both acknowledged its role in fulfilling that intent and recognized that Florida’s utilities have failed to increase fuel diversity in the state.⁵⁹ In its 2005 and 2006 ten-year site plan review, the PSC observed the lack of fuel diversity for electricity generation and signaled that it would “continue to closely monitor the progress of Florida’s utilities to increase fuel diversity within the state.”⁶⁰ Yet, the PSC continues to violate the Florida Renewable Energy Policy by systematically finding electric utilities’ ten-year site plans as suitable even though they lock-in decades of natural gas use and infrastructure. For example, in 2020, the PSC found each utility’s ten-year site plans to be “suitable” because their “projects for load growth appear[ed] reasonable” and because “the reporting utilities ha[d] identified sufficient generation facilities to maintain an adequate supply of electricity at a reasonable cost.”⁶¹ The PSC found these plans to be “suitable” despite the fact that they

⁵⁴ Daniel Helldén et al., *Climate Change and Child Health: A Scoping Review and an Expanded Conceptual Framework*, 5 *Lancet Planet Health* e164-75 (2021), <https://www.thelancet.com/journals/lanplh/article/PIIS2542-5196%2820%2930274-6/fulltext>.

⁵⁵ See *Ten-Year Site Plans*, Fla. Pub. Serv. Comm’n, PSC.STATE.FL.US, <http://www.psc.state.fl.us/ElectricNaturalGas/TenYearSitePlans> (2022).

⁵⁶ See Fla. Stat. §366.92(1).

⁵⁷ Fla. Stat. § 366.92(5) (“The commission may adopt rules to administer and implement the provisions of this section.”).

⁵⁸ Compare Fla. Stat. § 366.92(1) with Ch. 2006-230, § 18, http://laws.flrules.org/files/Ch_2006-230.pdf.

⁵⁹ Fla. Pub. Serv. Comm’n, *Review of 2006 Ten-Year Site Plans for Florida Electric Utilities* 1 (Dec. 2006), <http://www.psc.state.fl.us/Files/PDF/Utilities/Electricgas/TenYearSitePlans/2006/tysp2006.pdf>; See also Fla. Pub. Serv. Comm’n, *A Review of Florida Electric Utility 2005 Ten-Year Site Plans* 5 (Dec. 2005), <http://www.psc.state.fl.us/Files/PDF/Utilities/Electricgas/TenYearSitePlans/2005/tysp2005.pdf>.

⁶⁰ *Id.*

⁶¹ Fla. Pub. Serv. Comm’n, *Review of the 2020 Ten-Year Site Plans of Florida’s Electric Utilities* 9 (Oct. 2020), <http://www.psc.state.fl.us/Files/PDF/Utilities/Electricgas/TenYearSitePlans/2020/Review.pdf>.

collectively showed that utilities would continue to rely on natural gas for at least 60% of their electricity production needs every year through 2029.⁶²

In 2021, the PSC again found each utility's plan suitable despite the fact that 73.3% of the electricity generated in 2020 was from natural gas, and that utilities continued to project a reliance on natural gas for at least 68% of generation through 2030, an increase over the previous year's projection for 2029.⁶³ Instead of regulating Florida's utilities in a manner that accords with the public interest and furthers the public welfare by pushing utilities to diversify their energy generation sources with more renewable sources—as the Legislature intended when it wrote the Florida Renewable Energy Policy—the PSC has, for years, rubber-stamped utilities' ten-year site plans that have steadily solidified a natural-gas fueled future. That approach is inconsistent with black letter Florida law.

Utilities' 2022 Ten-Year Site Plans Are Not Consistent with FDACS' Renewable Energy Goals—F.A.C. 5O-5.001–5O-5.004

In April 2022, Commissioner of Florida's Department of Agriculture and Consumer Services ("FDACS") Nikki Fried announced new goals to increase statewide renewable energy use in response to OCT and youth petitioners' request for rulemaking. The goals set out the science-based target of 100 percent renewable energy by 2050, with interim goals of 40 percent renewables by 2030; 63 percent by 2035; and 82 percent by 2040.⁶⁴ The rule requires utilities to report the amount of renewable energy produced and purchased each year through their ten-year site plans. FDACS must then annually review each utility's report to provide the PSC with comments on whether they will meet the renewable energy goals. FDACS' renewable energy goals became effective August 9, 2022.⁶⁵

The utilities' 2022 ten-year site plans filed with the Commission in April of this year are inconsistent with achieving FDACS's renewable energy goals. By 2031, only one utility forecasts a renewable energy percentage (including solar, wind, biofuels, landfill gas, and nuclear) above 40 percent—Orlando Utilities Commission expects to derive 62.74% from renewables in 2031.⁶⁶ FPL's plan is close to the FDACS goals, with a forecast of 38.7%

⁶² *Id.* at 42 (Fig. 15).

⁶³ Fla. Pub. Serv. Comm'n, *Review of the 2021 Ten-Year Site Plans of Florida's Electric Utilities* 9, 38 (Oct. 2021), <http://www.psc.state.fl.us/Files/PDF/Utilities/Electricgas/TenYearSitePlans/2021/Review.pdf> (Fig. 16).

⁶⁴ Press Release, Fla. Dep't of Ag. & Consumer Servs, VIDEO: Commissioner Nikki Fried Announces New Statewide Renewable Energy Goals, FDACS.GOV (Apr. 21, 2022), <https://www.fdacs.gov/News-Events/Press-Releases/2022-Press-Releases/VIDEO-Commissioner-Nikki-Fried-Announces-New-Statewide-Renewable-Energy-Goals>.

⁶⁵ See Fla. Dep't of State, *Florida Administrative Code & Florida Administrative Register*, FLRULES.ORG, <https://www.flrules.org/gateway/ChapterHome.asp?Chapter=5O-5> (containing link to FDACS renewable energy goal rules, effective August 9, 2022. Codified at 5O-5.001 through 5O-5.004, Fla. Admin. Code).

⁶⁶ Orlando Utilities Commission, *2022 Ten-Year Site Plan 12-12* (Apr. 2022), <http://www.psc.state.fl.us/Files/PDF/Utilities/Electricgas/TenYearSitePlans/2022/Orlando%20Utilities%20Commission.pdf>.

renewables by 2031.⁶⁷ Every other utility's forecast falls far short of FDACS's renewable energy goals for 2030: Duke Energy Florida (22.2%), Florida Municipal Power Association (17.8%), Gainesville Regional Utilities (29.8%), JEA (0.6% renewables, 25% from unknown firm inter-region interchange sources), Lakeland Electric (4.4% renewables, 8.3% unknown purchases), Seminole Electric Cooperative (8.6% through firm interchange), City of Tallahassee Utilities (3.9%), and Tampa Electric Company (20.4%).⁶⁸

As a regulatory requirement established by FDACS pursuant to its clear delegated statutory authority, the PSC has the responsibility to designate the utility ten-year plans that are inconsistent with this requirement as "unsuitable". Doing otherwise would contravene the Legislature's intent to have FDACS set renewable energy goals for the state of Florida.

Utilities' 2022 Ten-Year Site Plans Ignore City and County Renewable Energy Goals—Fla. Stat. § 186.801(2)(e)

Section 186.801(2)(e), Florida Statutes, requires that the PSC consider "[t]he views of appropriate local, state, and federal agencies . . ." as part of its review of utilities' ten-year site plans. In the past five years, cities and counties across Florida have taken strong stances on renewable energy, with many local governments unanimously passing resolutions committing to the science-based target of 100% renewable energy by 2050. Utilities' 2022 ten-year site plans ignore these goals and it is the PSC's responsibility to ensure that the plans are consistent with these locally derived objectives.

For instance, the City of Tallahassee established a goal in 2019 to transition to 100% renewables by 2050.⁶⁹ This goal includes all forms of energy across the Tallahassee community, and would "include the electric utility, natural gas utility and transportation."⁷⁰ In striking contrast, the City of Tallahassee Utilities' 2022 ten-year site plan forecasts nearly 100% of its energy will derive from natural gas in 2031, making it impossible for the City of Tallahassee to achieve its own goal.⁷¹ Similarly, in 2018 the City Commission of Gainesville unanimously passed a resolution committing the city to 100% renewable electricity by 2045.⁷² Yet the Gainesville Regional Utilities' 2022 site plan forecasts 70.6% of its electricity will be generated

⁶⁷ Florida Power & Light Company, *Ten Year Power Plant Site Plan 2022-2031*, at 175, 177 (Apr. 2022), <http://www.psc.state.fl.us/Files/PDF/Utilities/Electricgas/TenYearSitePlans/2022/Florida%20Power%20and%20Light%20Company.pdf>.

⁶⁸ *Ten-Year Site Plans*, Fla. Pub. Serv. Comm'n, PSC.STATE.FL.US, <http://www.psc.state.fl.us/ElectricNaturalGas/TenYearSitePlans> (2022, see Schedule 6.2 Tables).

⁶⁹ City of Tallahassee, *A Resolution of the City Commission of the City of Tallahassee, Florida, Supporting 100% Clean Renewable Energy for our Community*, Resolution No. 19-R-04 (adopted Feb. 20, 2019), [https://www.boarddocs.com/fla/talgov/Board.nsf/files/B9KTU963E005/\\$file/Clean%20Energy%20Resolution.pdf](https://www.boarddocs.com/fla/talgov/Board.nsf/files/B9KTU963E005/$file/Clean%20Energy%20Resolution.pdf).

⁷⁰ City of Tallahassee Electric System Integrated Planning, *City of Tallahassee Utilities Ten Year Site Plan 2022-2031*, at 47 (Apr. 2022),

<http://www.psc.state.fl.us/Files/PDF/Utilities/Electricgas/TenYearSitePlans/2022/City%20of%20Tallahassee.pdf>.

⁷¹ *Id.* at 38.

⁷² City of Gainesville, *A Resolution of the City Commission of the City of Gainesville, Florida, Establishing a Goal of Providing 100 Percent of the City's Energy from Renewable Resources by 2045*, Resolution No. 180442 (adopted Oct. 18, 2018), <https://gainesville.legistar.com/LegislationDetail.aspx?ID=3697405&GUID=3CD4A873-4D4C-4F5E-B635-CFE99D412BF3>.

from natural gas in 2031, a nearly 20% increase from 2021.⁷³ The PSC should find these 2022 site plans “unsuitable” because they thwart the specific goals of local governments across Florida.

Utilities’ 2022 Ten-Year Site Plans are Inconsistent with Utilities’ Own Public Plans for Decarbonization

NextEra, FPL’s parent company, and Duke Energy, DEF’s parent company, have both made public decarbonization commitments consistent with current climate science and the FDACS renewable energy goals. On June 14, 2022, NextEra announced its plan to reach “Real Zero,” defined as achieving zero carbon-emissions without the use of carbon offsets, by 2045.⁷⁴ The announcement also detailed interim goals specific to NextEra’s FPL operations: 36% decarbonization by 2025, 52% by 2030, 62% by 2035, 83% by 2040, and 100% by 2045.⁷⁵ NextEra’s plan considers renewable natural gas as a renewable fuel, but only for “reliability purposes.”⁷⁶

In contrast with these ambitious goals, FPL’s 2022 ten-year site plan indicates that the utility is not on track to meet the Real Zero goal. FPL’s plan predicts that in 2031 renewables will makeup 38.6% of all generation, creating a 13.4% deficit on its 2030 interim goal of 52% decarbonization and a 23.3% gap with its 2035 interim goal of 62% decarbonization.

In 2019, Duke Energy announced comparable goals – committing to reach net-zero by 2050 with an interim goal of a 50% reduction of emissions from 2005 levels by 2030.⁷⁷ Unlike with NextEra and FPL, Duke Energy has not announced specific targets for DEF, but notably DEF’s 2022 site plan is well behind the company’s nationwide decarbonization commitments. DEF’s 2022 ten-year site plan forecasts that DEF’s energy generation will become increasingly reliant on fossil fuels through 2031, when 74.3% of generation will come from natural gas.⁷⁸

These differences represent major discrepancies between utilities’ public commitments and their 2022 ten-year site plans. Importantly, the public announcements reveal that Florida’s

⁷³ Gainesville Regional Utilities, *2022 Ten-Year Site Plan* 36 (Apr. 2022), <http://www.psc.state.fl.us/Files/PDF/Utilities/Electricgas/TenYearSitePlans/2022/Gainesville%20Regional%20Utilities.pdf>.

⁷⁴ *A Real Plan for Real Zero*, NextEra Energy, NEXTERAENERGY.COM, <https://www.nexteraenergy.com/real-zero.html>; *Duke Energy Expands Clean Energy Action Plan*, Duke Energy, NEWS.DUKE-ENERGY.COM (Feb. 9, 2022), <https://news.duke-energy.com/releases/duke-energy-expands-clean-energy-action-plan>.

⁷⁵ Press Release, NextEra Energy, *NextEra Energy Sets Industry-Leading Real Zero Goal to Eliminate Carbon Emissions from its Operations, Leverage Low-Cost Renewables to Drive Energy Affordability for Customers*, NEXTERAENERGY.COM (June 14, 2022), <https://newsroom.nexteraenergy.com/2022-06-14-NextEra-Energy-sets-industry-leading-Real-Zero-TM-goal-to-eliminate-carbon-emissions-from-its-operations,-leverage-low-cost-renewables-to-drive-energy-affordability-for-customers>.

⁷⁶ *Id.*

⁷⁷ *Duke Energy Aims to Achieve Net-Zero Carbon Emissions by 2050*, Duke Energy, NEWS.DUKE-ENERGY.COM (Sept. 17, 2019), <https://news.duke-energy.com/releases/duke-energy-aims-to-achieve-net-zero-carbon-emissions-by-2050>.

⁷⁸ Duke Energy Florida, *Duke Energy Florida, LLC Ten-Year Site Plan* 2-30 (Apr. 2022), <http://www.psc.state.fl.us/Files/PDF/Utilities/Electricgas/TenYearSitePlans/2022/Duke%20Energy%20Florida.pdf>.



two largest utilities are aware of and have committed to pursuing alternatives to a natural gas-dependent future. These commitments should be applauded and supported by the PSC. However, based on their 2022 ten-year site plans, it appears that FPL and DEF are publicly saying one thing and privately proposing another. The PSC is responsible for furthering the public's interest and welfare in its regulation of Florida's public utilities and should hold the utilities accountable for their own public pronouncements. Accordingly, the PSC should weigh these public announcements against these utilities' ten-year site plans when evaluating the plans' suitability. The clear economic and technical feasibility of achieving a 100% renewable energy system in Florida by at least 2050 should therefore weigh heavily on the PSC's analysis of whether utilities' (and not just DEF and FPL) 2022 ten-year site plans are unsuitable.

Conclusion

Since as early as 2006, Florida law has made clear its vision to transition the state away from fossil fuel reliance towards a clean energy future. Florida's young people have asked for strong, science-based goals to make the renewables transition a reality, and FDACS has listened. Local governments across the state have shown unambiguous support for reaching 100% renewable electricity generation by 2050. A handful of utilities themselves have made public commitments to such goals, and experts have time and again highlighted the economic and technological feasibility of attaining these targets. Yet, Florida's utilities' 2022 ten-year site plans submitted to PSC for review paint a much different picture of Florida's energy future—one where natural gas continues to dominate energy generation for at least the next decade, causing dangerous climate-changing effects, harming children's health, and jeopardizing the continued existence of Florida's treasured coastlines.

Florida lies at ground zero in terms of climate change impacts, with children most at risk. The Florida Legislature long ago declared the regulation of public utilities "to be in the public interest" and "an exercise of the police power of the state for the protection of the public welfare."⁷⁹ Here, the public interest and public welfare demand that PSC cease its regulatory "rubber-stamping" of utilities' ten-year site plans as "suitable," and find each utility's 2022 ten-year site plan to be "unsuitable" for the reasons detailed herein. The utilities should be provided with specific direction as to what is required for the plans to comply with all of the legal requirements specified herein. OCT greatly appreciates PSC's consideration of this letter and hopes this information helps inform the PSC's ongoing review of utilities' 2022 ten-year site plans. We would appreciate an acknowledgement and response to this letter at your convenience, and are happy to meet with you to discuss any of its contents.

Sincerely,

/s/ Andrea K. Rodgers
Andrea K. Rodgers
OCT Senior Litigation Attorney
andrea@ourchildrenstrust.org

/s/ Mitchell A. Chester
Law Office of Mitchell A. Chester, P.A.
Plantation, Florida
mchester@mitchellchester.com

⁷⁹ Fla. Stat. § 366.01.



David Schwartz
OCT Staff Attorney
david@ourchildrenstrust.org