

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

**In re: Proposed amendment of Rule 25-17.0021 F.A.C., Goals for Electric Utilities.**

**DOCKET NO. 20200181**

**Filed: April 5, 2023**

**SOUTHERN ALLIANCE FOR CLEAN ENERGY'S**  
**REQUEST FOR HEARING**

Pursuant to Section 120.54(c)(3), Florida Statutes, Southern Alliance for Clean Energy (“SACE”) files this request for a hearing on proposed amendments to Rule 25-17.0021 F.A.C., as contained in Order PSC-2023-0104-NOR-EU, issued on March 15, 2023. In support of this request, SACE states as follows:

1. The Florida Energy Efficiency and Conservation Act (“FEECA”) requires that the Florida Public Service Commission (“Commission”) set goals at least every five years for a ten year period.<sup>1</sup> During the 2019 FEECA goal setting proceeding, the Commission voted to reject energy efficiency goals proposed by the state’s FEECA-regulated utilities because a number of the utilities had proposed energy savings goals of zero or near zero.<sup>2</sup> The commissioners expressed concern about the goals and the Commission’s goal setting practices that had produced such goals.<sup>3</sup> In its final order, the Commission committed to **“continue the review of the FEECA process for potential revisions as may be appropriate for the forthcoming five-year period.”**<sup>4</sup>

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<sup>1</sup> Section 366.82, Fla. Stat.

<sup>2</sup> Florida Public Service Commission, Docket Nos. 20190015 – 20190021, Transcript of Agenda Item No.8, November 5, 2019.

<sup>3</sup> *Id.* at pp. 8-40.

<sup>4</sup> Florida Public Service Commission, Order No. PSC-2019-0509-FOF-EG p. 5, November 26, 2019

2. The Commission’s rule for implementing the FEECA goal setting and program approval process is R. 25-17.0021, F.A.C.. It was adopted on April 30, 1993 and has not been revised since that date.
3. On November 23, 2020, consistent with the order approving the 2019 conservation goals, the Commission filed a Notice of Development of Rulemaking. The purpose and effect of the rulemaking is **“to add clarity and specificity to the rule language concerning demand-side management goals, plans and programs for electric utilities and to update the rule to improve administrative efficiency.”**<sup>5</sup>
4. On December 15, 2020, the Commission filed a Notice of Development of Rulemaking and Workshop, including a draft revised rule in order to initiate rulemaking to explore improvements regarding future conservation goal setting and program plan approval proceedings.
5. The Commission held 3 staff-led rulemaking workshops over a two-year timeframe. SACE, whose members are affected persons and whose interests will be substantially affected by the outcome of the rulemaking in this docket – as set out in SACE’s Request for Scoping Workshop(s), filed July 22, 2020 <sup>6</sup> - participated in all of the three rulemaking workshops and filed three written post-workshop comments respectively, that included specific proposed type-and-strike rule revisions, on February 15, 2021,<sup>7</sup> June 28, 2021,<sup>8</sup> and December 16, 2022.<sup>9</sup>
6. SACE’s oral and written comments focused on recommendations for providing the Commission more information on setting goals and providing the utilities more tools in proposing goals by: 1) reducing reliance on the Rate Impact Measure cost-effectiveness test which counts lost utility sales as a cost of an energy efficiency measure and / or adding a more expansive cost-effectiveness test; 2) transitioning away from time-based

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<sup>5</sup> Florida Public Service Commission, Docket No. 20200181, Notice of Development of Rulemaking, November 23, 2020.

<sup>6</sup> Southern Alliance for Clean Energy, Docket No. 20200181, Request for Scoping Workshop(s), July 22, 2020, at <https://www.floridapsc.com/pscfiles/library/filings/2020/03981-2020/03981-2020.pdf>

<sup>7</sup> SACE Post-workshop comments, February 15, 2021, at <https://www.floridapsc.com/pscfiles/library/filings/2021/02210-2021/02210-2021.pdf>

<sup>8</sup> SACE Post-workshop comments, June 28, 2021, at <https://www.floridapsc.com/pscfiles/library/filings/2021/07091-2021/07091-2021.pdf>

<sup>9</sup> SACE Post-workshop comments, December 16, 2022, at <https://www.floridapsc.com/pscfiles/library/filings/2022/12094-2022/12094-2022.pdf>

freeridership screens, such as the 2-year payback screen, to methodologies that follow standard industry practice; 3) and codifying the already-existing focus on low-income customers - through setting low-income goals and exempting relevant low-income programs and measures from standard cost-effectiveness tests and screens.

7. Numerous, broadly-based non-utility stakeholders provided similar oral or written comments in part, or in whole, focused on these three issue areas in the docket. The stakeholders included, but were not limited to: large business interests such as Ceres, Carrier Corporation, Trane Technologies, Advanced Energy Untied, Siemens; local governments, such as the City of St. Petersburg, Orange County, and Miami-Dade County; national, regional and state organizations such as the American Council for an Energy-Efficient Economy, E4TheFuture, Solar Energy Loan Fund, Environmental Defense Fund, Southeast Energy Efficiency Alliance, Southeast Sustainability Directors Network, Vote Solar, Southface Energy Institute, Everglades Coalition, Healthy Gulf, Florida League of United Latin American Citizens, CLEO Institute, Catalyst Miami and Florida Rising; and a host of small energy efficiency businesses; local elected officials; and faith leaders. **Over 9,000 total customer comments have been filed in the docket.**<sup>10</sup>
8. Commission staff, did not incorporate any of the significant recommendations proposed by SACE or any of the other non-utility stakeholders into the proposed rule presented to the commissioners at the March 7, 2023 Agenda Conference.
9. The March Agenda Conference was the first opportunity for the commissioners to discuss the staff's proposed rule for adoption amongst themselves. The Commission voted 3-2 to adopt its staff's proposed rule – as written – at the Agenda Conference. Other than initial statements, SACE and other non-utility stakeholders did not have an opportunity to interact with commissioners or Commission staff during the Agenda Conference.
10. The requested hearing will provide the first opportunity to SACE for direct interaction, with the commissioners, staff, and other stakeholders – a process which can help to better inform the Commission on the range of options it has to modify the rule in a way that provides more information to the Commission in setting cost-effective energy efficiency goals and more options to the utilities in proposing energy efficiency goals.

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<sup>10</sup> See Florida Public Service Commission, Docket No. 20200181, Correspondence, at <https://www.floridapsc.com/clerks-office-dockets-level2?DocketNo=20200181>

WHEREFORE, SACE requests that a hearing be held to provide evidence and argument on the aforementioned issues in order to modify proposed Rule 25-17.0021, F.A.C..

RESPECTFULLY SUBMITTED this 5th day of April 2023

/s/ George Cavros

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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true copy and correct copy of SACE's Request for Hearing was served on this 5th day of January, 2023 via electronic mail on:

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*/s/ George Cavros*  
Attorney