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August 28, 2009

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Ann Cole,
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Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0800

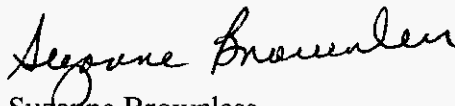
Re: Docket No. 080407-EG, 080408-EG, 080409-EG, 080410-EG, 080411-EG, 080412-EG,
080413-EG

Dear Ms. Cole:

Attached please find the original and seven copies of Florida Solar Coalition's Post Hearing Brief to be filed along with copies to be stamped for our records for each of the above styled dockets.

Should you have questions or need any additional information, please contact me.

Very truly yours,



Suzanne Brownless
Attorney for Solar Alliance

COM _____
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08937 AUG 28 8

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

FLORIDA SOLAR COALITION'S POST HEARING BRIEF

Florida Solar Coalition (FSC), pursuant to Order No. PSC-09-0545-PHO-EG, files its Post Hearing Brief in the above-referenced dockets, and states as follows:

Introduction

The 2008 revisions to §§ 366.81 and .82, Fla. Stat., require the Commission to encourage the development of solar thermal (hot water heating) and photovoltaic (PV) technologies in order to decrease weather sensitive peak demand and electric consumption. The revisions to §§ 366.81 and .82, Fla. Stat., also decrease the emphasis placed on lost revenues and the rate impact (RIM) test and emphasize costs and benefits to participants in demand-side and energy efficiency programs and to the general body of

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FPSC-COMMISSION CLERK

ratepayers. Given these statutory changes, the Commission should require the use of the Total Resource Cost test modified to include the effects of greenhouse gases (E-TRC) and the Participant Test to screen measures used to develop goals for each FEECA investor-owned utility (FEECA IOU). Application of these tests would result in the goals recommended by Witness Spellman for energy efficiency measures. While goals for demand-side renewable energy measures should not be set at this time, in order to meet its statutory mandates the Commission should authorize recovery of 1% of each FEECA IOU's annual retail sales revenue for the year ending 2008 for the next five years. These funds will assist in establishing a viable demand-side solar energy market in Florida generating state energy savings while adding demand-side infrastructure and jobs.

Issues and Positions

ISSUE 1: Did the Company provide an adequate assessment of the full technical potential of all available demand-side and supply-side conservation and efficiency measures, including demand-side renewable energy systems, pursuant to Section 366.82(3), F.S.?

FSC: *No, for the five FEECA IOUs; no position with regard to OUC and JEA.*

With regard to solar water heating which was considered as an energy efficiency measure in the Itron study, the kWh estimated savings for that technology was determined on a "stacked" basis. [T. 1003- 04] That is, Itron assumed that less expensive energy efficiency measures would be installed before more expensive energy efficiency measures and that the installation of the less expensive measures would decrease the savings possible for the later installed, more expensive measures. [*Id.*] Since solar hot water systems are very expensive relative to the majority of energy efficiency measures, the kWh savings calculated by Itron for the solar hot water measure was reduced when compared to its "stand alone" value. [T. 1075-76] To the extent that the cost of solar technologies did not reflect a reduction for federal tax credits or state rebates, the cost of the technology would be higher than if those reductions were made thereby also reducing the kWh savings for solar water heating technology because the measure would appear higher up on the supply curve. [T. 1003-04]

The entire premise for this “stacking” methodology is the assumption that customers will install the lower cost energy efficiency measures before higher cost energy efficiency measures. However, that is not always the case. In fact, with regard to solar technologies, such as solar water heating and PV, customers may install the technology even though they don’t “break even”, i.e., even though the cost of the equipment and installation is not equal to the electric energy savings over the life of the equipment plus the cost of the equipment. [T. 196-98, 809] That fact is readily demonstrated by the success of the Orlando Utility Company’s (OUC), JEA ’s, Progress Energy Florida’s (PEF) and Gulf Power Company’s (Gulf Power) solar programs. None of these programs allows the customers to “break even” unless they receive both the federal tax credit **and** the state rebate yet they are very popular. Gulf Power’s program has resulted in the installation of 40 solar water heating systems, or 53.3% of the targeted market of 75, in the first 8 months and OUC has 122 participants in its solar water program with another 50 awaiting inspection and approval. [T. 700-02, 808-10]

Further, the Itron analysis did not consider “hybrid” solar systems in its technical analysis, that is, systems like those in OUC’s service territory which combine solar PV with solar water heating systems. [T. 805-6; Ex. 58]

Because of the unique nature of solar technologies, the application of the “stacking” methodology to determine the kWh savings associated with solar energy systems does not accurately reflect this technology’s kWh savings, “unstacked” savings are the appropriate figures to use. The use of “stacked” kWh savings, coupled with the exclusion of hybrid solar technologies, has caused the technical potential for each FEECA IOU for solar technologies to be underestimated.

ISSUE 2: Did the Company provide an adequate assessment of the achievable potential of all available demand-side and supply-side conservation and efficiency measures, including demand-side renewable energy systems?

FSC: *No for the five FEECA IOUs; no position with regard to OUC and JEA.*

Please see the discussion in Issue 8 below.

ISSUE 3: Do the Company's proposed goals adequately reflect the costs and benefits to customers participating in the measure, pursuant to Section 366.82(3)(a), F.S.?

FSC: *No for the five FEECA IOUs; no position with regard to OUC and JEA.*

Please see the discussion in Issue 8 below.

ISSUE 4: Do the Company's proposed goals adequately reflect the costs and benefits to the general body of ratepayers as a whole, including utility incentives and participant contributions, pursuant to Section 366.82(3)(b), F.S.?

FSC: *No for the five FEECA IOUs; no position for OUC and JEA.*

Please see the discussion in Issue 8 below.

ISSUE 5: Do the Company's proposed goals adequately reflect the costs imposed by state and federal regulations on the emission of greenhouse gases, pursuant to Section 366.82(3)(d), F.S.?

FSC: *No position.*

ISSUE 6: Should the Commission establish incentives to promote both customer-owned and utility-owned energy efficiency and demand-side renewable energy systems?

FSC: *Yes.*

ISSUE 7: In setting DSM goals, what consideration should the Commission give to their impact on rates?

FSC: *For the FEECA IOUs the Commission should consider the rate impact of DSM goals as one of many factors in setting goals. However, rate impact should not be the sole controlling factor in setting DSM goals. FSC takes no position on this issue with regard to OUC or JEA.*

ISSUE 8: What cost-effectiveness test or tests should the Commission use to set goals, pursuant to Section 366.82, F.S.?

FSC: *The Commission should use the Total Resource Cost (TRC) test, adjusted to include the avoided cost of greenhouse gas (GHG) emissions, and the Participant test as proposed in Witness Spellman's testimony for the five FEECA IOUs. No position for OUC and JEA.*

FSC supports the conclusion of Witnesses Spellman, Cavanagh, Wilson and Steinhurst that the

proper tests to use in the economic potential study to screen demand-side renewable and energy efficiency measures is the E-TRC and Participant tests. [T. 1413-15, 1445-49, 1112-14, 1539]

FSC has already discussed in Issue 1, the impact of “stacking” technologies on solar technologies to produce a kWh savings number. Under the Participant test the higher the capital cost the higher the incentive necessary to achieve a score of 1.0 and pass the test. A high incentive also decreases the likelihood that a measure will fail the RIM test as it increases the utility’s cost. Likewise, the lower kWh savings attributed to a measure, the more likely a measure is to fail the Participant test as the “benefits” to the participant are decreased. The use of “stacking” by Itron lowered the kWh savings attributed to solar technologies and thereby increased the likelihood that the measure would fail the Participant test. This is borne out by the results of the IOUs’ cost-effectiveness tests. Each solar technology analyzed on a “stand alone” basis by PEF, TECO and Gulf Power failed the E-TRC and Participant tests. [Ex. 152,158, 162] In FPL’s case, the incentive level was set to equate to a score of 1.0 on the Participant test but likewise all solar technologies failed the E-TRC test. [Ex. 137] For this reason, none of the FEECA IOUs used solar technologies on a stand alone basis to develop their MW goals. [T. 199, 348-49, 570-1, 704]

The combination of solar technologies with demand side management measures as done by PEF in its Solar Wise programs results in a program which passes the E-RIM, E-TRC and Participant tests. [Ex. 152] Likewise, the evaluation of demand side management programs on a portfolio basis rather than on an individual measure basis as is done by JEA results in the inclusion of solar water heating and solar PV measures in its energy conservation program. [T.836]

The legislature has instructed the Commission to encourage the development of demand side renewable energy measures and solar technologies. While the price for solar technologies is decreasing, it is clear that solar technologies on a stand alone basis will not pass the E-TRC or Participant tests and certainly will not pass the E-RIM test. [T. 1623-24] Additional decreases in price will occur through

scale from the development of a viable solar technology market. The way to develop a viable solar technology market is to provide incentives. [Ex. 4, Masiello Deposition at p. 21] The way to make solar technologies cost effective is to combine them as OUC's programs do, combine them with other energy efficiency programs as PEF does, or evaluate the measures on a portfolio rather than stand alone basis as JEA does. The FEECA IOUs should be required to combine solar technologies with other energy efficiency measures as well as set aside funds for the development of solar technologies as discussed in Issue 11.

ISSUE 9: What residential summer and winter megawatt (MW) and annual Gigawatt-hour (GWh) goals should be established for the period 2010-2019?

PROPOSED RESIDENTIAL CONSERVATION GOALS										
Year	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019
Summer MW										
Winter MW										
Annual GWh										

FSC: *FSC supports the methodology and transitional goals developed by Richard Spellman on behalf of the PSC Staff as stated in Exhibit 171 for the FEECA IOUs. FSC takes no position on establishing residential goals for OUC and JEA.*

ISSUE 10: What commercial/industrial summer and winter megawatt (MW) and annual Gigawatt hour (GWh) goals should be established for the period 2010-2019?

PROPOSED COMMERCIAL CONSERVATION GOALS										
Year	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019
Summer MW										
Winter MW										
Annual GWh										

FSC: *FSC supports the methodology and transitional goals developed by Richard Spellman on behalf of the PSC Staff as stated in Exhibit 171 for the FEECA IOUs. FSC takes no position on establishing residential goals for OUC and JEA.*

ISSUE 11: In addition to the MW and GWh goals established in Issues 9 and 10, should the Commission establish separate goals for demand-side renewable energy systems?

FSC: *As required by §§ 366.81 and .82, Fla. Stat., FEECA IOU's must establish demand-side renewable programs focusing on solar energy systems for both residential and commercial customer classes. In order to meet this statutory mandate, the Commission should authorize recovery of 1% of each FEECA IOU's annual retail sales revenue for the year ending 2008 for the next five years.*

FEECA authority regarding solar technologies

Sections 366.81 and 366.82, Fla. Stat., were extensively amended by HB 7135 in the 2008 legislative session subsequently codified as Chapter 2008-227, Laws of Fla. For the first time “demand side renewable energy” was defined and the Commission was specifically instructed to “adopt goals and approve plans related to the promotion of demand-side renewable energy systems and the conservation of electric energy and natural gas usage.” § 366.81, Fla. Stat. The Commission was further specifically authorized to “**require** each utility to develop plans and implement programs for increasing energy efficiency and conservation and demand-side renewable energy systems within its service area...” *Id.* [Emphasis added.] The requirement to develop and encourage solar energy and renewable energy sources is to be “liberally construed” in order to “meet the complex problems of reducing and controlling the growth rates of electric consumption and reducing the growth rates of weather-sensitive peak demand.” *Id.* Section 366.82(2), Fla. Stat., also states that “[t]he 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 **encourage development of demand-side renewable energy resources.**” [Emphasis added.] Witness Dean agreed that the revisions to §§ 366.81 and .82, Fla. Stat., did require the Commission to encourage the development of demand-

side renewable energy resources. [T. 1269-73]

“Demand-side renewable energy ” is defined 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.” § 366.82(1)(b), Fla. Stat. Solar photovoltaic and solar water heating systems are included in this definition.

HB 7135 also extensively amended Part II of Chapter 377, Fla. Stat., Energy Resources Planning and Development and Part III of Chapter 377, Fla. Stat., the Florida Energy and Climate Protection Act. Ch. 08-227, §§ 44-62, Laws of Fla. Part III of Chapter 377, Fla. Stats., authorizes the Solar Energy Systems Incentives Program referred to during the hearing as the “state rebate” program. §377.806, Fla. Stat. [T. 702]

One stated purpose of the state rebate program is to “stimulate capital investment in and enhance the market for renewable energy technologies . . .” § 377.802, Fla. Stat. “Renewable energy technology” includes solar photovoltaic and solar water systems. § 377.803(4) and (5), Fla. Stat. It is clear that Florida’s energy policy as expressed throughout HB 7135 is to encourage the development of demand side management technologies, specifically solar photovoltaic and hot water heating systems, by several methods: direct incentives as outlined in Part III of Chapter 377, Fla. Stats., and inclusion in the FEECA IOUs’ demand side management and energy efficiency goals. Witness Dean, although testifying that Chapter 377, Fla. Stat., did not grant the Commission authority to act, did agree that the revisions in HB 7135 to the language of Chapter 377 were consistent with the revisions to the language of § 366.81 and .82, Fla. Stat., with regard to its directive to encourage the development of solar technologies. [T. 1278]

This docket is not the first time that the Commission will interpret the 2008 amendments to §§ 366.81 and .82, Fla. Stat., with regard to solar technologies. As a basis for its approval of Gulf Power’s solar water heating program in December of 2008, citing § 366.82, Fla. Stat., in footnote 4, the

Commission stated the following:

Legislative changes in 2008 added greater emphasis to costs and benefits to program participants, the general body of ratepayers as a whole, and the need for incentives to promote renewable energy systems. At the same time, consideration of utilities' costs, such as lost revenues, were de-emphasized. The amended statute also emphasizes promotion of renewable energy sources and defines demand-side renewable energy systems as including thermal energy, such as solar thermal water heating systems.'

In re: Petition for approval of modifications to demand-side management plan by Gulf Power Company, Order PSC-08-0802-EG, issued on December 3, 2008, at pages 3-4; emphasis added.

Thus, contrary to the testimony of Witnesses Dean and Floyd, the Commission has already interpreted the language of § 366.82, Fla. Stat., and found that HB 7135 did, in fact: place greater emphasis on the need for incentives to promote renewable energy systems, place greater emphasis on the costs and benefits to program participants and the general body of ratepayers, de-emphasize lost revenues and emphasize the promotion of renewable energy sources like solar water heaters. [T. 708-9; 1284-89]

Incentive program

Witness Spellman did not set any goals for solar demand side renewable programs but has proposed that the Commission require each FEECA IOU to allocate 10% of their five-year average ECCR expenses for the time period 2004-2008 to demand-side renewable programs for the next five years. [T. 1550-51] For the five IOUs, this amounts to approximately \$24.5M. [T. 1621] These funds are to be used as incentives to encourage the installation of demand-side renewable systems since the largest barrier to the installation of solar technologies is the high initial capital cost. [T.1283, 1552, 1621-2; Ex.4, Deposition of Spellman at p. 222; Ex. 4, Deposition of Masiello at p. 21] Approval of these funds will allow for an increase in market penetration from the current 2% for solar water heaters identified by Itron in its technical potential study. [T. 1622-23] Further, the availability of incentives at a minimum maintains the pool of vendors and installers for solar technologies. [T. 844-5] To the extent that new vendors are attracted to the market by the presence of incentives, competitive market forces

should act to push the installed price of solar technologies down. [T. 844] This approach is consistent with that of 27 other states plus the Virgin Islands with 15 of those states having utility rebate programs similar to that recommended by Witness Spellman. [Ex. 4, Spellman Deposition at p. 229-30]

The amount of funding Witness Spellman recommends was developed with the understanding that the federal tax credit and state incentives would be available to Florida customers. [Ex. 4, Spellman Deposition at p. 225] Witness Spellman agrees that if the state incentives were not available, fewer solar projects could be developed. [Ex. 4, Spellman Deposition at p. 225] The state program received \$5.0M in general revenue funds in 2008 and \$14.4M in federal stimulus funds in 2009. [T. 2092-93] The funds in 2008 were quickly expended due to the fact that there was waiting list for qualifying solar programs. [T. 2093, 437] There is no reason to believe that the \$14.4M federal stimulus money will also not be quickly used. That is especially likely since there is currently a waiting list of qualified projects for the federal stimulus money.

The demand for solar technologies by Florida consumers is high. PEF, OUC and JEA all have solar technology incentive programs based on the continued demand for these programs by their customers. [T. 803-4; 842-3; Ex. 4, Masiello Deposition at p. 9-11, 18] PEF's and JEA's residential solar water heating programs are all structured using an up-front payment which ranges from \$450 to \$800 to defray the cost of the equipment and installation. [T. 839, 445] Likewise, Gulf Power's pilot solar water heating program uses an up-front payment of \$1,000 for that purpose. [T. 701] OUC subsidizes low interest loans for solar water equipment over periods ranging from 36 to 84 months at rates ranging from 6.75% to 2.75%. [Ex. 178] OUC also pays \$250 up front for the price of a BTU meter and \$.03 per kWh produced to each solar water customer. [Ex. 58] For solar PV projects, OUC pays \$.05 per kWh produced and subsidizes low interest loans for solar PV equipment over periods ranging from 36 to 120 months at rates ranging from 4.75% to 1.25%. [Ex. 58, 178]

For the year ending December 31, 2008 retail sales revenues for FPL, PEF, TECO and Gulf

Power were \$11.3 billion, \$4.002 billion, \$1.983 billion and \$1.080 billion, respectively. [T. 207, 465, 574, 717] For the fiscal year ending September 30, 2008, the gross revenues for JEA and OUC were \$1.274 billion and \$746,225,127, respectively. [T. 835, 811] Gulf Power's approved one-year budget for its pilot solar water heating program is \$517,000. [T. 701] JEA budgeted \$250,000 for 2008 and 2009 for its solar water heating programs. [T. 838, 840] OUC budgeted \$2.093M for solar PV and hot water heating programs in 2009 and has expended \$1.248M to date. [Ex. 178]

FSC takes no position with regard to demand side renewable energy system goals for JEA and OUC but notes as discussed above that each municipal utility has solar programs in place. FSC supports the recommendation of Witness Spellman that each FEECA IOU should be required to set aside funds for the development of the solar energy market in Florida. Even Witness Dean admits that the Commission currently has the statutory authority to implement Witness Spellman's recommendation to set aside funds for solar technologies. [T. 2095] However, in light of the fact that the state rebate program funds were oversubscribed in the past and are now being paid with non-recurring federal stimulus money, FSC believes that the \$24.5M recommended by Witness Spellman must be increased to achieve the §366.82, Fla. Stat., mandate to encourage the development of solar renewable technologies in Florida. For that reason, FSC urges the Commission to increase the amount of the funds to 1% of each FEECA IOU's annual retail sales revenue for the year ending 2008 for the next five years. This would amount to approximately \$113M per year for FPL, \$40M per year for PEF, \$19.8M per year for TECO and \$10.8M for Gulf Power.

These funds should be used as one-time rebates to customers installing PV and solar thermal demand side energy systems structured similarly to the programs currently offered by the Florida Energy and Climate Commission (FECC). [T. 1551-52] FSC suggests that the rebate amount for residential solar water systems be set at \$1000 which is consistent with Gulf Power's pilot solar water heating program. The rebate amount for residential and commercial PV systems be \$2/watt up to 50kW with a cap of

\$20,000 for residential and \$100,000 for commercial. These rebate amounts are consistent with the parameters being considered for PEF's proposed SunSense residential and business programs. [T. 446-7] This rebate amount is 50% lower than the \$4/watt state rebate amount currently allowed by § 377.806(2)(b), Fla. Stat. The Commission should expand the FECC's program to include PV systems larger than 50 kW and use a performance-based incentive program design for those systems. This would ensure growth throughout all market segments.

Finally, although there was conflicting testimony whether the installed cost of solar water and solar PV systems had decreased over the last five years or would decrease over the next five years, FSC further recommends that incentive levels be reduced during the five year transition period in response to market growth and potential system price reductions. [T. 1623-24; Ex.4, Masiello Deposition at p. 24-5; 203-06]

ISSUE 12: In addition to the MW and GWh goals established in Issues 9 and 10, should the Commission establish additional goals for efficiency improvements in generation, transmission, and distribution?

FSC: *Not at this time. Goals should be established for efficiency improvements in generation, transmission and distribution in a separate proceeding after the FEECA IOUs have had an opportunity to perform a technical potential study of these types of technologies. No position with regard to this issue for OUC and JEA.*

ISSUE 13: In addition to the MW and GWh goals established in Issues 9 and 10, should the Commission establish separate goals for residential and commercial/industrial customer participation in utility energy audit programs for the period 2010-2019?

FSC: *No with regard to the FEECA IOUs; no position with regard to JEA and OUC.*

Section 366.82(11), Fla. Stat., requires that all FEECA IOUs offer energy audits to its residential customers with audit costs recovered through the ECCR. The measures installed as a result of energy audits produce the energy savings with the energy saved attributed to the installed measures and are properly accounted for in that way. [T. 1546-47]

ISSUE 14: What action, if any should the Commission take in this proceeding to encourage the efficient use of cogeneration?

FSC: *No position.*


ISSUE 15: Since the Commission has no rate setting authority over OUC and JEA, can the Commission establish goals that put upward pressure on their rates? (OUC)

FSC: *No position.*

ISSUE 16: Should this docket be closed?

FSC: *No position.*

Respectfully submitted this 28th day of August, 2009 by:


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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 28th day of August, 2009 to the following persons:

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/s/ Suzanne Brownless
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c: feecacert