

VOTE SHEET

November 9, 2010

Docket No. 100155-EG – Petition for approval of demand-side management plan of Florida Power & Light Company. (Deferred from the October 26, 2010 Commission Conference.)

**Issue 1:** Does FPL’s proposed 2010 Demand-Side Management (DSM) Plan satisfy the Company’s numeric conservation goals set by the Commission in Order No. PSC-09-0855-FOF-EG?

**Recommendation:** No. FPL’s proposed DSM Plan fails to meet its residential goals in at least one category for eight years. Similarly, the Company’s Plan does not meet all the annual commercial/industrial goals for eight years of the ten-year period. FPL’s failure to meet its annual conservation goals may result in financial penalties or other appropriate action.

Consistent with Section 366.82(7), F.S., staff recommends that FPL file specific program modifications or additions that are needed for the 2010 DSM Plan to be in compliance with Order No. PSC-09-0855-FOF-EG within 30 days of the Commission’s Order in this docket. The compliance filing should not include savings associated with FPL’s solar pilot programs.

**DEFERRED**

COMMISSIONERS ASSIGNED: All Commissioners

COMMISSIONERS’ SIGNATURES

MAJORITY

DISSENTING

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REMARKS/DISSENTING COMMENTS: Deferred to the November 30, 2010 Commission Conference

DOCUMENT NUMBER-DATE

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**Issue 2:** Are the programs contained in FPL's proposed 2010 DSM Plan cost-effective as this criterion is used in Commission Order No. PSC-09-0855-FOF-EG?

**Recommendation:** Yes. All programs in FPL's proposed 2010 DSM Plan pass the E-TRC and Participants tests. Audits, Pilot Programs, and Research & Development Programs are not included in this evaluation because they are not required to pass cost-effectiveness testing. FPL should be required to file program standards within 30 days of the Commission's Order in this docket.

The Commission should approve cost-effective programs to allow FPL to file for cost recovery. However, FPL must still demonstrate, during the cost recovery proceeding, that expenditures in executing its DSM Plan were reasonable and prudent. In addition, the Commission will evaluate FPL's compliance filing and make a final determination at that time regarding the cost-effectiveness of any modified or new programs.

## DEFERRED

**Issue 3:** Does FPL's proposed 2010 DSM Plan include pilot programs that encourage the development of solar water heating and solar PV technologies consistent with Commission Order No. PSC-09-0855-FOF-EG?

**Recommendation:** Yes. The cost of the proposed pilot programs is within the annual expenditure cap of \$15,536,870 specified by Commission Order No. PSC-09-0855-FOF-EG. However, the allocation of funds to: (1) solar thermal vs. solar PV, (2) private customers vs. public institutions, and (3) low-income residential varies widely among the investor-owned utilities. If the Commission desires to have more uniformity among the IOUs' programs, then the Commission should initiate public workshops to explore that issue further.

## DEFERRED

**Issue 4:** Do any of the programs in FPL's proposed Demand-Side Management Plan have an undue impact on the costs passed on to customers?

**Recommendation:** No. The proposed program costs are not undue because the increase in program costs correlates with the increase in goals. The Commission should evaluate the Company's compliance filing and make a final determination in the ECCR proceedings regarding the appropriateness of incentive levels.

## DEFERRED

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**Issue 5:** Should this docket be closed?

**Recommendation:** No. This docket should remain open for FPL to refile its demand-side management plan within 30 days from the date of this Order. In addition, if the Commission approves any programs, the programs should become effective on the date of the Consummating Order. If a protest is filed within 21 days of the issuance of the Order, the programs should not be implemented until after the resolution of the protest.

**DEFERRED**