

**Diamond Williams**

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**From:** Suzanne Brownless [suzannebrownless@comcast.net]  
**Sent:** Tuesday, September 06, 2011 11:16 AM  
**To:** Filings@psc.state.fl.us  
**Cc:** jon moyle; ken rubin; vicki kaufman; patty christensen; Katherine Fleming; karen white; jwahlen@ausley.com; john burnett; jeffrey stone; jbeasley@ausley.com; beth keating; russell badders; randy miller  
**Subject:** Docket No. 110002-EG, Energy conservation cost recovery clause  
**Attachments:** 7295.wpd

In accordance with the electronic filing procedures of the Florida Public Service Commission, the following is made:

1. The name, address, telephone number and email for the person responsible for this filing is:  
Suzanne Brownless  
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2. The filing is made in Docket No. 110002-EG.
3. The document is filed on behalf of the Florida Solar Energy Industry Association.
4. The total pages in the document is 5.
5. The attached document is the Florida Solar Energy Industry Association's Petition to Intervene.

Suzanne Brownless  
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*Parties Updated  
9/7/11  
-ram*

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DOCUMENT NUMBER-DATE  
06381 SEP-6 =  
FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

IN RE: Energy conservation cost recovery  
clause.

DOCKET NO. 110002-EG  
FILED: September 6, 2011

**FLORIDA SOLAR ENERGY INDUSTRY  
ASSOCIATION'S PETITION TO INTERVENE**

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

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

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

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

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

3. Petitioner's representatives: The name and address of counsel for the Petitioner, authorized to receive all notices, pleadings, and other communications in this docket is:

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

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

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FPSC-COMMISSION CLERK

consists of 120 companies involved in Florida's solar energy industry. Members include solar manufacturers and distributors as well as Florida contractors, retailers and consultants who install and maintain solar water heating, pool heating and solar electric systems throughout Florida. FlaSEIA membership also includes Gainesville Regional Utilities, Lakeland Electric Utilities, the Florida Solar Energy Center and Florida Solar Energy Research and Education Foundation. Individual members of FlaSEIA reside throughout Florida and are both commercial and residential ratepayers of Florida Power & Light Company, Progress Energy of Florida, Tampa Electric Company, Gulf Power Company, Orlando Utilities Commission, GRU and JEA. The corporate offices of FlaSEIA are located in Longwood, Florida and receive electric service from Progress Energy of Florida.

6. FlaSEIA, as a member of the Florida Solar Coalition, was an intervenor in the FEECA dockets in which the Commission set the current conservation goals.<sup>1</sup> FlaSEIA also participated as a party in the dockets approving demand side management programs and establishing solar pilot programs to implement the investor-owned utilities' current conservation goals.<sup>2</sup>

7. In this docket the Commission will establish the conservation cost recovery factors by which the cost of solar pilot programs established for Florida's five investor-owned utilities by Order PSC-09-0855-FOF-EG, issued on December 30, 2009, totaling \$24.5 annually are recovered.

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

<sup>2</sup> Dockets Nos. 100154-EG, 100155-EG, 100158-EG, 100159-EG and 100160-EG, the demand side management plan dockets for Gulf Power Company, Progress Energy Florida, Inc., Florida Public Utilities Company, Tampa Electric Company and Florida Power & Light Company, respectively.

8. The Florida Solar Energy Industries Association and its individual and company members, are directly affected by the decisions made in this docket for two reasons. First, the electric rates of FlaSEIA's individual members and companies will be directly impacted by the conservation cost recovery factors set in this docket. Second, FlaSEIA members are engaged in solar renewable energy manufacturing and businesses in Florida and are the entities who will provide the solar equipment and services necessary for implementation of the utilities' solar pilot programs. Thus, the two-prong test of *Agrico Chemical Co. v. Department of Environmental Regulation*, 406 So.2d 478, 482 (Fla. 2d DCA 1981); *reh.denied*, 415 So.2d 1359 (Fla. 1982), has been fully met. See also: *Ameristeel Corp. v. Clark*, 691 So.2d 473, 477 (Fla. 1997).

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

a. Have the investor-owned utilities appropriately established the costs associated with the solar pilot programs approved for each investor-owned utility by the Commission to be included in their respective total conservation cost recovery amounts for the period January 2012 through December 2012?

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

a. What are the total conservation cost recovery amounts to be collected during the period January 2012 through December 2012 for each investor-owned utility?

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

- a. Section 120.569, Fla. Stat.
- b. Section 120.57, Fla. Stat.
- c. Section 366.80-.85, Fla. Stat.
- d. Rule 25-22.039, F.A.C.

e. Rule 28-106.201, F.A.C.

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

**WHEREFORE**, the Florida Solar Energy Industry Association requests that the Commission grant its petition to intervene in these dockets as a full party and require that all parties provide the undersigned with all notices, pleadings, testimony, evidence and discovery filed in these dockets.

Respectfully submitted this 6<sup>th</sup> day of September, 2011 by:

/s/ Suzanne Brownless

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ATTORNEY FOR FLASEIA

c:7295

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing has been provided by U.S. Mail and electronic mail, this 6<sup>th</sup> day of September, 2011 to:

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