

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Commission review of numeric conservation goals (Florida Power & Light Company).

DOCKET NO. 130199-EI

In re: Commission review of numeric conservation goals (Duke Energy Florida, Inc.).

DOCKET NO. 130200-EI

In re: Commission review of numeric conservation goals (Tampa Electric Company).

DOCKET NO. 130201-EI

In re: Commission review of numeric conservation goals (Gulf Power Company).

DOCKET NO. 130202-EI

In re: Commission review of numeric conservation goals (FPUC).

DOCKET NO. 130205-EI

FILED: June 10, 2014

**PREHEARING STATEMENT OF THE OFFICE OF PUBLIC COUNSEL**

The Citizens of the State of Florida, through the Office of Public Counsel, pursuant to the Order Establishing Procedure in this docket, Order No. PSC-13-0386-PCO-EI, issued August 19, 2013, and Order No. PSC-14-0189-PCO-EI, issued April 22, 2014, hereby submit this Prehearing Statement.

**APPEARANCES:**

Erik L. Saylor  
Associate Public Counsel  
Office of Public Counsel  
c/o The Florida Legislature  
111 West Madison Street, Room 812  
Tallahassee, Florida 32399-1400

**On behalf of the Citizens of the State of Florida**

1. WITNESSES:

The Citizens do not intend to call any witnesses at this time.

2. EXHIBITS:

The Citizens' have no exhibits at this time.

3. STATEMENT OF BASIC POSITION

The Commission should determine whether the goals proposed by the Companies and Intervenors achieves the legislative intent of the Florida Energy Efficiency and Conservation Act (FEECA) which is to utilize the most efficient and cost-effective demand-side renewable energy systems and conservation systems in order to protect the health, prosperity, and general welfare of the state and its citizens, meanwhile achieving a reduction in, and control of, the growth rates of electric consumption and of weather-sensitive peak demand, and Section 366.82(2), F.S., to increase conservation of expensive resources, to reduce and control the growth rates of electric consumption, to reduce the growth rates of weather-sensitive peak demand, and to encourage development of demand-side renewable energy resources.

OPC takes no position at this time whether the goals proposed by the Companies and Intervenors achieve the intent of FEECA.

4. STATEMENT OF FACTUAL ISSUES AND POSITIONS

Issue 1: Are the Company's proposed goals based on 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.?

OPC: No Position At This Time.

Issue 2: 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.?

OPC: No Position At This Time.

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

OPC: No Position At This Time.

Issue 4: Do the Company's proposed goals adequately reflect the need for incentives to promote both customer-owned and utility-owned energy efficiency and demand-side renewable energy systems, pursuant to Section 366.82, F.S.?

OPC: No Position At This Time.

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.?

OPC: No Position At This Time.

Issue 6: What cost-effectiveness test or tests should the Commission use to set goals, pursuant to Section 366.82, F.S.?

OPC: No Position At This Time.

Issue 7: Do the Company's proposed goals appropriately reflect consideration of free riders?

OPC: No Position At This Time.

Issue 8: What residential summer and winter megawatt (MW) and annual Gigawatt-hour (GWh) goals should be established for the period 2015-2024?

OPC: No Position At This Time.

Issue 9: What commercial/industrial summer and winter megawatt (MW) and annual Gigawatt hour (GWh) goals should be established for the period 2015-2024?

OPC: No Position At This Time.

Issue 10: What goals, if any, should be established for increasing the development of demand-side renewable energy systems, pursuant to Section 366.82(2), F.S.?

OPC: No Position At This Time.

Issue 11: Should the Company's existing Solar Pilot Programs be extended and, if so, should any modifications be made to them?

OPC: No Position At This Time.

5. STIPULATED ISSUES:

None at this time.

6. PENDING MOTIONS:

None.

7. STATEMENT OF PARTY'S PENDING REQUESTS OR CLAIMS FOR  
CONFIDENTIALITY:

None.

8. OBJECTIONS TO QUALIFICATION OF WITNESSES AS AN EXPERT:

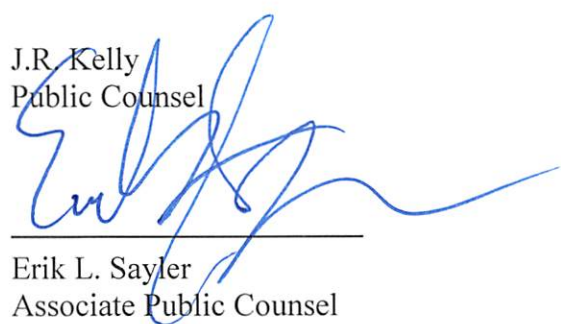
None at this time.

9. STATEMENT OF COMPLIANCE WITH ORDER ESTABLISHING PROCEDURE:

There are no requirements of the Order Establishing Procedure with which the Office of Public Counsel cannot comply.

Respectfully submitted,

J.R. Kelly  
Public Counsel



---

Erik L. Saylor  
Associate Public Counsel

Office of Public Counsel  
c/o The Florida Legislature  
111 West Madison Street, Room 812  
Tallahassee, FL 32399-1400  
(850) 488-9330

## CERTIFICATE OF SERVICE

**I HEREBY CERTIFY** that a true and foregoing PREHEARING STATEMENT OF THE OFFICE OF PUBLIC COUNSEL has been furnished by electronic mail on this 10th day of June, 2014.

Charles Murphy, Esq.  
Lee Eng Tan, Esq.  
Division of Legal Services  
Florida Public Service Commission  
2540 Shumard Oak Blvd.  
Tallahassee, Florida 32399-0850  
[cmurphy@psc.state.fl.us](mailto:cmurphy@psc.state.fl.us)  
[LTan@psc.state.fl.us](mailto:LTan@psc.state.fl.us)

Jon C. Moyle, Jr., Esq.  
Karen Putnal, Esq.  
Moyle Law Firm, P.A.  
118 N. Gadsden Street  
Tallahassee, FL 32301  
[jmoyle@moylelaw.com](mailto:jmoyle@moylelaw.com)  
[kputnal@moylelaw.com](mailto:kputnal@moylelaw.com)

Mr. W. Christopher Browder  
P.O. Box 3193  
Orlando, FL 32802-3193  
[cbrowder@ouc.com](mailto:cbrowder@ouc.com)

Diana A. Csank, Esq.  
Sierra Club  
50 F Street, N.W., 8<sup>th</sup> Floor  
Washington, D.C. 20001  
[Diana.Csank@Sierraclub.org](mailto:Diana.Csank@Sierraclub.org)

Alice Coe, Esq.  
David G. Guest, Esq.  
Earthjustice  
111 S. Martin Luther King Jr. Blvd.  
Tallahassee, FL 32301  
[acoe@earthjustice.org](mailto:acoe@earthjustice.org)  
[dguest@earthjustice.org](mailto:dguest@earthjustice.org)

Ms. Cheryl M. Martin  
1641 Worthington Road, Suite 220  
West Palm Beach, FL 33409-6703  
[cyoung@fpuc.com](mailto:cyoung@fpuc.com)

George Cavros, Esq.  
Southern Alliance for Clean Energy  
120 E. Oakland Park Blvd., Suite 105  
Fort Lauderdale, FL 33334  
[George@cavros-law.com](mailto:George@cavros-law.com)

J. Stone, Esq.  
R. Badders, Esq.  
S. Griffin, Esq.  
Begg & Lane  
P.O. Box 12950  
Pensacola, FL 32591-2950  
[jas@beggslane.com](mailto:jas@beggslane.com)  
[rab@beggslane.com](mailto:rab@beggslane.com)  
[srg@beggslane.com](mailto:srg@beggslane.com)

Robert Scheffel Wright, Esq.  
John T. LaVia, Esq.  
Gardner, Bist, Wiener, Wadsworth,  
Bowden, Bush Dee, LaVia &  
Wright, P.A.  
1300 Thomaswood Drive  
Tallahassee, FL 32308  
[schef@gbwlegal.com](mailto:schef@gbwlegal.com)  
[jlavia@gbwlegal.com](mailto:jlavia@gbwlegal.com)

James W. Brew, Esq.  
F. Alvin Taylor, Esq.  
Brickfield, Burchette, Ritts &  
Stone, P.C.  
1025 Thomas Jefferson Street, NW  
Eighth Floor, West Tower  
Washington, D.C. 20007-5201  
[jbrew@bbrslaw.com](mailto:jbrew@bbrslaw.com)  
[ataylor@bbrslaw.com](mailto:ataylor@bbrslaw.com)

Dianne M. Triplett, Esq.  
Mathew R. Bernier, Esq.  
299 First Avenue North  
St. Petersburg, Florida  
[dianne.triplett@duke-energy.com](mailto:dianne.triplett@duke-energy.com)  
[matthew.bernier@duke-energy.com](mailto:matthew.bernier@duke-energy.com)

John Butler  
Assistant General Counsel –  
Regulatory  
Florida Power & Light Company  
700 Universe Blvd.  
June Beach, FL 33408  
[john.butler@FPL.com](mailto:john.butler@FPL.com)

Steven L. Hall, Senior Attorney  
Office of General Counsel  
Florida Department of Agriculture  
& Consumer Services  
407 South Calhoun Street, Suite 520  
Tallahassee, FL 32399  
[Steven.Hall@freshfromflorida.com](mailto:Steven.Hall@freshfromflorida.com)

Mr. P. G. Para  
21 West Church Street, Tower 16  
Jacksonville, FL 32202-3158  
[parapg@jea.com](mailto:parapg@jea.com)

Ms. Paula K. Brown  
Regulatory Affairs  
P.O. Box 111  
Tampa, FL 33601-0111  
[regdept@tecoenergy.com](mailto:regdept@tecoenergy.com)

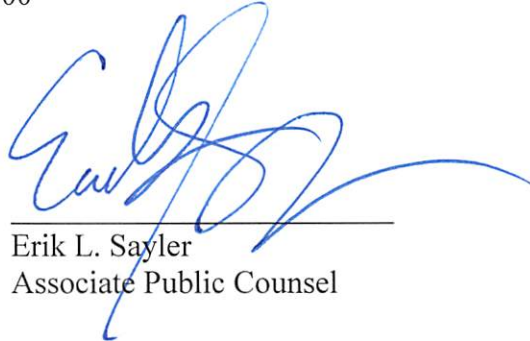
Mr. Paul Lewis, Jr.  
106 East College Ave., Suite 800  
Tallahassee, FL 32301-7740  
[paul.lewisjr@duke-energy.com](mailto:paul.lewisjr@duke-energy.com)

Mr. Robert L McGee, Jr.  
One Energy Place  
Pensacola, FL 32520-0780  
[rlmcgee@southernco.com](mailto:rlmcgee@southernco.com)

Gary V. Perko, Esq.  
Brooke E. Lewis, Esq.  
Hopping Green & Sams, P.A.  
P.O. Box 6526  
119 S. Monroe Street, Suite 300  
Tallahassee, FL 32314  
[gperko@hgswlaw.com](mailto:gperko@hgswlaw.com)  
[blewis@hgslaw.com](mailto:blewis@hgslaw.com)

J. Beasley, Esq.  
J. Wahlen, Esq.  
A. Daniels, Esq.  
Ausley Law Firm  
Post Office Box 391  
Tallahassee, FL 32302  
[jbeasley@ausley.com](mailto:jbeasley@ausley.com)  
[jwahlen@ausley.com](mailto:jwahlen@ausley.com)  
[adaniel@ausley.com](mailto:adaniel@ausley.com)

John Finnigan  
Environmental Defense Fund  
128 Winding Brook Lane  
Terrace Park, OH 45174  
[jfinnigan@edf.org](mailto:jfinnigan@edf.org)



---

Erik L. Sayler  
Associate Public Counsel