

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for declaratory statement
regarding PURPA solar qualifying facility
power purchase agreements, by Duke Energy
Florida, LLC.

DOCKET NO. 20180169-EQ
ORDER NO. PSC-2019-0038-PCO-EQ
ISSUED: January 14, 2019

ORDER GRANTING VOTE SOLAR'S MOTION FOR LEAVE TO FILE
AMICUS CURIAE MEMORANDUM

On October 1, 2018, Vote Solar moved for leave to appear and participate in this docket as *amicus curiae* and to file a memorandum addressing Duke Energy Florida, LLC's ("DEF") Petition for Declaratory Statement filed on September 7, 2018. In support thereof, Vote Solar states that it is a nonprofit grassroots advocacy and public policy organization whose purpose is to help bring solar energy into the mainstream across the U.S. Therefore, Vote Solar has a substantial interest in the preservation and enforcement of Florida and Federal law applicable to non-utility owned solar energy facilities that provide and guarantee various rights, protections and opportunities for solar qualifying facilities and that are the basis for DEF's Petition. Vote Solar believes it could lend valuable insights, analyses and expertise to the Commission as it considers the issues raised by DEF's Petition. In its Response filed on October 8, 2018, DEF states that it does not oppose Vote Solar's Motion but disagrees with several of the allegations included therein concerning the merits of DEF's Petition.

Ruling

It is within the Commission's jurisdiction to allow *amicus curiae* participation in Commission proceedings.¹ Vote Solar is not a party, requests participation only for the benefit of the Commission, and the participation will be beneficial to the Commission in analyzing the issues raised in DEF's Petition for Declaratory Statement. For these reasons, I grant Vote Solar's Motion for Leave to File *Amicus Curiae* Memorandum. The memorandum was filed on October 1, 2018, concurrent with the Motion.

Based on the foregoing, it is

ORDERED by Commissioner Gary F. Clark, as Prehearing Officer, that Vote Solar's Motion for Leave to File *Amicus Curiae* Memorandum is hereby granted. It is further

¹The Commission has determined previously that "[i]t is within the Commission's jurisdiction to allow *amicus curiae* participation in Commission proceedings." Order No. PSC-13-0509-PCO-EQ, issued October 28, 2013, in Docket No. 130235-EQ, In re: Petition for declaratory statement regarding co-ownership of electrical cogeneration facilities in Hendry County by Southeast Renewable Fuels, LLC. See also, Order No. PSC-00-1265-PCO-WS, issued July 11, 2000, in Docket Nos. 990696-WS and 992040-WS, In re: Application for original certificates to operate water and wastewater utility in Duval and St. Johns Counties by Nocatee Utility Corporation; and In re: Application for certificates to operate a water and wastewater utility in Duval and St. Johns Counties by Intercoastal Utilities, Inc.

ORDERED that all parties to this proceeding shall furnish copies of all testimony, exhibits, pleadings, and other documents, which may hereinafter be filed in this proceeding to:

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By ORDER of Commissioner Gary F. Clark, as Prehearing Officer, this 14th day
of January, 2019.



GARY F. CLARK
Commissioner and Prehearing Officer
Florida Public Service Commission
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Copies furnished: A copy of this document is provided to the parties of record at the time of issuance and, if applicable, interested persons.

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing or judicial review will be granted or result in the relief sought.

Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

Any party adversely affected by this order, which is preliminary, procedural or intermediate in nature, may request: (1) reconsideration within 10 days pursuant to Rule 25-22.0376, Florida Administrative Code; or (2) judicial review by the Florida Supreme Court, in the case of an electric, gas or telephone utility, or the First District Court of Appeal, in the case of a water or wastewater utility. A motion for reconsideration shall be filed with the Office of Commission Clerk, in the form prescribed by Rule 25-22.0376, Florida Administrative Code. Judicial review of a preliminary, procedural or intermediate ruling or order is available if review of the final action will not provide an adequate remedy. Such review may be requested from the appropriate court, as described above, pursuant to Rule 9.100, Florida Rules of Appellate Procedure.