

State of Florida




Public Service Commission

CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BOULEVARD
TALLAHASSEE, FLORIDA 32399-0850

-M-E-M-O-R-A-N-D-U-M-

DATE: July 19, 2019

TO: Adam J. Teitzman, Commission Clerk, Office of Commission Clerk

FROM: Suzanne S. Brownless, Special Counsel, Office of the General Counsel 

RE: 20180049-EI- Evaluation of storm restoration costs for Florida Power & Light Company related to Hurricane Irma.

Please place attached email in the above docketed file as correspondence.

From: [Suzanne Brownless](#)
To: [Lisa Smith](#)
Subject: FW: neverending FPL machinations?!
Date: Thursday, July 18, 2019 8:43:38 AM
Attachments: [Floridians seeking energy freedom - pv magazine USA.pdf](#)
[Last Call for 7.16.19 - A prime-time read of what's going down in Florida politics.pdf](#)
[Fulltext_1810_FN.pdf](#)

Lisa: Please provide this to the Clerk's office to place on the correspondence side of the FPL Storm Docket, Docket 20080049-EI.

Thanks,
S

Suzanne Brownless
Senior Attorney
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, Florida 32399-0850
Phone: (850) 413-6218
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Email: sbrownle@psc.state.fl.us

From: Beatrice Balboa [<mailto:beatricebalboa@gmail.com>]
Sent: Wednesday, July 17, 2019 8:44 PM
To: Suzanne Brownless
Subject: Fwd: neverending FPL machinations?!

I noted additional issues with FPL (attached documentation). Please continue to keep an extremely close eye regarding FPL machinations with these issues as FPL ratepayers should NOT be "footing the bill" on FPL and/or NextEra out-of-state investment strategies, solar power "monopolization", "tax accounting sleight of hands" and "pollution" activities. FPL should be devoting all their energies in meeting and/or exceeding the 2017 National Electrical Safety Code® (NESC®) standards (which sets the ground rules and guidelines for practical safeguarding of utility workers and the public during the installation, operation, and maintenance of electric supply, communication lines and associated equipment) for storm hardening of the State of Florida electrical infrastructure. FPL should NOT be devoting all their energies requesting and lobbying for more storm hardening fees and rate increases as well as "accounting shenanigans" that should have already been completed after both Hurricane Andrew (1992) and Hurricane Irma (2017).

I look forward to your offices taking the necessary actions to address hardworking taxpayers citizens' concerns from the City of Pompano Beach, Broward County, State of Florida. Thank you for your time in this matter.

Sincerely,
Beatrice Balboa
1010 South Ocean Boulevard, Unit. 1008
Pompano Beach, FL 33062-6631

Floridians seeking energy freedom

Citizens for Energy Choices is pushing for a ballot amendment to create a competitive retail electricity market, the right to sell your own electricity, and to limit investor owned utilities to transmission and distribution.

JULY 16, 2019 JOHN WEAVER

MARKETS POLICY FLORIDA UNITED STATES



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A ballot amendment in Florida for the creation of a competitive retail electricity market is what Florida electricity utility FPL sought retribution against in recent headlines. When [pv magazine USA](#) reported that Warren Buffet said “maybe” to a gigawatt of solar and 400 MWh of energy storage, it was legislation similar to this that was being fought against. And back in 2015, when a petition that would let regular people sell some of their own solar started gaining traction, we saw the famous “political jiu jitsu” phrase arise as Florida utilities came together to fund a fake pro-solar bill.

Saddle up.

Sponsored by Citizens for Energy Choices, a petition – *Right to Competitive Energy Market for Customers of Investor-Owned Utilities; Allowing Energy Choice* – is one of 13 amendments that has gained preliminary qualification to be on the ballot when voters go to the polls in 2020. The initiative has approximately 345,000 of the 766,200 signatures needed by February 1, 2020 to get on the ballot. The initiative language must also be approved

by the Florida Supreme Court, with oral arguments scheduled for August 28. Per their campaign finance page, Citizens for Energy Choices has collected just over \$3 million as of the end of June.

The Ballot Summary notes (full text pdf):

Grants customers of investor-owned utilities the right to choose their electricity provider and to generate and sell electricity. Requires the Legislature to adopt laws providing for competitive wholesale and retail markets for electricity generation and supply, and consumer protections, by June 1, 2025, and repeals inconsistent statutes, regulations, and orders. Limits investor-owned utilities to construction, operation, and repair of electrical transmission and distribution systems. Municipal and cooperative utilities may opt into competitive markets.

And while the more complete text of this pending amendment didn't specifically say anything about solar power, the document did point out that "electricity customers" will have rights to "producing electricity themselves or in association with others", as well, "nothing in this section shall be construed to limit the right of electricity customers to buy, sell, trade, or dispose of electricity".

With this language we would see the current legal position of solar in Florida change, as currently anyone who sells electricity to anyone else within the state is to be regulated as a utility, with all of the responsibilities of a utility.

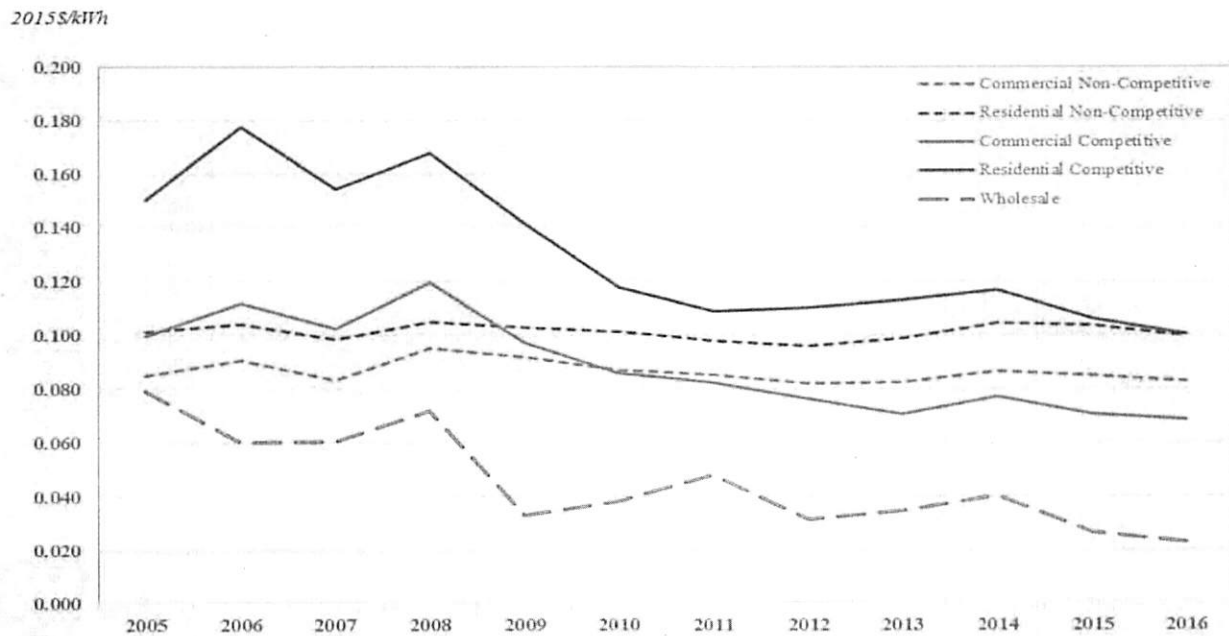
Recently, residential lease companies – starting with Sunrun, and followed by Vivint, Tesla, and Sunnova – had their residential equipment lease contracts approved by the state's Public Service Commission. As these company's leases for the Florida market are at a fixed price – not based directly on electricity generation – these companies were able to avoid the prohibition on sales of electricity by anyone but utilities. Equipment leasing of solar power had long been accepted in the Florida market, however, the large residential companies had skipped over the market – most likely due to murky legislative opinions.

The case docket related to this potential amendment includes comments filed by Duke Energy, the Florida Chamber of Commerce, the Tampa Electric Company, FPL, the State Attorney General, the President of the Florida Senate, and others. Supporters of the amendment include NRG Energy, Inc., Vistra Energy Corp., National Energy Marketers Association and The Energy Choice Coalition.

The Citizens for Energy Choice website notes that natural gas customers have been able to choose their suppliers since 1996, and estimates that this has saved those groups "billions".

A document on the website focused on the Texas deregulation experiment (pdf), suggests that residential and commercial prices have fallen since deregulation, with competitive residential just recently catching up to the price of regulated residential, and commercial electricity falling lower in price about a decade ago.

Figure 8. Average Rates Across Sectors by Aggregate Market Area*



Research by the Perryman Group estimates that if implemented in the near future, statewide competition in the Florida electric power market could generate benefits by 2030 including \$8.3 billion in additional business activity and energy savings and over 90,000 jobs under conservative assumptions, with the potential for \$9.7 billion in business activity and energy savings, as well as nearly 105,000 jobs.

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JOHN WEAVER



John Fitzgerald Weaver is a solar developer; known digitally as the 'Commercial Solar Guy'. His shop focuses on land and rooftop owners - helping them gain solar revenue through site origination, project development, finance, and project management.
[More articles from John Weaver](#)

 commercialsolarguy@gmail.com

Related content

CONSTITUTIONAL AMENDMENT FULL TEXT

Ballot Title:

Right to Competitive Energy Market for Customers of Investor-Owned Utilities; Allowing Energy Choice

Ballot Summary:

Grants customers of investor-owned utilities the right to choose their electricity provider and to generate and sell electricity. Requires the Legislature to adopt laws providing for competitive wholesale and retail markets for electricity generation and supply, and consumer protections, by June 1, 2025, and repeals inconsistent statutes, regulations, and orders. Limits investor-owned utilities to construction, operation, and repair of electrical transmission and distribution systems. Municipal and cooperative utilities may opt into competitive markets.

Article and Section Being Created or Amended:

Article X, new section

Full Text of the Proposed Amendment:

(a) POLICY DECLARATION. It is the policy of the State of Florida that its wholesale and retail electricity markets be fully competitive so that electricity customers are afforded meaningful choices among a wide variety of competing electricity providers.

(b) RIGHTS OF ELECTRICITY CUSTOMERS. Effective upon the dates and subject to the conditions and exceptions set forth in subsections (c), (d), and (e), every person or entity that receives electricity service from an investor-owned electric utility (referred to in this section as "electricity customers") has the right to choose their electricity provider, including, but not limited to, selecting from multiple providers in competitive wholesale and retail electricity markets, or by producing electricity themselves or in association with others, and shall not be forced to purchase electricity from one provider. Except as specifically provided for below, nothing in this section shall be construed to limit the right of electricity customers to buy, sell, trade, or dispose of electricity.

(c) IMPLEMENTATION. By June 1, 2023, the Legislature shall adopt complete and comprehensive legislation to implement this section in a manner fully consistent with its broad purposes and stated terms, which shall take effect no later than June 1, 2025, and which shall:

(1) implement language that entitles electricity customers to purchase competitively priced electricity, including but not limited to provisions that are designed to (i) limit the activity of investor-owned electric utilities to the construction, operation, and repair of electrical transmission and distribution systems, (ii) promote competition in the generation and retail sale of electricity through various means, including the limitation of market power,

Initiative Information

Date Approved 10/05/2018

Serial Number 18-10

Sponsor Name: Citizens for Energy Choices
Sponsor Address: Post Office Box 1101, Alachua, FL 32616

CONSTITUTIONAL AMENDMENT FULL TEXT

(iii) protect against unwarranted service disconnections, unauthorized changes in electric service, and deceptive or unfair practices, (iv) prohibit any granting of either monopolies or exclusive franchises for the generation and sale of electricity, and (v) establish an independent market monitor to ensure the competitiveness of the wholesale and retail electric markets.

(2) Upon enactment of any law by the Legislature pursuant to this section, all statutes, regulations, or orders which conflict with this section shall be void.

(d) EXCEPTIONS. Nothing in this section shall be construed to affect the existing rights or duties of electric cooperatives, municipally-owned electric utilities, or their customers and owners in any way, except that electric cooperatives and municipally-owned electric utilities may freely participate in the competitive wholesale electricity market and may choose, at their discretion, to participate in the competitive retail electricity market. Nothing in this section shall be construed to invalidate this State's public policies on renewable energy, energy efficiency, and environmental protection, or to limit the Legislature's ability to impose such policies on participants in competitive electricity markets. Nothing in this section shall be construed to limit or expand the existing authority of this State or any of its political subdivisions to levy and collect taxes, assessments, charges, or fees related to electricity service.

(e) EXECUTION. If the Legislature does not adopt complete and comprehensive legislation to implement this section in a manner fully consistent with its broad purposes and stated terms by June 1, 2023, then any Florida citizen shall have standing to seek judicial relief to compel the Legislature to comply with its constitutional duty to enact such legislation under this section.

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EMAILS & OPINIONS

Last Call for 7.16.19 — A prime-time read of what's going down in Florida politics

A digest of the day's politics and policy while the bartender refreshes your drink.



By **Peter Schorsch** on July 16, 2019



Last Call — A prime-time read of what's going down in Florida politics.

First Shot

AT&T Florida has filed a federal complaint against Florida Power & Light (FPL), saying it's paying too much rent for its equipment on the electric utility's poles in the state.

A copy of the amended complaint, with financial information blacked out, was filed July 12 with the Federal Communications Commission (FCC).

FPL, the complaint said, "refuses to charge AT&T the lawful, just and reasonable new telecom rate" under a 2011 FCC rate order.



Instead, AT&T said it "continue(s) to pay excessive and ever-increasing rates on over 425,000 poles."

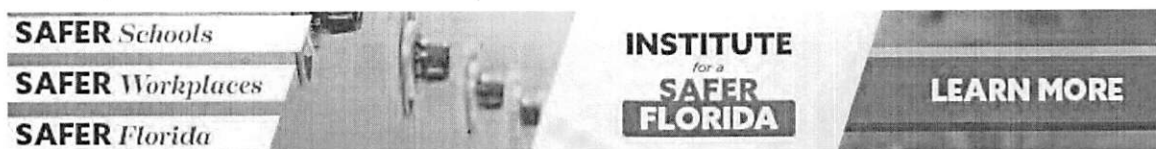
The telecommunications company alleges its competitors are paying less, but "FPL (has) refused to discuss a new rate for AT&T, let alone provide AT&T access to its new telecom rates or data supporting them."

The utility also is playing hardball: "It has increased the operational pressure on AT&T — claiming trespass and demanding that AT&T

must remove (equipment) from FPL's poles — because AT&T deigned to question the legal and contractual justification for FPL's rates.”

The complaint asked the FCC to enforce a presumably lower rate “to stop such gamesmanship.”

“Doing so will alert the industry that the Commission ... will not countenance tactics like FPL's, which serve only to delay rate relief and thwart deployment,” it said.



A request for comment to FPL is pending as of Tuesday afternoon.

Evening Reads

[“America closes the doors to asylum-seekers from the South”](#) via The Economist.

[“What second-quarter fundraising can tell us about 2020”](#) via FiveThirtyEight.

[“Am I an American?”](#) via The Atlantic.

[“Marco Rubio and Rick Scott won’t call Donald Trump’s tweet racist”](#) via the Tampa Bay Times.

[“Ileana Ros-Lehtinen chips in, boosting Debbie Wasserman Schultz fundraising to nearly \\$230K”](#) via Florida Politics.

[“Perry Thurston: Importing prescription drugs into Florida more show than serious policy”](#) via Florida Politics.