

**BEFORE THE PUBLIC SERVICE COMMISSION**

In re: Joint Petition for Approval of ) DOCKET NO: 20190176-EI  
Regulatory Improvements for decentralized )  
Solar Net-Metering Systems in Florida ) Filed: September 30th, 2019  
\_\_\_\_\_ )

**MEMORANDUM IN OPPOSITION TO FPSC STAFF’S RECOMMENDATION TO DENY  
THE JOINT PETITION FOR APPROVING IMPROVEMENTS FOR DECENTRALIZED  
NET-METERING SYSTEMS IN FLORIDA**

Achim Ginsberg-Klemmt, Jeffrey Hill, Christopher Pearce, Paul Romanoski and Robert Winfield (“Petitioners”) hereby file this Response in Opposition to denial provided by Ms Duval, Ms Cowdery and Mr Vogel (“FPSC Staff”) recommendation to deny the Joint Petition for Approval of Regulatory Improvements for decentralized Solar Net-Metering Systems in Florida, stating in support as follows:

**Mission Statement and Goals of the Public Service Commission**

Florida Power & Light is not authorized to imposter as a regulatory agency, which was one of the reasons that lead us to file this “Joint Petition for Approval of Regulatory Improvements for Solar Net-Metering Systems in Florida”

This is a non-political, non-partisan issue. If the FPSC believes this Petition sounds like leftist “New Green Deal” chatter to you, please check the recent survey conducted by the Clean Energy Conservatives, a group of forward thinking Republicans:

<https://www.cleanenergyconservatives.com/wp-content/uploads/2019/02/Florida-Clean-Energy-Survey.pdf>

This survey concludes with the following words:

THE BOTTOM LINE:

- MINIMIZING RED TAPE AND REGULATIONS FOR RENEWABLE ENERGY COMPANIES
- NET METERING POLICIES
- PROTECTING PROPERTY OWNERS’ ABILITY TO PRODUCE ENERGY ON THEIR LAND

**-PROTECTING PROPERTY OWNERS’ RIGHTS TO LEASE THEIR LAND FOR RENEWABLE ENERGY PRODUCTION**

The goals stated in our joint petition match the first three goals of the Clean Energy Conservatives.

The Public Service Commission of Florida has not only the jurisdiction to address and help to reach the first three “conservative” goals: The commission is actually obligated by its own FPSC Mission Statement and Goals to address these matters.

- *To facilitate the efficient provision of safe and reliable utility services at fair prices.*
- *Provide a regulatory process that results in fair and reasonable rates while offering rate based regulatory utilities an opportunity to earn a fair return on their investments.*
- *Encourage efficiency and innovation among regulated utilities*
- *Encourage and facilitate responsible use of resources and technology in the provision and consumption of utility services*
- *Provide appropriate regulatory oversight to protect consumers*
- *Ensure that all entities providing utility services to consumers comply with all appropriate requirements subject to the commission’s jurisdictions.*



NEE’s stock chart demonstrates that the official FPSC goal to assure that NextEra Energy Inc. (NYSE: NEE) receives a fair return on their investments is currently more than overemphasized. Unfortunately, rule compliance, efficiency, innovation and the responsible use and phasing out of limited and ecologically unsustainable resources like fossil fuel has taken the back seat.

FPSC’s record concerning the regulatory oversight to protect consumers and ensuring that utility companies comply with all appropriate statutes and rules is entirely unacceptable.

Our personal experience with FPL's questionable on-line approval process during our net-metering applications demonstrates that FPL consistently imposters as a pseudo-official regulatory agency using unenforceable rules based on NextEra Energy Inc.'s company guidelines. (See Exhibit A-E)

In substance, FPL intimidates net-metering applicants into reducing their solar system sizes without offering any substantial justification. This process clearly aims to cripple the power production capabilities of all net-metering applicants in order to protect FPL's commercial interests. After submitting complaint #128211 with the Public Service Commission, our net-metering application was denied by FPL.(See Exhibit A-E)

**Petition to Compel Florida Power & Light to Comply with  
Florida Statute §366.91 and Rule 25-6.0.065**

For better or for worse, Petitioners are not alone with our plight on the current FPSC docket. (Please see [20190167-EI](#))

A few days ago Mr Floyd Gonzales and Mr Robert Irwin filed their "Petition to Compel Florida Power & Light to Comply with F. S. §366.91 and Rule 25-6.0.065" on the FPSC Docket and you as the Public Service Commission will be tasked to grant or deny this Petition in a few days.

Since I am speaking to you as an electrical engineer without any legal background, I would like to laud Mr Gonzales and Mr Irwin's for their bold initiative and their brilliant attorney Mr Kyle Egger, Esq. for his legal analysis.

Mr Kyle Egger, Esq. put it where it's at so to speak:

*"In accordance with the legislative attempt of encouraging customers to install solar panels, the only size limit the FPSC imposed is that a customer's renewable power generation may not exceed 90% of their utility distribution service rating (capacity).*

*Disregarding this entirely, FPL imposes far more restrictive limits based on a customer's power consumption and not capacity.*

*FPL, however, has no authority to deviate from FPSC's rules; their arbitrary limitations violate §366.91 and Rule 25-6.065, and FPL must be compelled to comply with same.*

*FPL's Net Metering Guidelines Improperly Restrict the Size of its Customer's Renewable Power Generation and Invade the FPSC's Exclusive Rule-Making Authority.*

*Florida established net metering with the enactment of §366.91, Fla. Stat. It was adopted because the Legislature finds that it is in the public interest to promote the development of renewable energy resources in this state.*

*Central to FPL’s violations here, subsection (5) vests the FPSC with exclusive authority for establishing the rules for who qualifies for acceptance into a utility’s net metering program. Specifically, it tasks the FPSC with establishing the “requirements relating to the expedited interconnection and net metering of customer-owned renewable generation by public utilities. The FPSC did so when it promulgated Rule 25-6.065. Just like §366.91, Rule 25-6.065’s purpose “is to promote the development of small customer-owned renewable generation, particularly solar and wind energy systems.”*

*Subsection (4) of Rule 25-6.065 establishes the only size limitation for customer-owned renewable power generation systems. It provides that a customer-owned renewable generation must have a gross power rating that does not exceed 90% of the customer’s utility distribution service rating. A customer’s utility distribution rating is equivalent to the capacity of that customer’s electrical panel.*

*Thus, Rule 25-6.065 is very clear. If a customer-owned renewable generation project does not exceed 90% of that customer’s utility distribution service rating (i.e panel capacity), the project qualifies and should be accepted into a utilities net metering program.*

*In direct violation of Rule 25-6.065(4)(a), however, FPL imposes its own arbitrary and far more restrictive limitations based on a property’s historical energy consumption rather than utility distribution service rating as the FPSC requires. Contrary to the plain language of Rule 25-6.065, FPL’s net metering portal instructs its customers that their systems should not be sized so large that energy produced by the renewable generator would be expected to exceed 115 percent of the customer’s annual KWh consumption. FPL, though, has no authority to disregard the FPSC’s criteria for acceptance.*

*While vesting the FPSC with exclusive authority to establish the requirements as to who qualifies for inclusion in net metering programs, §366.91(5) limits FPL’s involvement to “develop a standardized interconnection agreement and net-metering program for customer-owned renewable generation.” Tellingly, FPL’s standardized interconnection agreement that was approved by the FPSC make no mention of its arbitrary limitation. These are clearly improper and unenforceable limitations that are harming customers for FPL’s benefit.”*

### **PSC’s Staff recommendation to Deny this Petition and Close this Docket**

According to FPSC’s mission statement, this Commission is obligated to assure fair rates for surplus electricity produced by small solar systems, to assure compliance with Florida Statutes, administrative rules and regulations to support innovation and preserve natural resources like fossil fuel. At this time, the Florida Public Service Commission does not meet these obligations.

PSC Staff misconstrues several aspects and boldly jumps to arbitrary conclusions. They state: “Petitioners assert that they operate or plan to install ‘solar net-metering systems within the

*commission's jurisdiction and contend that the general public should be able to operate such systems without any utility-imposed limitations."*

This assertion cannot be substantiated by the record, but, the above wording surprisingly demonstrates that FPSC's own legal counsel seems to join the school of belief that FPL would be authorized to unilaterally impose limitations on solar net-metering systems which only benefit their own commercial interests.

Mr Egger's legal analysis and Mr JR Kelly's email dated February 6<sup>th</sup> 2019 clarify that only the FPSC is authorized to impose such limitations. (*Exhibit D*)

Ms Duval & Ms Cowdery further jump to conclude that *"Each of these requests would require amending Rule 25-6.065"*

One of the FPSC's main goals is to "ensure that all entities providing utility services to consumers comply with all appropriate requirements subject to the commission's jurisdictions."

Rule 25-6.065 needs only to increase the Tier 1 amount to reflect the future potential use of the average Floridian household. This would allow that rule to comply with the environmental goals of the FPSC.

Indeed, the missing enforcement and missing oversight capabilities of the FPSC is a core problem here. One FPSC staff member explained to me on the telephone that only one person is in charge of the electric utility rule compliance and enforcement in the entire state. He admitted that he does not have a technical background and therefore cannot provide the adequate technical expertise that would be necessary to understand and oversee a complex industry like this.

The lack of technical expertise at the FPSC can be confirmed in the denial justification for our Net-Metering application dated February 21st 2019 (*Exhibit E – Page 8*):

*For the net metering request of Mr. Ginsberg-Klemmt, the gross power rating (GPR) was calculated as follows:*

*1) 6 panels at 325 Watts = 11,700 Watts or 11.7 kW (DC)*

If all solar net-metering applicants would be able to create an 11.7KW (AC) solar system with six 325 Watt panels, then fossil fuel would certainly not be in need any longer.

PSC staff's Analysis & Conclusion also claims that *"Petitioners do not provide any specific reasoning as to why the suggested amendment would promote the development of small customer-owned renewable generation or otherwise meet the purpose of the rule."*

Does the Public Service Commission need to be reminded by private pro-se petitioners about the intent of F.S §366.91? Is this not obvious?

The FPSC could certainly amend Rule 25-6.0.065 to increase the Tier1 Limit from 10KW to 50KW, but the FPSC could also waive the unscientific insurance requirement of \$1 million or grant a variance for all residential solar installations similar to the one that was granted on May 1<sup>st</sup> 2012 in Docket No. 120012-EI:

*“Based on the foregoing, it is ORDERED by the Florida Public Service Commission that Progress Energy Florida’s petition for variance and waiver is granted to allow PEF to execute a Standard Interconnection agreement for Tier2 Customer-Owned Renewable Generation Systems with the University of Central Florida. It is further*

*ORDERED that subparagraph 5(d) of Rule 25-6.065, Florida Administrative Code, shall be waived. It does not appear, however, that a rule waiver and/or variance of subparagraph 5(e) is necessary.[..]”*

Orlando Utility Corporation took the lead in a different direction and incorporated a more solar friendly insurance waiver into the text of their Interconnect Agreements:

*“b. Tier 2 (greater than 10 kW and less than or equal to 100 kW) RGS. The Customer shall maintain general liability insurance for personal injury and property damage for not less than one million dollars (\$1,000,000). The Customer shall provide initial proof of insurance or sufficient guarantee and proof of self-insurance. **For residential customers with systems between 10 kW and 20 kW, OUC recommends that the customer maintains an appropriate level of general liability insurance for personal injury and property damage.**” (Emphasis added)*

So there are several different legal avenues for you to evaluate besides a Rule amendment if you decide to follow the Mission Statement and the Goals of the Public Service Commission.

The wife of one of the Petitioners read the FPSC Staff’s denial recommendation to a classroom of gifted 6<sup>th</sup> graders at Pineview School in Osprey. The kids were amused at the justification of not raising the Tier 1 threshold in the Sunshine State since **“other states have lower thresholds, and some do not offer net metering at all.”** Just that day they learned in an assembly that just because you see another person bullying worse than you do does not make your more mild bullying OK. Pointing fingers at other losers doesn’t make us winners.

They also thought it was funny to justify not raising the Tier1 threshold since the number of households who use solar since 2008 has increased. Who knows how many tens of thousands of more households would have adopted solar or doubled their installed renewable generating capacity if they could feel assured that ALL their electricity needs would be fully met with the new solar system, and that the solar system would actually pay for itself more quickly?

What the FPSC staff recommendation does NOT tell you is their REAL reason why somebody wants to keep the Tier1 threshold so ridiculously low. One hint: it’s about green, but not the environmental green. It’s about keeping the greenbacks in the pockets of the utility companies.

PSC Staff concludes:

*“Based on their arguments, it appears that Petitioners may be seeking to generate electricity at a capacity that is beyond what is currently needed to offset part or all of their individual electricity requirements. If the intent of this surplus generation is to become supply-side independent power producers by installing systems that are intended to generate in excess of customer load, Petitioner’s request would be outside of the purpose of the Commission’s Interconnection and net metering rule. In fact during the rule-making proceedings to amend Rule 25-6.065, F.A.C. stated that certain provisions of the rule were meant to ensure that customers will not intentionally oversize their systems for the **PRIMARY** (emphasis added by Petitioner) purpose of selling energy to the utility or becoming an independent power producer.”*

During the altercations with FPL surrounding one Petitioner’s net-metering applications for account #2585822428 (*Exhibit A + B*), the roof dimensions of the building were the primary criterium that lead to design a 28-panel, 8.4 KW system. Nevertheless, the automated FPL website demanded that we reduce that system to 19 panels (4.65 KW). This arbitrary limitation was confirmed per email by FPL staff in Exhibit A Page 6.

The commission intentionally chose the term **PRIMARY** to include secondary purposes in Rule 25-6.065. Otherwise, they would have chosen “sole” or “exclusive” to describe their intent.

A secondary purpose of a suitably sized net-metering solar system is the incidental production of some surplus over the course of time according to Rule 25-6.065.

In contrast, any supply-side, independent power production installation generates considerably greater surplus above and beyond its self-consumption. In this case, surplus power production is the **PRIMARY** intent of a solar installation.

Criminalizing and hindering regenerative power production or moralizing against the installation of powerful decentralized net-metering systems is contrary to the intent of F.S §366.91.

Florida Power & Light’s own corporate policy accepts a 15% surplus power production. They just want to limit the acceptable surplus (for whatever reason) to 115% of the “past” electricity usage. <https://www.fpl.com/clean-energy/net-metering/guidelines.html>

While moralizing and litigating against solar systems that aim for 15% surplus production based on future projected consumption, FPL accepts a solar net-metering system size with 15% surplus production based on past electricity usage. This is arbitrary and unscientific.

But why focus on the past? During the application process for our solar systems it became clear to us that the Sunshine State’s electric power monopoly is as important to the decisive social progress of our times as the salt monopoly was in India a few years ago.

Petitioners want the FPSC to enforce the existing rules and protect customers who aim for 115% “future usage” instead of 115% “past usage”, which should include one or more electric vehicles during the planning phase of all new solar net-metering installations.

It is not certain that such goal would help to prevent future oil drilling activities in the Gulf of Mexico close to the Florida Coast, but it might delay the inevitable and become a first bold step into the right direction.

Please take the first step now. Petitioners respectfully request that the FPSC employ their impressive powers and forceful authority and take the necessary measures at their discretion to address the issues raised in this petition.

The Public Service Commission currently allows and encourages utility companies like Florida Power & Light to enact and enforce their own rules based on their corporate policies. (*See Exhibit A-E*). This is akin to allowing Volkswagen compliance oversight of Diesel engine emissions, or allowing Boeing to regulate and oversee the safety of the Boeing 737MAX flight dynamics.

Petitioners strongly reject compliance with unenforceable policies that are dominated by the corporate interest of publicly traded, for-profit corporations like NextEra Energy, and respectfully request that you do not follow your staff’s recommendation to deny this petition and request that you do not close this docket without taking appropriate action.

Petitioners are prepared to take this matter further in case the regulatory conditions for solar net-metering do not improve in substance as a result of your actions or inactions.

And just in case FPSC is still unsure how to vote in this case or in case 2019067-EI: Ask your own kids or grandkids what to do. They will most likely be able to provide more substantial, competent evidence as a basis for your decision than the courteous and anticipatory obedient FPSC staff members.

WHEREFORE, Petitioners respectfully request that our Joint Petition be APPROVED.

Respectfully submitted this 30th of September 2019

s/Achim Ginsberg-Klemmt  
s/Christopher Pierce  
s/Jeffrey L. Hill  
s/Paul Romanoski  
s/Robert Winfield



## CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing *Response in Opposition to FPSC's Staff Recommendation to Deny* has been furnished via electronic service on Ms Margo DuVal. Esq., [mduval@psc.state.fl.us](mailto:mduval@psc.state.fl.us), counsel for the FPSC, Mr JR Kelly, [kelly.jr@leg.state.fl.us](mailto:kelly.jr@leg.state.fl.us), Public Council, Ms Stephanie Morse Esq., [morse.stephanie@leg.state.fl.us](mailto:morse.stephanie@leg.state.fl.us), Associate Public Council, Ms Maggie Clark Esq., at [mclark@seia.org](mailto:mclark@seia.org), SEIA State Affairs Senior Manager, Southeast and Ms Katie Chiles Ottenweller Esq., at [katie@votesolar.org](mailto:katie@votesolar.org), Vote Solar Southeast Director on this 30th day of September 2019.

Respectfully submitted,

/s/ Achim Ginsberg-Klemmt  
3364 Tanglewood Drive  
Sarasota FL, 34239  
Email: [achim@srqus.com](mailto:achim@srqus.com)

# EXHIBIT A



## Your system size must be reduced prior to FPL approval

2 messages

**Achim Ginsberg-Klemmt** <achim@srqus.com>

Sat, Dec 15, 2018 at 11:09 AM

To: "Melians, Kaz" <Kaz.Melians@fpl.com>

Cc: "Claudio, Richard" <Richard.Claudio@fpl.com>, "Moseley, Grace" <Grace.Moseley@myfloridahouse.gov>, sasmith@cleanenergy.org, "Schaefer, Werner" <werner.schaefer@pitt.edu>, flteam@solarunitedneighbors.org, Eric Koenig <ekoenig@trenam.com>, Michael Burns <mtburns44@gmail.com>, Robert Barnes <jrobertbm@gmail.com>, demart@gmail.com

Bcc: Damon Egglefield <damon.egglefield@mirasolsolar.com>, Damon Egglefield <damon@mirasolsolar.com>, Dave Lutz <Dave@lutzelectricservice.com>, B-Daddy J <bill@brillianttharvest.com>, Jaime Estes <jaime.nicole.estes@gmail.com>

### Kaz Melians

Manager, Product Support

Florida Power & Light Company

772.223.4226 | 772.979.3865 cell

[kaz.melians@fpl.com](mailto:kaz.melians@fpl.com)

Dear Mr Melians,

I recognize your tenacious attempts to legitimize the present net-metering approval process in your department.

Although I suppose I'm somewhat thankful that you approved the net-metering connection for our 7.6KW solar system at 3107 Grafton, without any size reductions and the electric meter exchange is now scheduled, I can't help but think about the process which certainly intimidates other potential solar users and limits their potential.

The below email exchange is a good example of the tyrannical behavior which your net-metering applicants face.

The fairy tale story we heard on the telephone about FPL transformers which were allegedly blown apart by solar systems due to "overload" might impress most net-metering permittees or their contractors, and you might have had success intimidating these individuals into reducing the size of their solar systems during the application process on your website.

I can assure you that photovoltaic systems act as electric generators inside the FPL grid and not as electric loads.

FPL transformers should be able to handle many heavy electrical loads like 30KW HVAC systems installed next to each other on a street, so your transformers should be able to handle more than a few photovoltaic generating systems operating at the same location. If this is not the case, you might want to switch to a different transformer model.

Photovoltaic generating systems might cause operational challenges in geographically limited electrical grids located on small islands, but these systems coexist peacefully in most large service areas on this planet.

Florida Power & Light's service area is not located on a small island. Your service area is connected to an extremely large electrical grid system, so I do not see any reason why the transformers within your service area would face exceptionally hazardous electrical conditions.

Unfortunately, your staff's attempt to bully us into reducing the size of our solar system by threatening to deny the net-metering connection only seems to be the tip of a much bigger iceberg.

I fundamentally question Florida Power & Light's regulatory authority to discretionally approve or deny net-metering applications based on 115% of past year's power consumption as stated in your first quote:

***"[.]Systems should not be sized so large that energy produced by the renewable generator would be expected to exceed 115 percent of the customer's annual kWh consumption."***

If this would be a legitimized administrative rule, you just violated it by approving our 3107 Grafton system. As you know, our system is ~150% oversized according to this questionable doctrine.

I have gained the impression that the FPL guidelines which you rely upon might have been drafted up behind closed doors by FPL policy makers and are not officially vetted and ratified by our elected lawmakers.

In fact, it appears that your FPL guidelines are not compliant with Rule 25-6.065 Florida Statutes:

***(2) Definitions. As used in this rule, the term (a) "Customer-owned renewable generation" means an electric generating system located on a customer's premises that is primarily intended to offset part or all of the customer's electricity requirements with renewable energy.***

If I want to install my next system with 199% of the past years average consumption instead of only 150% (like we have at 3107 Grafton) we would still have a system which is primarily intended to offset part or all of our past power consumption.

Therefore the pass/fail algorithm which you have implemented on your online net-metering approval portal does not seem to be in compliance with Rule 25-6.065.

Even if the past year's consumption could be used as a measure to characterize a customer's electricity requirements, then 199% should still be an acceptable amount by your pass/fail algorithm and such net-metering applications should be automatically approved and not automatically denied. This is not the case as you well know.

I also challenge the presumptuous attitude that FPL feels legitimized to define my electricity requirements.

FPL's customers can define their electricity requirements without your input. Our electricity requirements are based on potential future usage instead of past years consumption, and this includes one or more electric vehicles.

Florida Power & Light should first and foremost comply with the public interest criterium outlined in Section 366.91 Florida Statutes:

*(1) The Legislature finds that it is in the public interest to promote the development of renewable energy resources in this state. Renewable energy resources have the potential to help diversify fuel types to meet Florida's growing dependency on natural gas for electric production, minimize the volatility of fuel costs, encourage investment within the state, improve environmental conditions, and make Florida a leader in new and innovative technologies.*

Mr Melians, I respectfully request that you bring the pass/fail algorithm on your website into compliance with Florida Statutes within 15 days by removing the automated system size restriction based on 115% of the previous year's consumption.

Should you decide to ignore this request, please be so kind and provide the most recent contact information of the attorney in your legal department who is authorized to accept service on your behalf.

A slightly modified version of Ruth Bader-Ginsburg's epic quote of the 19th century abolitionist leader Sarah Grimké seems suitable to summarize what your net-metering customers deserve:

"All I ask of you is that you take your feet off of our necks"

Sincere regards,

Achim Ginsberg-Klemmt  
M.Sc. Electrical Engineering  
Diplom Elektroingenieur (FH)

On Fri, Dec 14, 2018 at 7:10 PM Melians, Kaz <[Kaz.Melians@fpl.com](mailto:Kaz.Melians@fpl.com)> wrote:

Mr. Ginsberg-Klemmt,

Per our conversation, below are some links that you might find useful.

1)FPL Net Metering Guidelines: <https://www.fpl.com/clean-energy/net-metering/guidelines.html>

(Excerpt)

Information About Customer-Owned Renewable Generation Grid Interconnections

FPL works closely with customers and contractors to ensure safe, efficient grid interconnections for renewable generation, such as solar panels. Customers with grid-interconnected renewable generation can participate in FPL's net-metering program. The goal of net metering is to offset all or part of the customer's energy use at the customer's metered service account. Systems should not be sized so large that energy produced by the renewable generator would be expected to exceed 115 percent of the customer's annual kWh consumption.

2)FPL Tier 1 steps to participate: <https://www.fpl.com/clean-energy/net-metering/tiers.html>

3)Florida Rule 25-6.065: <https://www.fpl.com/clean-energy/pdf/net-metering-rule.pdf>

(2) Definitions. As used in this rule, the term (a) "Customer-owned renewable generation" means an electric generating system located on a customer's premises that is primarily intended to offset part or all of the customer's electricity requirements with renewable energy. The term "customer-owned renewable generation" does not preclude the customer of record from contracting for the purchase, lease, operation, or maintenance of an on-site renewable generation system with a third-party under terms and conditions that do not include the retail purchase of electricity from the third party.

Lastly, I have attached the process for Small Generator Interconnection and the application with contact information (Ms. Laura Murphy)

Sincerely,

**Kaz Melians**

Manager, Product Support

Florida Power & Light Company

772.223.4226 | 772.979.3865 cell

[kaz.melians@fpl.com](mailto:kaz.melians@fpl.com)

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**From:** Achim Ginsberg-Klemmt <[achim@srqus.com](mailto:achim@srqus.com)>

**Sent:** Thursday, December 13, 2018 6:05 PM

**To:** Claudio, Richard <[Richard.Claudio@fpl.com](mailto:Richard.Claudio@fpl.com)>

**Cc:** Melians, Kaz <[Kaz.Melians@fpl.com](mailto:Kaz.Melians@fpl.com)>

**Subject:** Re: Solar System Size 3107 Grafton St.

Mr Claudio,

To our great surprise we read your "Needs Input" notice on our FPL Net-metering approval account today and assume that you have posted both messages.

*"The document uploaded for the final approval cannot be accepted as there is no permit number nor address to show it's for this system install. [..]"*

I have not yet uploaded an updated version of the submitted document to give you and Mr Melians the opportunity to verify for yourself that the permit number is printed in **very large letters** at the top of the first page:

**PERMIT NO: 18 1167601 00 BI**

Page 2 of the originally uploaded document shows that the Sarasota Building Official Ms Kathleen Croteau has personally signed next to the column "**Photovoltaic Electrical Final Inspection**".

All pages were reviewed for code compliance, individually signed and stamped by the Sarasota County Planning & Development Services.

The address 3107 Grafton Street is even shown on an aerial map including property ID number and aerial photograph.

For your convenience I have visited the Sarasota County online permitting website, typed in the address "3107 Grafton Street" and obtained the online verification of the information that you seemingly cannot find:

[https://building.scgov.net/PublicPortal/Sarasota/SearchPermits\\_Detail.jsp](https://building.scgov.net/PublicPortal/Sarasota/SearchPermits_Detail.jsp)

You can find a copy of this page attached. (3107Grafton-OnlineElectricalPermitApproved.png)

*"We require a copy of the permit showing all the following information: issuing county/city name or logo, location address, job description (PV system/solar panels/etc.) & final electrical inspection approved by the building department"*

This information can already be found on our initially submitted PDF.

I am in disbelief and do not know how to help you Mr Claudio.

Would you like me to merge the attached content copied from the County permitting website together with the already submitted copy of the approved electrical building permit into one PDF and then resubmit my net-metering application?

Why would this make a difference if you intend to deny our net-metering application due to the alleged oversized wattage?

If this is not sufficient for you, please advise and give precise directions what else you are looking for.

I have unfortunately gained the impression that you are now creating baseless difficulties to retaliate against us.

Respectfully,

Achim Ginsberg-Klemmt

On Wed, Dec 12, 2018 at 3:24 PM Claudio, Richard <[Richard.Claudio@fpl.com](mailto:Richard.Claudio@fpl.com)> wrote:

Mr. Ginsberg-Klemmt.

Per our conversation yesterday, I said I would check with my supervisor about the low usage at your home. The maximum size that you can install is a 4.65 KW AC system. I know you said that additional usage would be added, such as the Nissan Leaf, but we need to see it on your usage.

I hope you understand, that per our guidelines, you can't exceed 115 % of the total usage for the year.

Please let me know, how you would like to proceed.

Thank you,

Distributed Generation

Customer Response Specialist



Richard Claudio

321-288-2455



**YourSystemSizeMustBeReducedPriorToFPLApproval.png**  
132K

**Achim Ginsberg-Klemmt** <achim@srqus.com>  
Draft

Sun, Sep 29, 2019 at 10:53 PM

From: **Achim Ginsberg-Klemmt** <achim@srqus.com>

Date: Sat, Dec 15, 2018 at 11:09 AM

Subject: Your system size must be reduced prior to FPL approval

To: Melians, Kaz <Kaz.Melians@fpl.com>

Cc: Claudio, Richard <Richard.Claudio@fpl.com>, Moseley, Grace <Grace.Moseley@myfloridahouse.gov>, <sasmith@cleanenergy.org>, Schaefer, Werner <werner.schaefer@pitt.edu>, <flteam@solarunitedneighbors.org>, Eric Koenig <ekoenig@trenam.com>, Michael Burns <mtburns44@gmail.com>, Robert Barnes <jrobertbm@gmail.com>, <demart@gmail.com>

[Quoted text hidden]



**YourSystemSizeMustBeReducedPriorToFPLApproval.png**  
132K

# EXHIBIT B

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## FPL's questionable Pass/Fail Permitting Criteria for Solar Net-Metering

2 messages

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Achim Ginsberg-Klemmt <achim@srqus.com>

Sun, Dec 30, 2018 at 1:05 PM

To: NetMetering@fpl.com, "Melians, Kaz" <Kaz.Melians@fpl.com>, "Murphy, Laura" <laura.murphy@fpl.com>, Tom Hartman <Tom.hartman@fpl.com>, "Claudio, Richard" <Richard.Claudio@fpl.com>

Cc: Margaret.Good@myfloridahouse.gov, Solar United Neighbors <flteam@solarunitedneighbors.org>, "Stephen A. Smith" <sasmith@cleanenergy.org>

Bcc: "Schaefer, Werner" <werner.schaefer@pitt.edu>, Eric Koenig <ekoenig@trenam.com>, Michael Burns <mtburns44@gmail.com>, Robert Barnes <jrobertbm@gmail.com>, Daniel Martinez <demart@gmail.com>, B-Daddy J <bill@brilliantharvest.com>

Kaz Melians

Manager, Product Support  
Florida Power & Light Company

772.223.4226 | 772.979.3865 cell

Mr. Melians,

On December 11<sup>th</sup> 2018, during our net-metering application for 3107 Grafton Street, FPL's net metering website employed an algorithm which calculated 50% oversize for an installed solar power generation capacity of 7.6KW with a 614KW/h monthly average consumption and generated the message:

***"Your system is oversized by 50%. The system production is larger than your annual energy usage. The system size must be reduced prior to submittal."***

You personally permitted this solar system anyhow, without any modifications. I thank you for that. Following the acceptance of my permit, however, I couldn't help but write you the attached letter calling attention to your unlegitimized permitting procedure.

In this letter I brought to your attention, that FPL guidelines might not be compliant with Rule 25-6.065 Florida Statutes:

***(2) Definitions. As used in this rule, the term (a) "Customer-owned renewable generation" means an electric generating system located on a customer's premises that is primarily intended to offset part or all of the customer's electricity requirements with renewable energy.***

Therefore, when I submitted our next net-metering application yesterday for the property at 15180 Leeann Road in Sarasota, I was initially joyful when I saw that FPL modified the pass/fail algorithm on the on-line permitting portal in favor of all net-metering applicants. I assumed this was a reaction to this letter from two weeks ago.

However, your freshly modified algorithm now calculates 9.55% oversize and generates the following message:

***"Your system is oversized by 9.55%. The implementation of this system may require an upgrade to FPL's equipment. You may reduce the size of your system, or contact [NetMetering@FPL.com](mailto:NetMetering@FPL.com) to request an engineering review and cost estimate to upgrade FPL's facilities."***

The account at 15180 Leeann Road shows a monthly average of **0 KW/h** yearly average usage with a proposed power generation capacity of **10KW**.

I did not understand the justification for the algorithm that lead to the 50% overload at 3107 Grafton and I understand the algorithm that now leads to the 9.55% overload at 15180 Leeann Road even less.

Please define and explain to me and to all other net-metering applicants how FPL arrives at these questionable pass/fail decisions and on what basis, be it legal or otherwise, you now demand a special engineering review for a properly sized Tier1 solar system.

Your pass/fail algorithm must have changed since two weeks ago, but unfortunately on your “guidelines” page you are still disseminating the same misinformation about your alleged authority to limit your customers solar system sizes.

“Systems should not be sized so large that energy produced by the renewable generator would be expected to exceed 115 percent of the customer’s annual kWh consumption.” (<https://www.fpl.com/clean-energy/net-metering/guidelines.html>)

Your FPL guidelines rely on the customer’s past annual kWh consumption, while Florida Statutes rely on the customer’s electricity requirements with renewable energy.

I don’t believe Florida Power & Light is authorized to define its customer’s electricity requirements. Your customers have the civil right to define their own power consumption needs without your input and should size their solar systems as large as their roof, car-port or garden allows so they can meet the future electricity needs of their homes plus one or two electric cars. Your continued reliance on past consumption seems neither legal nor desirable for your net-metering customers.

My current electrical connection at 15180 Leeann Road was designed and permitted to handle much higher loads than 10KW as far as I know. Please correct my if I am mistaken, I believe FPL approved our current connection to support up to 100A.

This time, just like last time and just like next time: I am not open to voluntarily reducing the mandated maximum size of a Tier 1 solar system, which evidently subjects me now to your freshly established engineering review and cost estimate to upgrade FPL’s facilities.

Do you perhaps want to charge me for a new air conditioner to cool FPL’s headquarters to punish me for my disobedience or maybe you want to argue that the current connection at LeeAnn Road is properly sized to handle 10KW electric loads while it must be upgraded to handle a same size 10KW solar generator?

I believe that electric connections which can handle 10KW electric loads should be able to handle a same size 10KW solar generator and I am awaiting your “cost estimate to upgrade FPL’s facilities” for our net-metering application at 15180 Leeann Road with curiosity.

Two weeks ago I threatened your organization with a lawsuit and this seemed to be a practical method to obtain partial success within your organization. This time I would like to try to convince you to voluntarily remove your unlawful and unscientific pass/fail algorithms together with your transparent intimidation attempts from the FPL permitting website.

Florida is still #3 in solar power potential and lags behind as #10 in the national ranking with installed solar power capacity. Florida Power & Light’s unprofessional and hostile treatment of solar system owners seems to be one of the main reasons for our embarrassing position in the national ranking.

Please make a change in 2019 and promote larger solar system installations instead of hindering your net-metering customers in their efforts to bring more clean energy production to the sunshine state.

Happy New Year and please don't forget to take your feet off of our necks.

Achim Ginsberg-Klemmt

M.Sc. Electrical Engineering

Diplom Elektroingenieur (FH)

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## 5 attachments



**2018-12-15-FPLWarningDialog.png**  
134K



**2018-12-29-FPLWarningDialog.png**  
165K



**15180LeeAnnRoad-0KWh-YearlyAverage.png**  
488K



**3107Grafton-614KWh-YearlyAverage.png**  
390K

 **2018-12-15-Your system size must be reduced prior to FPL approval.pdf**  
149K

From: Achim Ginsberg-Klemmt <achim@srqus.com>

Date: Sun, Dec 30, 2018 at 1:05 PM

Subject: FPL's questionable Pass/Fail Permitting Criteria for Solar Net-Metering

To: <NetMetering@fpl.com>, Melians, Kaz <Kaz.Melians@fpl.com>, Murphy, Laura <laura.murphy@fpl.com>, Tom Hartman <Tom.hartman@fpl.com>, Claudio, Richard <Richard.Claudio@fpl.com>

Cc: <Margaret.Good@myfloridahouse.gov>, Solar United Neighbors <flteam@solarunitedneighbors.org>, Stephen A. Smith <sasmith@cleanenergy.org>

[Quoted text hidden]

## 5 attachments



2018-12-15-FPLWarningDialog.png  
134K



2018-12-29-FPLWarningDialog.png  
165K



15180LeeAnnRoad-0KWh-YearlyAverage.png  
488K



3107Grafton-614KWh-YearlyAverage.png  
390K

 2018-12-15-Your system size must be reduced prior to FPL approval.pdf  
149K



# EXHIBIT C



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**RE: 15180 LEEANN RD**

1 message

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**Melians, Kaz** <Kaz.Melians@fpl.com>  
To: Achim Ginsberg-Klemmt <achim@srqus.com>

Thu, Jan 17, 2019 at 10:53 AM

Mr. Ginsberg-Klemmt,

Yesterday, an FPL engineer went to your premise to determine the nameplate rating of the 10kVA transformer as requested. Upon arrival he discovered that the distribution service is to a temporary construction pole (see attached picture). Upon further review, this account has not had any kWh consumption in several years. Since Net Metering is intended to offset part or all of the customer's electricity usage and there is none at this premise, your Net Metering application is not approved.

Sincerely,

**Kaz Melians**

Manager, Product Support

Florida Power &amp; Light Company

772.223.4226 | 772.979.3865 cell

[kaz.melians@fpl.com](mailto:kaz.melians@fpl.com)

***From Florida Public Service Commission Rule 25-6.065 F.A.C. - Interconnection and Net Metering of Customer-owned renewable generation:***

***(2) Definitions. As used in this rule, the term (a) "Customer-owned renewable generation" means an electric generating system located on a customer's premises that is primarily intended to offset part or all of the customer's electricity requirements with renewable energy.***

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**Achim temp pole.JPG**  
3757K

# EXHIBIT D

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**RE: FPL -- net metering**

1 message

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**Kelly, JR** <KELLY.JR@leg.state.fl.us>  
To: Achim Ginsberg-Klemmt <achim@srqus.com>

Wed, Feb 6, 2019 at 7:23 AM

Mr. Ginsberg-Klemmt – Thanks for the additional information. With respect to who has the right to interpret the rule, it is definitely the Public Service Commission because that is their rule. I will forward this email to the PSC so that they have the full picture of what is going on. I will let you know if/when they get back to me; however, I am asking the agency to contact you as soon as possible.

JR

**J.R. Kelly****Office of Public Counsel****111 West Madison Street****Room 812****Tallahassee, FL 32399-1400****850-488-9330****850-487-6419 Fax**

**From:** Achim Ginsberg-Klemmt <achim@srqus.com>  
**Sent:** Tuesday, February 05, 2019 8:30 PM  
**To:** Kelly, JR <KELLY.JR@leg.state.fl.us>  
**Subject:** Re: FPL -- net metering

Mr. Kelly — Thank you for your prompt response. The solar system installation in question is not completed yet and it is not located at our family home.

In fact, we have already successfully completed two FPL net-metering approval processes before, the first with our family home in 2017 and the second in December 2018 with one of our rental properties.

Although we didn't have any problems with the first FPL approval of our family home in 2017, the situation deteriorated dramatically in December 2018. I submitted the second FPL application for a 7.6KW system with 28 panels. This system was permitted, inspected and approved by Sarasota County. Nevertheless, the

automated FPL approval website demanded that I reduce my system size from 28 to 19 solar panels to obtain FPL approval.

In the end, FPL approved my permit despite the alleged “oversize,” which led me to fundamentally question FPL’s authority to deny or approve net-metering applications.

Now, we have a third project at our farm where we currently only run a water pump which had an electricity consumption history below the measurable threshold.

We need to find out who has the right and the authority to define “*the customer’s electricity requirements*” of a solar system according to Rule 25-6.065 F.A.C.

My position is that I have the right to define my own electricity requirements based on estimated future electricity usage, while FPL demands that FPL has the sole authority to deny or approve net-metering application based on past electricity consumption history.

If FPL’s position would be acceptable, every new home’s solar system should be denied, because it does not have any prior usage.

Of course we would potentially be able to connect a 10KW heater to heat the outside air for a few months to “show some usage.”

Although they do not have the jurisdiction to do so, FPL behaves like a regulating governmental agency.

This case is not about providing legal support for an individual consumer. This is an issue which concerns all of FPL’s net-metering customers.

I am looking forward to hearing from you.

Kind regards,  
Achim Ginsberg-Klemmt

On Tue, Feb 5, 2019 at 2:28 PM Kelly, JR <[KELLY.JR@leg.state.fl.us](mailto:KELLY.JR@leg.state.fl.us)> wrote:

Mr. Ginsberg-Klemmt -- I received the attached letter today from you regarding your dispute with FPL re net metering. I need some clarification from you. Have you completed the installation of solar on your home? And, if so, are you now requesting FPL to set up your account for net metering? Once I can get that information, I will contact the Public Service Commission (PSC) and find out the status of your complaint. Please note that my office does not have the authority to provide individual consumers with legal representation, nor can we compel FPL or the PSC to take any action. However, I can offer assistance to determine what is going on, and try to get you set up for net metering. I will also contact FPL on your behalf.

JR

J.R. Kelly

Office of Public Counsel

[111 West Madison Street](#)

Room 812

Tallahassee, FL [32399-1400](#)

850-488-9330

850-487-6419 Fax

# EXHIBIT E

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**Re: Net-meter application denial for 15180 Leeann Road, Sarasota**

1 message

**Achim Ginsberg-Klemmt** <achim@srqus.com>

Mon, Mar 4, 2019 at 9:54 AM

To: "Melians, Kaz" &lt;Kaz.Melians@fpl.com&gt;

Cc: Matthew Vogel &lt;MVogel@psc.state.fl.us&gt;, "Kelly, JR" &lt;KELLY.JR@leg.state.fl.us&gt;

Bcc: Gary Nakarado &lt;gary.nakarado@gmail.com&gt;

Mr Melians,

I believe you know yourself that FPL wants everybody to believe that FPL "supports solar" by displaying all sorts of pretty pictures of windmills and solar farms on the internet website, but under the eco-friendly disguise, FPL fights a fierce battle against all initiatives which have the potential to diminish FPL's market share.

Our net-metering applications are an example of this strategy.

The email I sent to you last Saturday did not address the proposed "projecting" of future consumption to obtain FPL's approval to net meter.

You did not mention which administrative rule or regulation would allow you to dictate that the net metering connection for 15180 Leeann Road must now follow FPL's "usage projecting policy" instead. A specific usage projecting rule or policy, if it exists, was not mentioned.

A variety of electrical appliances like electric heaters, grills or portable air-conditioners ranging up to ~5000W can be freely purchased at every appliance store around the country.

It should be common knowledge that connecting these appliances to electrical outlets does not require a special permit issued by the County. A strong enough circuit breaker suffices in all cases to legally operate these devices. Our FPL connection at 15180 LeeAnn Road should not be an exception to this established practice. I can therefore not accept your requirement to obtain a special permit to connect a few electric appliances which, according to you, would be needed to obtain FPL's approval to net-meter.

### **Circuit Breakers protect FPL Transformers**

In order to protect the electric grid inside any home, any construction site or any business, circuit breakers were invented and widely deployed worldwide.

To protect FPL's transformers and the high-voltage electric grid, every electric panel must be equipped with a main circuit breaker, otherwise it would not have passed building inspection.

In general, circuit breakers function in both directions, so if a



circuit breaker supports a 50A 240V load, it can support the same amount of electric power generating capacity from a solar system. Should the solar system power generation exceed the main circuit breaker rating, the connection will automatically be cut off by the main circuit breaker to protect the FPL transformer.

Circuit breakers are agnostic and do not distinguish between an electric current being fed into the grid or an electric current being drawn from the grid. Our main circuit breaker should not be an exception to this norm.

### **Electric permitting procedures are not agnostic.**

While I can freely purchase as many electric heaters, grills or portable AC units and plug them into my electrical outlets until the circuit breaker trips, I face stiff regulatory headwinds to, for example, connect one single 325Watt solar panel equipped with one Enphase IQ8 micro-inverter:

<https://runonsun.com/~runons5/blogs/blog1.php/residential-solar/what-i-saw-at-enphase-mind-blown>

Permitting hell breaks loose for all private operators connecting a solar system, and everyone gets pushed towards more or less knowledgeable solar contractors asking ~4\$US per installed Watt electric generating capacity due to the onerous permitting process.

All net-metered solar systems require a special permitting procedure with the County and with FPL, while heaters, grills or portable AC units can be freely connected to every outlet without any bureaucratic red-tape. FPL's net-metering application process is the perfect example of this permitting hell where what is good for the goose is not good for the gander.

### **FPL's electric meters are not bi-directional by default**

FPL's electric meters are not bi-directional net-meters by default and FPL customers are warned by the FPL website that connecting a solar system before the installation of a bi-directional net-meter would increase their electric bill instead of delivering the expected decrease in billed consumption.

To make matters worse, all net-metered solar systems in Florida over 10KW generating power require an additional liability insurance with over 1 Million dollar coverage. This nonsensical requirement is unique to Florida.

In other states, connecting solar generators over 10KW do not require the additional Florida specific liability insurance. Pacific Power's net-metering policy for California allows Tier 1 systems to be designed up to 1000KW:

[https://www.pacificpower.net/content/dam/pacific\\_power/doc/Efficiency\\_Environment/Net\\_Metering\\_Customer\\_Generation/CANetMeteringAgreement.pdf](https://www.pacificpower.net/content/dam/pacific_power/doc/Efficiency_Environment/Net_Metering_Customer_Generation/CANetMeteringAgreement.pdf)

### **FPL's tariffs and policies**

I acknowledge that you feel confident that FPL's tariffs and policies are entirely consistent with Florida law.

According to Public Counsel Mr JR Kelly, the Public Service Commission is responsible for regulating the net-metering process and interpreting the net-metering rules, but since several months now I am at the mercy of your or FPL's discretionary decisions concerning my right to net-meter. This does not seem to be the regulatory intent of the specific rules or rules in general, since rules exist to avoid arbitrary and capricious decisions.

I do not want to be subjected to your discretionary "planning" decisions, and do not see anywhere in the rules that you are authorized to make any discretionary decisions on behalf of the Public Service Commission.

You have no jurisdiction to demand any additional permits from us to operate electrical appliances. I am allowed to operate portable electric heaters, grills or portable AC units with the electrical permit #13 126195 00 BO which passed building inspection on July 19<sup>th</sup> 2013.

Therefore, please define the exact amount of kilowatt hours which must show on our electric bill, and on how many billing cycles this usage must be reflected, to obtain FPL's official net-metering approval based on FPL's nonsensical but well established usage history method.

Respectfully,

Achim Ginsberg-Klemmt

On Sat, Mar 2, 2019 at 8:00 PM Achim Ginsberg-Klemmt <[achim@srqus.com](mailto:achim@srqus.com)> wrote:

Mr Melians,

Thank you for your offer to continue to work with us to help us with our plans to net meter.

Unfortunately, your email from March 1<sup>st</sup> does not answer my questions at all.

1. You still did not provide the requested legal descriptions for the FPL easements on our privately owned properties. This leads to the conclusion that you do not wish to discuss FPL's decade long potential usage of our privately owned land for several hundred feet of high-voltage power lines. We cannot control FPL's exclusive use of public lands without just compensation. Our authority to prevent such freeloading on our private property is slightly stronger, so we would like to remind you again to respond to our inquiry regarding FPL's easement rights on our land.
2. You have also avoided to provide the manufacturer and the model of the transformer which FPL installed on our property at Leeann Road.

Instead you changed the subject and write: *"You indicated that your tenants don't yet have the electric vehicles you anticipate them having, so without any information about projected load associated with charging electric vehicles, we cannot approve the interconnection of a renewable system that is essentially oversized."*

To me this sounds like a threat to revoke FPL's permission to operate our solar system at 3107 Grafton because our tenants did not purchase their electric vehicle quickly enough.

A few months ago our net-metering application for 3107 Grafton was automatically denied by the FPL website without prior usage history using the rationale: *"Your system is oversized by 50%. The system production is larger than your annual energy usage. The system size must be reduced prior to submittal."*

And now you write in your email: *"Hopefully what I have explained above makes clear that there is no minimum electricity usage required to net meter. The ability to net meter is based on projected usage gleaned from our review of permitted plans in cases where there is insufficient history of electric usage upon which to base our projections."*

The contradiction could not be more grotesque in my opinion.

According to my knowledge, the Public Service Commission alone is authorized to regulate net-metering in Florida, while I continue to be confronted with your arbitrary and discretionary decisions affecting my right to net-meter.

It is clear to me that you regulate net-metering in real life today on behalf of Florida Power & Light and not on behalf of the Public Service Commission.

Rather than pressuring my tenants to immediately purchase their electric vehicle, I encourage you to file a lawsuit against me as the owner and operator of the solar system in question.

Please let me know if I have misunderstood your intentions, but I am prepared to stand my ground and will continue to operate my solar system at 3107 Grafton Street without your permission. I am prepared to defend my 28 solar panels in the 12<sup>th</sup> Circuit Court, Sarasota County.

Also, please respond to points Number 1. and 2. above.

Respectfully,

Achim Ginsberg-Klemmt

On Fri, Mar 1, 2019 at 2:50 PM Melians, Kaz <[Kaz.Melians@fpl.com](mailto:Kaz.Melians@fpl.com)> wrote:

Mr. Ginsberg-Klemmt:

Please allow this email to serve as our response to yours of February 24, 2019. I don't intend to respond to the first portion of your email, except to say that based upon our experience and our research we are very comfortable that the information we have provided, and our tariffs and policies, are entirely consistent with Florida law. Our goal here is to provide you with accurate information regarding the requirements to net meter, and the steps that need to be taken prior to interconnecting an appropriately sized renewable system with the FPL grid.

While the primary purpose of this communication relates to the Leeann Road property, your note also references the discussions we have had regarding the 3107 Grafton Road property. As we have discussed, our process requires us to have the information necessary to project the estimated annual kilowatt-hour usage in order to advise you of the acceptable size of your renewable system for net metering purposes. You indicated that your tenants don't yet have the electric vehicles you anticipate them having, so without any information about projected load associated with charging electric vehicles, we cannot approve the interconnection of a renewable system that is essentially oversized. Please recall that both section 366.91, Florida Statutes, and Rule 25-6.065 state that renewable systems such as the one you propose are intended to offset "part or all of the customer's electricity requirements with renewable energy."

With reference to your questions about the Leeann Road property, I understand from your note that while there is currently no usage at that location, you intend to install some electric heaters to generate usage. If you can provide me a copy of the permitted plans for the proposed electric heaters, I would be happy to review them and assist in determining the projected kilowatt hours the heaters would produce. And if you have plans to build or construct anything else at that location that will result in the use of electricity, I will also be happy to review any permitted plans for that construction and to work with you to determine the projected kilowatt hours that use would produce. The bottom line is this – whatever you have in mind as the intended use of that property, I will work with you to help determine the projected annual kilowatt-hour usage that will determine an acceptable size of a solar or other renewable system for net metering purposes.

On that point, you have asked me to "specify the exact minimum amount of kilowatt hours our FPL bill needs to show and also the duration in months this minimum electricity usage must show on our FPL bill in order for us to pass Florida Power & Light's official net-meter application process." Hopefully what I have explained above makes clear that there is no minimum electricity usage required to net meter. The ability to net meter is based on projected usage gleaned from our review of permitted plans in cases where there is insufficient history of electric usage upon which to base our projections.

You have also asked us to send you the technical specifications of the FPL transformer serving the Leeann Road Property. The transformer is a single-phase, 60hz, 10KVA transformer with an operating voltage HV: 7620/13200 and LV: 120/240. Therefore, the nameplate rating of this transformer is 10KVA.

I trust this email addresses the questions you have posed. We are certainly willing to continue to work with you to help you achieve your plans to net meter, and if you have any additional questions please don't hesitate to contact me.

Best regards,

**Kaz Melians**

Manager, Product Support

Florida Power & Light Company

772.223.4226 | 772.979.3865 cell

[kaz.melians@fpl.com](mailto:kaz.melians@fpl.com)

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**From:** Achim Ginsberg-Klemmt <[achim@srqus.com](mailto:achim@srqus.com)>  
**Sent:** Sunday, February 24, 2019 8:01 PM  
**To:** Melians, Kaz <[Kaz.Melians@fpl.com](mailto:Kaz.Melians@fpl.com)>  
**Cc:** Matthew Vogel <[MVogel@psc.state.fl.us](mailto:MVogel@psc.state.fl.us)>; Kelly, JR <[KELLY.JR@leg.state.fl.us](mailto:KELLY.JR@leg.state.fl.us)>;  
[Commissioner.Polmann@psc.state.fl.us](mailto:Commissioner.Polmann@psc.state.fl.us)  
**Subject:** Net-meter application denial for 15180 Leeann Road, Sarasota

CAUTION - EXTERNAL EMAIL

Good evening Mr Melians,

Please find below the official response I received from the Florida Public Service Commission regarding the denial of our net-metering application.

In essence, the Florida Public Service Commission endorses your organization's behavior acting like a regulating authority and it seems like FPL can count on the PSC's unwavering support in this matter.

The Office of Public Council, who is supposedly representing the public interest, has also not expressed any dissent with the PSC's decision. It must indeed be a joyful moment for NextEra Energy's management to operate a business under such a favorable market conditions. I admit that I hope this will soon be our PastEra and not our NextEra.

You are in a vey strong legal position here according to the email I received from Mr Vogel. For me as an ordinary Joe Schmo, I am allowed to negotiate with you to let you estimate the future load at 15180 Leeann Road.

Rather than revisiting the phone call we had regarding 3107 Grafton, where you asked me how many miles my tenants would be driving next year with their future electric car which they don't own yet, I wanted suggest that we create a landmark case with 15180 Leeann Road to use for all of your future net-metering denials.

I have prepared a few electric heaters to heat the outside air at Leeann Road to generate the necessary electricity "usage" that my FPL account needs to show in order to pass the officially endorsed Net-Meter permitting requirements.

Please specify the exact minimum amount of kilowatt hours our FPL bill needs to show and also the duration in months this minimum electricity usage must show on our FPL bill in order for us to pass Florida Power & Light's official net-meter application process.

We also request that you don't forget to send us the detailed technical specifications of the FPL transformer on our property so we can accurately determine the nameplate rating.

Please respond within the next week.

Respectfully,

Achim Ginsberg-Klemmt

----- Forwarded message -----

From: **Matthew Vogel** <[MVogel@psc.state.fl.us](mailto:MVogel@psc.state.fl.us)>  
Date: Thu, Feb 21, 2019 at 9:52 AM  
Subject: RE: Net Metering Issues  
To: Achim Ginsberg-Klemmt <[achim@srqus.com](mailto:achim@srqus.com)>

Good morning Mr. Ginsberg-Klemmt,

Late yesterday afternoon I received the response to your concern regarding the formula FPL used to deny your application. This response is below.

“The methodology used by FPL to calculate the gross power rating is directly as stated in Section (2)(b) of Rule 25-6.065. Which is:

(2)(b) “Gross power rating” means the total manufacturer’s AC nameplate generating capacity of an on-site customer-owned renewable generation system that will be interconnected to and operate in parallel with the investor-owned utility’s distribution facilities. For inverter-based systems, the AC nameplate generating capacity shall be calculated by multiplying the total installed DC nameplate generating capacity by .85 in order to account for losses during the conversion from DC to AC.

(4) Customer Qualifications and Fees.

(a) To qualify for expedited interconnection under this rule, customer-owned renewable generation must have a gross power rating that:

1. Does not exceed 90% of the customer's utility distribution service rating; and
2. Falls within one of the following ranges:

Tier 1 – 10 kW or less;

Tier 2 – greater than 10 kW and less than or equal to 100 kW; or

Tier 3 – greater than 100 kW and less than or equal to 2 MW.

For the net metering request of Mr. Ginsberg-Klemmt, the gross power rating (GPR) was calculated as follows:

- 1) 6 panels at 325 Watts = 11,700 Watts or 11.7 kW (DC)
- 2) Customer's total installed DC name plate rating: 11.7 kW(DC)
- 3)  $GPR = 11.7 \times 0.85 = 9.95 \text{ kW (AC)}$

The transformer installed to serve the meter at this location has a nameplate rating of 10 kW. Section 4(a) of the rule states that the GPR shall not exceed 90% of the transformer distribution service rating. As you can see from the calculation above, the 90% rule was exceeded by .95 kW (90% of 10kW is 9kW).

Additionally, we have determined that the customer has no load to offset. Rule 25-6.065 reads in pertinent part as follows:

(2) Definitions. As used in this rule, the term.

(a) "Customer-owned renewable generation" means an electric generating system located on a customer's premises that is primarily intended to offset part or all of the customer's electricity requirements with renewable energy. The term "customer-owned renewable generation" does not preclude the customer of record from contracting for the purchase, lease, operation, or maintenance of an on-site renewable generation system with a third-party under terms and conditions that do not include the retail purchase of electricity from the third party.

As a result, because there is no load to offset, by definition the proposed system will not be offsetting any part or all of the customer's electricity requirements with renewable energy.

Both factors – the fact that the customer has no load to offset his production and the Gross Power Rating issue – led FPL to deny the application."

It appears that the size of the planned system does exceed the 90% of the transformer distribution service rating. Also, they state with no load to offset, the proposed system does not meet the definition of net metering. As a result the net metering rule is may be inappropriate for your situation. There are options for solar generation without net metering such as a Purchase Power

Agreement. If you plan on building on the site and creating load to be offset, it is not uncommon for electric companies to estimate future load. FPL can assist in estimating future load. If you have any questions please feel free to contact me.

Thank you,

**Matthew A Vogel**

Public Utilities Supervisor

Office of Industry Development & Market Analysis

Florida Public Service Commission

[MVogel@psc.state.fl.us](mailto:MVogel@psc.state.fl.us)

Phone: 850-413-6453

Fax: 850-413-6454