

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: December 2nd, 2019

MOTION FOR STAY

NOW, BEFORE THIS COMMISSION comes Achim Ginsberg-Klemmt (“Petitioner”), and pursuant to Rule 28-106.204(1), Florida Administrative Code, files this Motion for Stay of Proceedings for Case 201900176-EI and states:

1. On August 22nd 2019 Floyd Gonzales & Robert Irwin filed a petition styled “*PETITION TO COMPEL FLORIDA POWER & LIGHT’S COMPLIANCE WITH §366.91, FLA. STAT., AND RULE 25.6-065*”, PSC docket 20190167-EI.

2. Floyd Gonzales’ and Robert Irwin’s petition is in part based on a similar fact pattern as petition 201900176-EI, “*JOINT PETITION FOR APPROVAL OF REGULATORY IMPROVEMENTS FOR DECENTRALIZED SOLAR NET-METERING SYSTEMS IN FLORIDA*”.

3. The petitioners in both cases were confronted with a denial of their net-metering applications by Florida Power & Light due to allegedly “oversizing” their solar net-metering systems.

4. According to Gonzales/Irwin’s response to the PSC’s document request filed on November 15th 2019, the petitioners in case 201900167-EI were able to increase their power bill from ~\$183 in June/July to ~\$494 in August/September 2019 in order to obtain final approval for the allegedly oversized solar system. It seems that these net-metering applicants have now obtained the desired permit approval due to this consumption increase during August/September 2019. (see <http://www.floridapsc.com/library/filings/2019/10945-2019/10945-2019.pdf> Pages 28-30)

5. In the case 201900176-EI, Petitioner offered to install several electric heaters on-site to increase the power consumption and asked Florida Power & Light in advance how long he would need to heat the outside air to sustain a specific power consumption at the site:

“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.” (see <http://www.floridapsc.com/library/filings/2019/09101-2019/09101-2019.pdf> Exhibit E)

6. In the case 201900176-EI, Florida Power & Light specified neither the timespan nor the amount of energy in kWh for the consumption necessary to obtain FPL’s net-metering approval. Petitioner’s net-metering application for FPL Account 7779634307 was finally denied with the explicit approval of PSC Staff.

7. In both cases, Florida Power & Light relied on their own corporate guidelines and approval mechanism to arrive at their decisions, and in both cases the applicants fundamentally question Florida Power & Light’s legal authority to imposter as a regulatory governmental agency.

8. In both cases, the Public Service Commission acts as if the Commission has the jurisdiction to delegate the regulatory authority to deny or approve net-metering applications to a privately-held electric utility corporation.

9. In order for the Supreme Court of Florida to benefit from the legal and factual rationale used by the Commission in its final ruling on Petition 20190167-EI, a stay for case 201900176-EI is the next logical and necessary step in the right direction.

Wherefore, Petitioner respectfully requests that the ruling on the Motion For Reconsideration be stayed until the Commission has issued their final ruling on PSC Petition 20190167-EI.

Respectfully submitted this 2nd of December 2019



Achim Ginsberg-Klemmt

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing *Motion for Reconsideration* has been furnished via electronic service on Ms Margo DuVal. Esq., mduval@psc.state.fl.us, counsel for the FPSC, Mr JR Kelly, kelly.jr@leg.state.fl.us, Public Council, Ms Stephanie Morse Esq., morse.stephanie@leg.state.fl.us, Associate Public Council, Ms Maggie Clark Esq., at mclark@seia.org, SEIA State Affairs Senior Manager, Southeast and Ms Katie Chiles Ottenweller Esq., at katie@votesolar.org, Vote Solar Southeast Director on this 21st day of October 2019.

Respectfully submitted,



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