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DEPUTY GENERAL COUNSEL

January 2, 2020

**VIA ELECTRONIC FILING**

Adam J. Teitzman, Commission Clerk  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399-0850

Re: *Florida Power & Light Company's Petition for Approval of FPL SolarTogether Program and Tariff*; Docket No. 20190061-EI

Dear Mr. Teitzman:

Enclosed for filing in the above-referenced Docket on behalf of Duke Energy Florida, LLC ("DEF") are the following:

- DEF's Motion for Leave to File Amicus Curiae Comments; and
- DEF's Amicus Curiae Comments in Support of FPL.

Thank you for your assistance in this matter. Please feel free to call me at (727) 820-4692 should you have any questions concerning this filing.

Sincerely,

*/s/ Dianne M. Triplett*

Dianne M. Triplett

DMT/cmck  
Enclosures

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

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In re: Petition by Florida Power & Light  
Company for Approval of FPL SolarTogether  
Program and Tariff

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Docket No. 20190061-EI  
Filed: January 2, 2020

**DUKE ENERGY FLORIDA, LLC'S MOTION  
FOR LEAVE TO FILE AMICUS CURIAE COMMENTS**

Duke Energy Florida, LLC (“DEF” or the “Company”), pursuant to Rule 28-106.204, F.A.C., respectfully requests the Florida Public Service Commission’s (the “PSC” or “Commission”) to grant this motion for leave to file amicus curiae comments in support of Florida Power & Light Company’s (“FPL”) Petition for Approval of Solar Together Program and Tariff filed on March 13, 2019 in this docket. In support of this motion, DEF says:

1. DEF is an investor-owned electric public utility regulated by this Commission pursuant to Chapter 366, Florida Statutes. As such, the Company has a significant interest in the manner in which Chapter 366, Florida Statutes, is construed in connection with other laws and Orders of the Commission that may affect public utilities in this state. Given the above interest, DEF wishes to file comments regarding the policy implications associated with FPL’s proposed Solar Together program. DEF believes that its input may assist the Commission in ruling on FPL’s request in its Petition.

2. Amicus curiae briefs are generally for “assisting the court in cases which are of general public interest, or aiding in the presentation of difficult issues.” Ciba-Geigy, Ltd. V. Fish Peddler, Inc., 683 So. 2d 522, 523 (Fla. 4<sup>th</sup> DCA 1996). The Commission has discretion to allow participation as amicus curiae. The Commission has either granted amicus curiae status, or treated a party’s filing as an amicus curiae submission, on multiple occasions. See, e.g., In re: Petition for

declaratory statement regarding the effect of the Commission's orders approving territorial agreements in Indian River County, by the City of Vero Beach, Docket No. 20140244-EI, Order Nos. PSC-2015-0064-PCO-EM, PSC-2015-0063-PCO-EM, PSC-2015-0062-PCO-EM, PSC-2015-0061-PCO-EM (Jan. 23, 2015) (granting motions for leave to appear as amicus curiae for DEF, TECO, FECA, and FMEA); In re: Petition for declaratory statement regarding co-ownership of electrical cogeneration facilities in Hendry County by Southeast Renewable Fuels, LLC, Docket No. 20130235-EQ, Order No. PSC-2013-0508-PCO-EQ (Oct. 28, 2013); In re: Application for original certificates to operate water and wastewater utility in Duval and St. Johns Counties by Nocatee Utility Corporation, Docket No. 19990696-WS, Order No. PSC-2000-1265-PCO-WS (July 11, 2000) (treating filings as amicus curiae and citing other instances in which the Commission has permitted amicus filings).

3. DEF believes that FPL's Petition presents issues of general public concern. In particular, as set forth in DEF's attached amicus curiae comments, DEF believes that its customers may be interested in a program similar to that proposed by FPL. While DEF has not yet completed an analysis as to whether it can or should submit such a program to the Commission for approval, it is important to DEF that it preserve the option to utilize the creative option, if the opportunity presents itself. Therefore, DEF requests leave of this Commission to file the attached Comments.

4. Pursuant to Rule 28-106.204(3), F.A.C., counsel for DEF has conferred with counsel for the parties and is authorized to represent that FPL, Walmart, Inc., Vote Solar, and Southern Alliance for Clean Energy have no objection to this motion; Florida Industrial Power Users Group and the Public Service Commission Staff take no position on this motion; and Office of Public Counsel objects to this motion.

WHEREFORE, for the reasons stated above, DEF respectfully requests the Commission grant its request to file the attached amicus curiae comments.

Respectfully submitted,

*/s/ Dianne M. Triplett*  
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Attorneys for Duke Energy Florida, LLC

**CERTIFICATE OF SERVICE**

*(Dkt. No. 20190061-EI)*

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished to the following by electronic mail this 2<sup>nd</sup> day of January, 2020, to all parties of record as indicated below.

/s/ Dianne M. Triplett

Attorney

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**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

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In re: Petition by Florida Power & Light  
Company for Approval of FPL SolarTogether  
Program and Tariff

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Docket No. 20190061-EI

Filed: January 2, 2020

**DUKE ENERGY FLORIDA, LLC'S AMICUS CURIAE  
COMMENTS IN SUPPORT OF FLORIDA POWER & LIGHT COMPANY**

Duke Energy Florida, LLC (“DEF” or the “Company”), files these amicus curiae comments in support of the innovative program filed for approval by Florida Power & Light Company (“FPL”). The Commission should grant FPL’s request for approval of its Solar Together program, in recognition of the changing solar landscape and the increased demand for renewable energy sources. Given the potential for a Commission order on this issue to have impact on DEF’s customers and DEF’s ability to offer similar, universal solar expansion with creative customer and community focused solar offerings, DEF files these amicus curiae comments.

The electric utility company of 2019 is not the same utility company as even ten years ago. We are in an unprecedented time of change, from dramatic cost declines in energy sources like solar, natural gas, and energy storage to an unprecedented level of grid interconnection requests and by new energy technologies such as electric vehicles and an assortment of distributed generation. Likewise, our customer expectations and preferences are changing and they are demanding more from their electricity providers. This is all happening as the industry faces an increase in the frequency and intensity of extreme weather events.

Given the heightened awareness of the risks associated with climate change, investors in both the utility sector and Florida’s largest businesses are demanding “socially responsible investing” and “environmentally responsible investing.” In fact, investors are pushing mutual fund managers to invest in companies that make environmentally conscious decisions. The world is

also increasingly aware of the risks associated with climate change. The UN Emissions Gap Report was just issued on November 26, 2019<sup>1</sup>. This report warns that additional significant reductions in the emissions of greenhouse gases over the next 10 years are needed to stop further global warming. Likewise, savvy consumers are demanding that the places where they spend their money, go “green” and reduce, offset, or eliminate their carbon footprint. This urgent and continued focus on reducing greenhouse gas emissions has resulted in an increased interest in utility generation, in particular the generation of clean, renewable, emissions-free generation. DEF’s customers want access to clean energy, and they want it located in Florida and installed in a dependable and timely manner. DEF’s customers want to participate in Florida solar technology advancement in different ways than have historically been available to them. The task ahead is how to accommodate these demands with the appropriate oversight, while balancing the interests of the entire customer base.

Some customers will or are trying to achieve their renewable energy goals by installing their own private solar photovoltaic or micro-wind systems. But many others cannot or choose not for various reasons (cost, convenience, feasibility, choice). A voluntary option like the Solar Together Tariff affords individual customers the opportunity to support the expansion of dependable universal solar that is already cost effective for all customers. It also provides all customers the benefits of utility-owned universal solar, such as economies of scale, dependable and reliable service, and the ability to optimize and integrate a flexible clean energy system asset into the utility’s power grid for the benefit of all customers.

DEF recognizes that FPL’s program is innovative in some respects and may result in a policy shift. But Florida has always been a trailblazer with respect to setting innovative policies.

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<sup>1</sup> The report can be found at this link: <https://www.unenvironment.org/resources/emissions-gap-report-2019>.

For example, Florida has provided a constructive regulatory framework in which the utilities are afforded reasonable treatment for the benefit of all its customers. The Commission has routinely authorized customer refunds, utility rate freezes, and limited generation base rate adjustments for certain assets. Further, the Commission has approved multi-year rate settlements while recognizing the efficiency and significant rate case expense savings to all parties. The Commission has also approved pilot programs, such as DEF's Electric Vehicle Pilot and FPL's and DEF's battery storage pilots, in recognition that new technologies are worthy of more robust trials and additional data gathering by the utilities. By approving FPL's proposed Solar Together program, or programs similar in nature, the Commission will continue its strong tradition of supporting public interest programs that utilize creative regulatory outcomes in a measured, consistent manner.

The electric industry is transforming and the norms leading up to the end of the 20<sup>th</sup> century are not the norms of the 21<sup>st</sup> century and beyond. Customers are demanding more from their Electric Service Provider and FPL's Solar Together program is an innovative way to meet those needs while still providing value to the balance of customers. Therefore, DEF believes that the Commission should approve FPL's Solar Together concept and thus pave the way for other utilities in the state of Florida to offer similar programs to their customers.

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

*(Dkt. No. 20190061-EI)*

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished to the following by electronic mail this 2<sup>nd</sup> day of January, 2020, to all parties of record as indicated below.

/s/ Dianne M. Triplett

Attorney

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