

**BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION**

In re: Petition for a limited proceeding to approve) DOCKET NO.: 20200153-EI
third solar base rate adjustment, by Duke Energy) FILED: July 2, 2020
Duke Energy Florida, LLC)
_____)

**PETITION TO INTERVENE OF
HARDEE DYDO SOLAR LLC**

Pursuant to Sections 120.569 and 120.57(1), Florida Statutes and Rules 25-22.039 and 28-106.205, Florida Administrative Code, Hardee Dydo Solar LLC (“Hardee Dydo”), through its undersigned representative, files its Petition to Intervene. In support thereof, Hardee Dydo states as follows:

1. The name and address of the affected agency is:

Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

2. The name and address of the petitioner is:

Hardee Dydo Solar LLC
c/o IPS Avon Park Corporation
1560 Gulf Blvd, #701
Clearwater, Florida 33767

3. All pleadings, motions, orders and other documents directed to the petitioner should

be served on:

Kevin J. Casey
Dylan J. Casey
4301 Dominion Blvd., Suite 120
Glen Allen, Virginia 23060
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dcasey@beaufortrosemary.com

4. Hardee Dydo is a developer of utility scale solar projects with plants in development located within Duke Energy Florida's ("DEF" or "Duke") electric service territory.

5. Statement of Affected Interests. The Commission is considering DEF's petition to recover costs for certain solar power facilities through rates. Hardee Dydo is willing to supply power to DEF for resale to DEF customers at rates ten percent (10%) lower than the revenue requirement being sought by DEF for cost of power supplied by DEF to ratepayers, thereby imprudently affecting DEF production and operating costs, the competitiveness of industry in DEF's service territory, the level of sustainable employment in the region and costs to ratepayers estimated at a Net Present Value of \$10 - \$20 million per project.

6. Disputed Issues of Material Fact. Hardee Dydo anticipates that disputed issues of material fact will be identified in the continuing course of these proceedings. Hardee Dydo reserves the right to raise additional issues in accordance with the Commission's rules and the Orders Establishing Procedure in this case.

7. Disputed Legal Issues. Hardee Dydo anticipates that disputed legal issues may be identified in the course of these proceedings.

8. Statement of Ultimate Facts Alleged. Alleged ultimate facts include, but are not limited to, the following:

- (a) Are the solar facilities for which DEF seeks Commission approval to increase rates prudent, cost effective and needed?
- (b) Are the costs for which DEF seeks recovery from customers prudent and reasonable?

- (c) Is DEF appropriately recognizing all costs to be borne by ratepayers in the estimated costs associated with DEF SOBRA projects to be approved, and specifically, are network upgrade costs being appropriately factored into project costs to be borne by ratepayers?

Hardee Dydo anticipates that additional alleged ultimate facts may be identified in the course of these proceedings.

9. Laws Entitling Petitioner to Relief and Relation to Alleged Facts. The rules and statutes entitling Hardee Dydo to relief include but are not necessarily limited to the following: Sections 120.569 and 120.57(1), Florida Statutes, Sections 366.04 through 366.07, Florida Statutes; Sections 366.80 through 366.85 and 403.519, Florida Statutes, and Rule 25-22.039, Florida Administrative Code.

10. Relief. Hardee Dydo requests that it be permitted to intervene as a party in this docket.

WHEREFORE, Hardee Dydo Solar respectfully requests that the Commission enter an order allowing it to intervene as a party in this docket.

Respectfully submitted,

/s/ Kevin J. Casey
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*Managing Director of Beaufort Rosemary LLC -
Member of Hardee Dydo Solar LLC*

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing Petition to Intervene has been furnished by electronic mail this 2nd day of July 2020, to the following:

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/s/ Kevin J. Casey