



August 21, 2020

VIA ELECTRONIC FILING

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

Re: *Petition by Duke Energy Florida, LLC for a limited proceeding to approve Clean Energy Connection Program and Tariff and Stipulation; Docket No. 20200176-EI*

Dear Mr. Teitzman:

Enclosed for filing on behalf of Vote Solar is Vote Solar's petition to intervene in Docket No. 20200176.

Thank you for your assistance in this matter. Please feel free to reach out to me at (706)224-8017 should you have any questions concerning this filing.

Sincerely,

s/ Katie Chiles Ottenweller

Katie Chiles Ottenweller

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition by Duke Energy Florida, LLC
for a limited proceeding to approve Clean
Energy Connection Program and Tariff and
Stipulation

Docket No. 20200176-EI

FILED: August 21, 2020

**VOTE SOLAR'S
PETITION TO INTERVENE**

Vote Solar, pursuant to sections 120.569, 120.57(1), Florida Statutes and Rule 28-106.205, Florida Administrative Code, hereby moves to intervene in the above-styled proceeding. In support thereof, Vote Solar respectfully states as follows:

The Parties

1. Agency Affected is:

Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850
2. Intervenor is:

Vote Solar
Katie Chiles Ottenweller
Southeast Director
838 Barton Woods Road NE
Atlanta, GA 30307
Email: katie@votesolar.org
Phone: 706.224.8107

Katie Chiles Ottenweller has been designated as a qualified representative, authorized to represent the interests of Vote Solar before the Florida Public Service Commission, pursuant to Order No. PSC-2020-0021-FOF-OT (issued January 13, 2020).

3. Petitioner is Duke Energy Florida, LLC (hereinafter "DEF" or "Petitioner"), having a principal place of business at 299 1st Avenue North, St. Petersburg, Florida, 33701.

Receipt of Notice of Proposed Action

4. Vote Solar received notice of the Petitioner's filing of its proposed action by e-mail notification from DEF on July 1, 2020.

Vote Solar's Substantial Interests

5. Vote Solar is an independent 501(c)3 non-profit working to repower the United States with clean energy by making solar power more accessible and affordable through effective policy advocacy. Vote Solar seeks to promote the development of solar at every scale, from distributed rooftop solar to large utility-scale plants.

6. Established in 2002, Vote Solar has over 80,000 members nationally, including over 30,000 members in Florida, a substantial number of whom reside within DEF's service territory.

7. Vote Solar is not a trade group, nor does it have corporate members.

8. Vote Solar has a substantial interest in the subject matter of this proceeding. Vote Solar oversees the development and implementation of community and shared solar policy initiatives across the country. Vote Solar believes that community solar is a key driver facilitating expanded access to solar power for all consumers, including Vote Solar's members. For this reason, our policy experts review regulatory filings, perform technical analyses, and participate in legislative and regulatory proceedings across the country related to community solar, including in California, Colorado, Connecticut, Delaware, Hawaii, Illinois, Maryland, Massachusetts, Michigan, Minnesota, New Jersey, New York, Nevada, New Mexico, Pennsylvania and Virginia.

9. Vote Solar has significant expertise in community solar program design. In November 2018, Vote Solar partnered with the Interstate Renewable Energy Council to create a

*Checklist for Voluntary Utility-Led Community Solar Programs*¹ to provide guidance around voluntary community solar program best practices. The Checklist is intended to help evaluate and create consumer-centric programs to ensure more customers can access and benefit from community solar, including those that are not able to take advantage of installing solar panels at their residence due to living in rental housing or not having appropriate or sufficient roof space.

10. Vote Solar and its members support well-designed community solar offerings that foster the growth and accessibility of solar generation in Florida. The outcome of this proceeding will significantly impact these objectives.

Statement of Affected Interests

11. In the above-captioned proceeding, the Commission will consider whether to approve DEF's Clean Energy Connection program and its attendant tariff and stipulation. The Commission's decision will affect DEF and its customers, including Vote Solar members.

12. DEF is proposing to build ten 74.9 megawatt ("MW") solar farms, totaling approximately 750 MW.² These solar resources are cost-effective and are projected to create net system savings of approximately \$533 million.³

13. Vote Solar and its members advocate for increased reliance on solar power, and strongly support voluntary programs that expand customers' options for relying on solar to meet their electricity needs. Vote Solar's members have an interest in ensuring that the community solar program proposed by Petitioner is designed to fully and fairly value solar resources, maximize opportunities for participation, and bring the lowest cost solar resources to customers.

¹ Checklist for Voluntary Utility-Led Community Solar Programs available online: <http://www.votesolar.org/cschecklist>.

² See Duke Energy Florida, LLC's Petition for a Limited Proceeding to Approve Clean Energy Connection Program and Tariff and Stipulation, FPSC Docket No. 20200176-EI, filed July 1, 2020 (hereinafter "Petition") at 4.

³ *Id.*

14. Vote Solar also has an interest in assuring that community solar programs are designed in a way that allows all Floridians to participate in clean energy – especially those most in need of bill savings. Low-income Floridians face high energy burdens, meaning that an outsized portion of their income goes towards home energy bills, including electricity, natural gas, and other heating fuels.⁴ Vote Solar has considerable experience across the country working with utilities and regulators to design clean energy programs that maximize participation for low income customers, ensuring that all Floridians – especially those struggling with high electric bills – are able to benefit from clean energy.

15. In advance of Petitioner's filing, Vote Solar engaged in numerous conversations with DEF in order to secure improvements to the planned program and tariff. As stated in the Petition, Vote Solar has signed onto a stipulation with DEF concerning the program, along with other Counterparties (Stipulation attached to DEF's petition as Exhibit A).

16. The provisions in the Stipulation strengthen Petitioner's Clean Energy Connection program by securing a separate capacity allocation for local government customers that need longer lead time to enroll in community solar offerings. It also contains significant benefits for low income subscribers, including a capacity set-aside that will create immediate savings for these customers; a "hold harmless" to ensure their bills do not increase due to enrollment; co-marketing of the program with existing energy efficiency programs; and ability to enroll regardless of a customer's arrearage status.

17. The program's \$533 million in projected savings are allocated so that 12.7% flow to participants and 87.3% flow to the general body of DEF customers.⁵ Vote Solar believes

⁴ <https://aceee.org/sites/default/files/pdf/fact-sheet/ses-florida-100917.pdf>.

⁵ Id. at Exhibit A, p. 5.

that this benefit-sharing arrangement is both an innovative and a fair way to apportion the benefits of the program.

18. The Stipulation also includes commitments from DEF to glean information gained from the program to evaluate future deferment of planned gas infrastructure; to collect and share data with stakeholders on customers' own investments in solar PV; to utilize a competitive solicitation process in its development of the solar resources; and to conduct an analysis of a potential future add-on program mobilizing battery storage paired with on-site solar for back-up power at critical loads. Vote Solar believes that these commitments will continue to advance DEF's, stakeholders' and the Commission's experience and knowledge concerning solar resources.

19. In summary, Vote Solar believes that this Stipulation represents a fair, just and reasonable resolution of issues that otherwise would have been litigated in this proceeding. Vote Solar believes that the program, tariff and stipulation are in the in public interest and asks for their approval by the Commission.

20. For the above-stated reasons, Vote Solar has standing to intervene in this matter on behalf of its members. *See Florida Home Builders Ass 'n v. Department of Labor and Employment Security*, 412 So.2d 351, 353-54 (Fla. 1982); *Farmworker Rights Organization, Inc. v. Department of Health and Rehabilitative Services*, 417 So. 2d 753 (Fla. 1st DCA 1982); *Friends of the Everglades, Inc. v. Board of Trustees, Internal Improvement Trust Fund*, 595 So.2d 186, 188-189 (Fla. 1st DCA 1992). Moreover, the interests of Vote Solar's members are of the type that this proceeding is designed to protect. *Ameristeel Corp. v. Clark*, 691 So.2d 473 (Fla. 1997); *Agrico Chemical Co. v. Department of Environmental Regulation*, 406 So.2d 478 (Fla. 2d DCA 1981), *reh 'g. denied*, 415 So.2d 1359 (Fla. 1982). The purpose of this proceeding is to consider whether to approve or deny DEF's program and accompanying tariff and

stipulation, which will be available to a substantial number of Vote Solar members. The outcome will significantly impact these members' clean energy options and the rates at which such options are available. Accordingly, Vote Solar has an interest in ensuring that the program as approved is fair, just and reasonable.

Statement of Position

20. Vote Solar supports Petitioner's request for approval of the Clean Energy Connection program, tariff and stipulation and believes that this approval is in the public interest.

Disputed Issues of Material Fact

21. Vote Solar does not dispute the material facts stated by Petitioner.

Statement of Ultimate Facts Alleged and at Issue

22. Ultimate facts alleged and at issue include, but are not limited to, the following:
- a. DEF has met its burden of proof in this matter; and
 - b. Approval of DEF's program, tariff and stipulation is in the public interest.

Rules and Statutes Justifying Relief

23. The rules and statutes that entitle Vote Solar to intervene and participate in this proceeding include, but are not limited to:

- a. Section 120.569, Florida Statutes;
- b. Section 120.57, Florida Statutes;
- c. Section 366.04(1), Florida Statutes;
- d. Section 366.05(1)(e), Florida Statutes;
- e. Section 366.06, Florida Statutes;
- f. Section 403, Florida Statutes;
- g. Rule 28-106.201, Florida Administrative Code;

h. Rule 28-106.205, Florida Administrative Code.

Relief Requested

26. Vote Solar requests that it be permitted to intervene as a full party in this docket.

Statement Required by Rule 28-106.204(3), Florida Administrative Code

27. Vote Solar has contacted counsel for DEF, the Office of Public Counsel and LULAC and represents that DEF and LULAC do not oppose Vote Solar's intervention. The Office of Public Counsel takes no position.

WHEREFORE, Vote Solar respectfully requests that the Commission enter an order granting it leave to intervene and participate as a full party in this docket.

RESPECTFULLY SUBMITTED this 21st day of August, 2020.

/s/ Katie Chiles Ottenweller

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Phone: 706.224.8017

Qualified Representative for Vote Solar

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing has been furnished to the following by electronic mail on the 21st day of August, 2020:

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/s/ *Katie Chiles Ottenweller*