

Antonia Hover

From: Office of Chairman Clark
Sent: Monday, February 15, 2021 11:48 AM
To: Commissioner Correspondence
Subject: FW: Docket No. 20200181 - Goals for Public Utilities
Attachments: CommissionerClark-GoalsForPublicUtilities.pdf

Good morning,

Please place the attached letter in Docket No. 20200181.

Hannah E. Barker
Executive Assistant to Chairman Clark
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399
(850) 413-6004

-----Original Message-----

From: Achim Ginsberg-Klemmt [mailto:achim@srqus.com]
Sent: Monday, February 15, 2021 11:21 AM
To: Office of Chairman Clark
Subject: Docket No. 20200181 - Goals for Public Utilities

Please find attached a letter to Chairman Clark.

Kind regards,
Achim Ginsberg-Klemmt

Achim Ginsberg-Klemmt, 3364 Tanglewood Drive, Sarasota FL 34239

Florida Public Service Commission
Chairman Mr Gary F. Clark
2540 Shumard Oak Blvd.
Tallahassee FL 32399-0850

Re. : Goals for Electric Utilities
Proposed amendment of Rule 25-17.0021, F.A.C. Docket No.20200181

Sarasota February 15th 2021

Dear Commission Chairman Clark,

Docket No. 20200181-EU is already filled to the rim with general admonishments towards the commission regarding the ~30 years of regulatory standstill affecting demand-side regenerative energy systems. This docket is also filled with well meant, general advice like *"Get it right !"*

I will make an attempt to be more specific in this letter.

On October 7th 2019, I spoke on behalf of 10 demand-side solar system owners to convince you to remove three senseless regulatory burdens for photovoltaic solar systems owners:

- We asked you to intervene against FPL's awkward established role as a corporate "regulator" who willfully cripples the capacity of demand-side solar net-metering systems.
- We asked you to remove the unjustifiable liability insurance requirement for solar systems larger than 10KW.
- We asked you to raise the "AS-AVAILABLE" tariff to include a just monetary compensation for greenhouse gas emissions

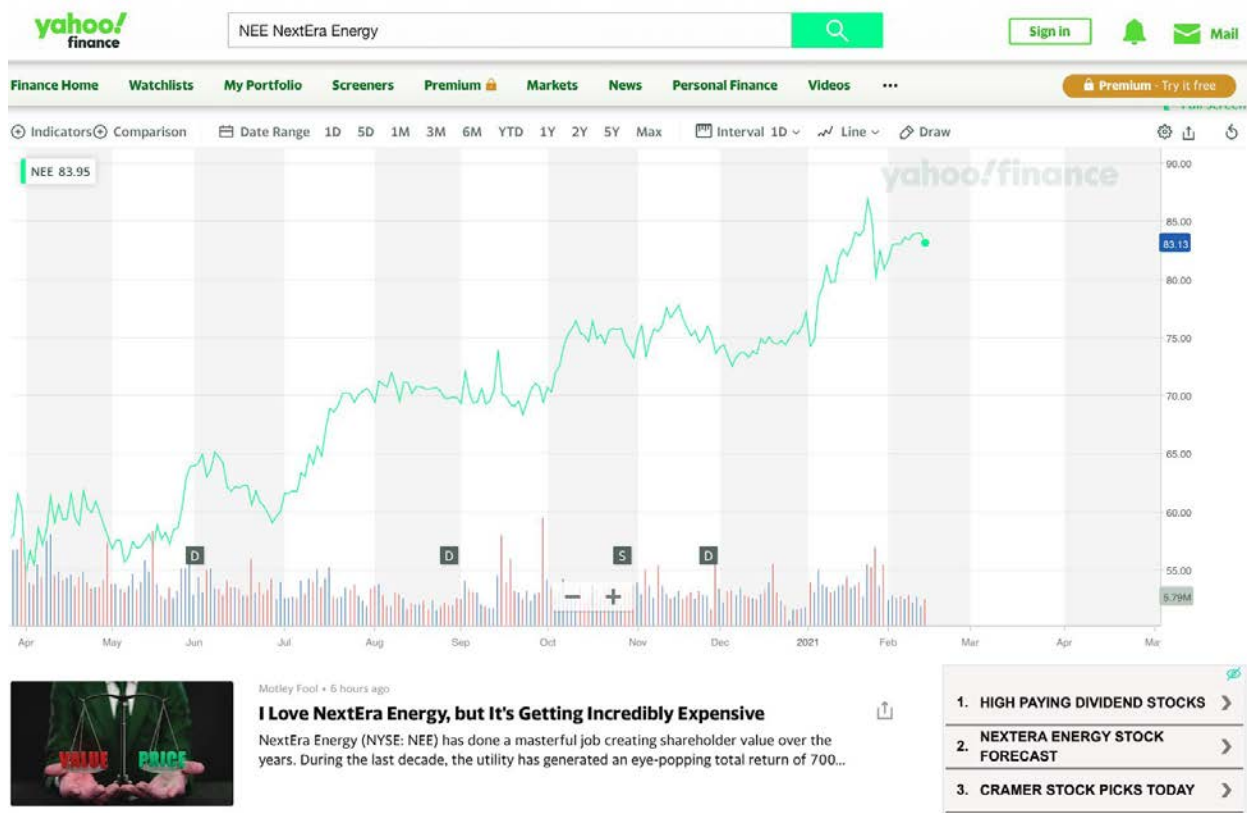
Commission Chairman Graham cut off my presentation after 4:31 minutes when I was about to show NextEra Energy's historical stock chart to you. I believe you had a

chance to review this chart a few months later as part of the appeal pleadings before the Florida Supreme Court;

https://efactssc-public.flcourts.org/casedocuments/2019/1873/2019-1873_brief_137046_appendix2damended2dmerit20brief.pdf

https://efactssc-public.flcourts.org/casedocuments/2019/1873/2019-1873_brief_137810_reply20amd20brief2dmerits.pdf

Even more interesting than the NEE historical stock chart before October 2019 is the newest historical NEE chart for the year 2020 during the epic economic downturn caused by the COVID-19 pandemic:



Yahoo Finance states: ***I Love NextEra Energy, but It's Getting Incredibly Expensive. NextEra Energy (NYSE: NEE) has done a masterful job creating shareholder value over the years. During the last decade, the utility has generated an eye-popping total return of 700%. Powering that market-crushing performance has been NextEra's peer-leading earnings-per-share growth of 8% compounded annually over the past decade versus less than 3%, on average, for the top 10 power companies, due in large part to its focus on renewable energy.***

As you most likely know, the Florida Supreme Court sided with you and your staff and threw out our cry for justice in case SC19-1873:

https://efactssc-public.flcourts.org/casedocuments/2019/1873/2019-1873_disposition_151223_d05.pdf

Florida Power & Light can feel vindicated now and continue to create shareholder value by openly hindering the general public who wants to save money and convert their homes into environmentally friendly Net-Zero energy homes.

NextEra Energy owns Florida Power & Light and Gulf Power and therefore controls the vast majority of Florida's electricity customers. The Florida Public Service Commission is supposed to be an economic regulator and not an environmental or a social regulator.

It is obvious to me and many other people that there is a direct correlation between NEE's stellar economic performance as an investor owned corporation and the current regulatory framework defined by the Florida Public Service Commission.

The upcoming Utility Rate Increases for Florida

Unfortunately, now Florida's electric utilities will be asking you to support a considerable electricity rate increases for the upcoming years:

<https://www.newsdaytonabeach.com/stories/fpl-outlines-plan-for-base-rate-increase.9323>

In the past, several commissioners argued that the net-metering tariffs for demand-side photovoltaic systems would constitute an unjustified "subsidy". The following paper substantiates why this is a baseless accusation:

https://elibrary.ferc.gov/eLibrary/filelist?document_id=14868899&accessionnumber=20200615-5083&fbclid=IwAR1RTyILpls1ebPr2yxERF1uDF4DgOiVIOPFLskaXo9sputjUcQJJRz9vow

How would you describe the common practice to pay FPL & NextEra Energy billions of dollars to buy or lease large tracts of land risk free so they can build their solar power plants?

Why don't you give these billions of dollars to Florida's farmers or Florida's families in need so THEY can buy a piece of land which THEY own and instead operate dual-purpose agri-solar farms for example?

Hypocritical, deceptive solar initiatives like FPL's "SolarTogether" aim to perpetuate the monopolistic status quo and are the exact opposite of what Floridian families, Florida's farmers and Florida's small business communities need. Authentic "Community Solar" projects are not owned by the utility corporations:

<https://www.solarunitedneighbors.org/learn-the-issues/community-solar/>

Today, demand-side solar installations do not accrue any land acquisition costs for the general rate payers, so from a pure economical standpoint this option should be more effective. Instead, the Public Service Commission perpetuates the archaic monopolistic market structure where everybody is forced to pitch in their hard earned dollars so FPL can buy more solar farm land for themselves to sell solar power to us. Let us produce solar electricity ourselves in an economically beneficial way!

Many intervenors on this docket suggest that preventing energy waste is the best and the most economical first step towards a greener and more energy efficient future and I fully agree. But once the HVAC ducts are fixed, the attic insulation installed and the single pane windows upgraded, the installation of solar thermal and photovoltaic solar systems at demand-side locations is the way to go for Florida. This commission should take a bold step away from protecting the shareholder value of NextEra Energy and help Florida's citizens and Florida's Farmers find their path from electricity consumers to **electricity producers** towards a carbon neutral future.

Liability Insurance Requirements for Solar Systems > 10KW

For the "Renewable Generation Workshop" on September 17th 2020, the attendance list included representatives from Florida Power & Light, Gulf Power, Duke & TECO, several representatives from the solar installation industry, two non-profit organizations from Tennessee (SACE) and Georgia (VoteSolar) and the Office of Public Counsel.

Floridian Solar System operators and owners were not represented there, but this was not the most noteworthy attribute of the "Renewable Generation Workshop". During the five minutes between 25:00 and 30:00, several commissioners inquired about the unnecessary insurance requirements for solar systems >10KW:
http://psc-fl.granicus.com/MediaPlayer.php?view_id=2&clip_id=3248&meta_id=3693725

The question was: ***“What liability does the insurance cover? What is the inherent risk? Is there one?”***

And the, for some people, astonishing answer from the FPSC staff was:
“I don’t believe there is; electrically.”

In summary: Florida’s solar net-metering customers are forced to pay for a liability insurance which does not cover any risk!

In July 2019, Commissioner Graham already admitted in his New York Times interview with Ivan Penn that the commission could do more regarding this irritating and counterproductive obstacle. (Exhibit F)

https://efactssc-public.flcourts.org/casedocuments/2019/1873/2019-1873_brief_137046_appendix2damended2dmerit20brief.pdf

So hopefully the time has come now during this rulemaking procedure to say goodbye to all liability insurance requirements for demand-side solar net-metering systems by setting the goal for the utilities to instantaneously abolish this nonsense.

AS-AVAILABLE compensation tariff does not account for Greenhouse Gas Emissions

Another important topic to address during this rule making procedure would be the “AS-AVAILABLE” energy tariff, which FPSC staff has also labeled as “wholesale” tariff.

Florida Statute 366.82 (3) Definition; goals; plans; programs; states:
*[..]In developing the goals, the commission shall evaluate the full technical potential of all available demand-side and supply-side conservation and efficiency measures, including demand-side renewable energy systems . In establishing the goals, the commission **shall** take into consideration:*
(d) The costs imposed by state and federal regulations on the emission of greenhouse gases . (emphasis added)

Unfortunately, the respective rule 25-17.0825 established by this commission to promulgate Florida Statute 366.82 (3)(d) does not take the emissions of greenhouse gases into consideration as required by the above statute:

25-17.0825 As-Available-Energy:

(1) [..]As-available energy sold by a qualifying facility shall be purchased by the utility at a rate, in cents per kilowatt-hour, not to exceed the utility's avoided energy cost . [..]

(3)(c) For qualifying facilities with standard kilowatt-hour meters, monthly payments for as-available energy shall be calculated based on the average of the utility's actual hourly avoided energy rate for the off-peak periods during the month.

I believe a good start would be to address this problem by setting numeric goals in US\$ for Florida's electric utilities during this rulemaking proceeding. In doing so, require the utilities to take greenhouse gas emissions into consideration as required by F.S. 366.82 (3)(d) for all electricity compensation tariffs, but especially for the As-Available-Energy tariff.

As a third electric utility goal suggestion, I respectfully suggest that this honorable commission bars Florida's electric utilities from willfully downsizing proposed photovoltaic solar systems during the permitting process below 90% of the permitted electric panel rating at the meter location. Furthermore, the FPSC must bar these electric utility corporations from limiting the requested inverter size to facilitate future solar system upgrades to larger photovoltaic capacities.

Sincerely,



Achim Ginsberg-Klemmt, Dipl. Ing. (FH)
3364 Tanglewood Drive
Sarasota FL 34239
Email: achim@srqus.com
Phone: (941) 923-2419

<https://pv-magazine-usa.com/2020/05/21/florida-man-takes-fpl-to-court-alleging-the-utility-acts-like-a-net-metering-regulator/>