

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Commission review of numeric conservation goals (Florida Power & Light Company).

DOCKET NO. 20240012-EG

In re: Commission review of numeric conservation goals (Duke Energy Florida, LLC).

DOCKET NO. 20240013-EG

In re: Commission review of numeric conservation goals (Tampa Electric Company).

DOCKET NO. 20240014-EG

In re: Commission review of numeric conservation goals (JEA).

DOCKET NO. 20240016-EG

In re: Commission review of numeric conservation goals (Orlando Utilities Commission).

DOCKET NO. 20240017-EG  
ORDER NO. PSC-2024-0139-PCO-EG  
ISSUED: April 30, 2024

ORDER GRANTING INTERVENTION  
FOR SOUTHERN ALLIANCE FOR CLEAN ENERGY

On January 5, 2024, Docket Nos. 20240012-EG, 20240013-EG, 20240014-EG, 20240015-EG, 20240016-EG, and 20240017-EG were established to review and adopt the corresponding utility's conservation goals pursuant to Sections 366.80-366.83 and 403.519, Florida Statutes. (F.S.), known collectively as the Florida Energy Efficiency and Conservation Act (FEECA). By the Order Consolidating Dockets and Establishing Procedure, Order No. PSC-2024-0022-PCO-EG, issued January 23, 2024, the dockets were consolidated for purposes of hearing and controlling dates were established. These dockets are currently scheduled for hearing on August 6-9, 2024.

Petition for Intervention

On April 19, 2024, the Southern Alliance for Clean Energy (SACE) filed at Petition to Intervene in Docket Nos. 20240012-EG, 20240013-EG, 20240014-EG, 20240016-EG, and 20240017-EG. SACE is a non-profit clean energy corporation organized under the laws of the State of Tennessee, and is authorized to conduct operations in the State of Florida. The mission of SACE, reflected in its bylaws, is to advocate for energy plans, policies, and systems that best serve the environmental, public health, and economic interest of communities in the Southeastern United States, including Florida. SACE asserts that it places a priority on evaluating all opportunities for displacing non-renewable electricity generation with lower cost end-use energy efficiency measures. SACE asserts that these measures reduce the amount of fossil fuels

consumed and reduce the overall electric system costs for customers, which includes SACE members. SACE had more than 8,000 members residing in Florida. Approximately 5,812 of those members reside within the service territory of Florida Power & Light Company (FPL), 1,620 reside within the service territory of Duke Energy Florida (DEF), 531 reside within the service territory of Tampa Electric Company (TECO), 260 reside within the service territory of JEA, and 105 reside within the service territory of Orlando Utilities Commission (OUC). No party indicated an objection to SACE's intervention.

### Standards for Intervention

Pursuant to Rule 28-106.205, F.A.C., persons, other than the original parties to a pending proceeding, who have a substantial interest in the proceeding and who desire to become parties may move for leave to intervene. Motions for leave to intervene must be filed at least twenty (20) days before the final hearing, must comply with Rule 28-106.204(3), F.A.C., and must include allegations sufficient to demonstrate that the intervenor is entitled to participate in the proceeding as a matter of constitutional or statutory right or pursuant to Commission rule, or that the substantial interests of the intervenor are subject to determination or will be affected through the proceeding. Intervenors take the case as they find it.

To have standing, the intervenor must meet the three-prong standing test set forth in *Florida Home Builders Association v. Department of Labor and Employment Security*, 412 So. 2d 351, 353-54 (Fla. 1982), and *Farmworker Rights Organization, Inc. v. Department of Health and Rehabilitative Services*, 417 So. 2d 753, 754 (Fla. 1st DCA 1982), which is based on the basic standing principles established in *Agrico Chemical Company v. Department of Environmental Regulation*, 406 So. 2d 478, 481-82 (Fla. 2d DCA 1981).<sup>1</sup> Associational standing may be found where: (1) the association demonstrates that a substantial number of an association's members may be substantially affected by the Commission's decision in a docket; (2) the subject matter of the proceeding is within the association's general scope of interest and activity; and (3) the relief requested is of a type appropriate for the association to receive on behalf of its members. *Fla. Home Builders*, 412 So. 2d at 353-54; *Farmworker Rights Org.*, 417 So. 2d at 754.

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<sup>1</sup> Under *Agrico*, the intervenor must show that (1) he will suffer injury in fact which is of sufficient immediacy to entitle him to a Section 120.57, F.S., hearing, and (2) the substantial injury is of a type or nature which the proceeding is designed to protect. The first aspect of the test deals with the degree of injury. The second deals with the nature of the injury. 406 So. 2d 478 at 482. The "injury in fact" must be both real and immediate and not speculative or conjectural. *International Jai-Alai Players Assn. v. Florida Pari-Mutuel Commission*, 561 So. 2d 1224, 1225-26 (Fla. 3d DCA 1990). *See also: Village Park Mobile Home Assn., Inc. v. State Dept. of Business Regulation*, 506 So. 2d 426, 434 (Fla. 1st DCA 1987), *rev. den.*, 513 So. 2d 1063 (Fla. 1987) (speculation on the possible occurrence of injurious events is too remote).

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Analysis and Ruling

Based on above representations, it appears that SACE meets the associational standing requirements of *Florida Home Builders*. SACE has demonstrated that a substantial number of its Florida members may be substantially affected by the Commission's decisions as to the appropriate conservation goals and programs. The conservation goals in this proceeding are within SACE's general scope of interest and activity. SACE seeks to directly and cost-effectively reduce the amount of fossil fuels and displace the need for new power plants, thereby reducing costs for customers, which is appropriate relief for SACE to receive on behalf of its members. SACE meets the requirements for associational standing and will be permitted to intervene as a party in Docket Nos. 20240012-EG, 20240013-EG, 20240014-EG, 20240016-EG, and 20240017-EG. SACE takes the case as it finds it.

Based on the above representations, it is

ORDERED by Commissioner Art Graham, as Prehearing Officer, that the Motion to Intervene filed by Southern Alliance for Clean Energy is hereby granted as set forth in the body of this Order. It is further

ORDERED that Southern Alliance for Clean Energy takes the case as it finds it. It is further

ORDERED that all parties to this proceeding shall furnish copies of all testimony, exhibits, pleadings, and other documents which may hereinafter be filed in this proceeding to:

William C. Garner  
Law Office of William C. Garner, PLLC  
3425 Bannerman Road  
Unit 105, No. 414  
Tallahassee, FL 32312  
(850) 320-1701 (tel)  
(850) 792-6011  
[bgarner@wcglawoffice.com](mailto:bgarner@wcglawoffice.com)

By ORDER of Commissioner Art Graham, as Prehearing Officer, this 30th day of April,  
2024.



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ART GRAHAM  
Commissioner and Prehearing Officer  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399  
(850) 413-6770  
www.floridapsc.com

Copies furnished: A copy of this document is provided to the parties of record at the time of issuance and, if applicable, interested persons.

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NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing or judicial review will be granted or result in the relief sought.

Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

Any party adversely affected by this order, which is preliminary, procedural or intermediate in nature, may request: (1) reconsideration within 10 days pursuant to Rule 25-22.0376, Florida Administrative Code; or (2) judicial review by the Florida Supreme Court, in the case of an electric, gas or telephone utility, or the First District Court of Appeal, in the case of a water or wastewater utility. A motion for reconsideration shall be filed with the Office of Commission Clerk, in the form prescribed by Rule 25-22.0376, Florida Administrative Code. Judicial review of a preliminary, procedural or intermediate ruling or order is available if review of the final action will not provide an adequate remedy. Such review may be requested from the appropriate court, as described above, pursuant to Rule 9.100, Florida Rules of Appellate Procedure.