

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

**In RE: Petition for Rate Increase by**                    )  
**Duke Energy Florida, LLC**                                )  
**DOCKET No.: 20240025**  
**FILED: June 24, 2024**

**FLORIDA SOLAR ENERGY INDUSTRY  
ASSOCIATION'S PETITION TO INTERVENE**

Petitioner Florida Solar Energy Industry Association (“FLASEIA”), pursuant to Sections 120.569 and 120.57(1), Florida Statutes, and Rule 28-106.205, Florida Administrative Code, hereby files its Petition to Intervene, and in support thereof states as follows:

**The Parties**

1. Petitioner/Intervenor is:

Florida Solar Energy Industry Association  
c/o Kilpatrick Townsend & Stockton LLP  
4208 Six Forks Drive, Suite 1400  
Raleigh, North Carolina 27609

For purposes of service of all pleadings, notices, and orders in this docket, Intervenor’s mailing and e-service addresses are as follows:

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Mr. Smith is authorized to accept service of papers in this proceeding on behalf of FLASEIA. FLASEIA also requests that Messrs. Adler, Goldin, and Smith be added jointly to the service list. While Mr. Adler is a Florida-licensed attorney, FLASEIA may cause to

be filed a motion for either or both Mr. Goldin and Mr. Smith to be admitted *pro hac vice* before this Commission and subsequent to any Commission grant of such request, FLASEIA requests that Mr. Goldin and/or Mr. Smith be added to the office service list as attorney(s) authorized to accept service of papers in this proceeding.

2. The affected agency is the Florida Public Service Commission (“PSC” or “Commission”), with a principal place of business at 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850.
3. The affected utility in this docket is Duke Energy Florida, LLC. (“DEF”).

#### **FLASEIA’s Substantial Interests**

4. FLASEIA, a 501(c)(6) non-profit trade association founded in 1977 committed to upholding high ethical standards, professional licensing and qualifications, safety and performance, represents and advocates on behalf of its member solar photovoltaic, solar thermal, and energy storage system contractors, installers, manufacturers, distributors, engineers, designers, consultants and more.
5. FLASEIA membership consists of 186 companies involved in Florida’s solar energy industry, including 97 solar installers and contractors. 74 FLASEIA members have a home office address in a county served by DEF.
6. Specifically, FLASEIA members include solar manufacturers and distributors as well as Florida contractors, retailers and consultants who install and maintain solar water heating, pool heating and solar electric systems throughout Florida. FLASEIA membership also includes Gainesville Regional Utilities, Lakeland Electric Utilities, the Florida Solar Energy Center and Florida Solar Energy Research and Education Foundation. Individual members of FLASEIA reside throughout Florida and are both commercial and residential

ratepayers of Florida Power & Light Company, Progress Energy of Florida, Tampa Electric Company, Gulf Power Company, Orlando Utilities Commission, GRU and JEA.

7. FLASEIA, individually and as a member of other organizations, has been an intervenor before this Commission. This includes, but is not limited to, Docket No. 110002-EG where FLASEIA was previously granted individual intervention and also numerous dockets as a member of a regular intervenor, Florida Solar Coalition.
8. FLASEIA and its individual and company members are directly affected by the decisions made in this docket for two reasons. First, the electric rates of FLASEIA's individual members and companies will be determined by the decisions made by the Commission in this docket. Second, FLASEIA members are engaged in the sale, development, and construction of solar installations including, notably, behind-the-meter installations which said businesses will be directly impacted by the determination of the retail rate of electricity.
9. The proposed rate increases will have a direct and substantial impact on FLASEIA's members, both as ratepayers and in their roles in the solar and energy industry in Florida.
10. FLASEIA's membership is directly and substantially affected by whether Florida electric rates are competitive. FLASEIA's membership relies on Florida's competitive electric rates and a favorable business environment, including a friendly business environment for distributed energy companies whose business model relies on local utility rates.
11. FLASEIA has standing to intervene in this matter on behalf of its members. To demonstrate associational standing on behalf of its members in administrative proceedings in Florida, an organization must demonstrate that 1) a substantial number of its members, although not necessarily a majority, are "substantially affected" by the agency action; 2) the subject

matter of the case is within the association's general scope of interest and activity; and  
3) the relief requested is of the type appropriate for the association to receive on behalf of its members. *Florida Home Builders Association v. Department of Labor and Employment Security*, 412 So. 2d at 353-354 (Fla. 1982).

12. A substantial number of FLASEIA members will be affected by the Commission's action taken on DEF's Petition in this case. Each FLASEIA member that is an electric customer of DEF will be affected by the outcome of this case both in its business interests and also in its own rates. See *Agrico Chem. Co. v. Dep't of Env't Regulation*, 406 So. 2d 478, 482 (Fla. 2d DCA 1981).

13. Moreover, the subject matter of this docket is within FLASEIA's general scope of interest and activity. FLASEIA has previously appeared on behalf of its members in cases concerning utility regulation, as the cost of electricity represents a significant portion of its members' business interests and costs. As such, the subject matter of the instant docket, i.e. evaluation of DEF's request for Commission review and approval of significantly increased base rates, is well within FLASEIA's scope of interest and activity.

14. Additionally, the relief sought by FLASEIA by way of the instant petition is of the type appropriate for it to receive on behalf of its members and pursuant to rule 28-106.205(1), Florida Administrative Code. FLASEIA seeks, by way of the instant petition, leave to intervene as a party with full rights to participate in this docket. Because its members are solar and energy (and related) electric customers who will be affected by the outcome of this case, FLASEIA's participation in this docket is appropriate to ensure that the rates charged to ratepayers, who are also customers of FLASEIA's membership base, are fair,

just, and reasonable. Additionally, FLASEIA seeks to conduct discovery in this docket as warranted in its judgment and raise issues of material fact as warranted.

**Notice of Proceeding**

15. FLASEIA received notice of this docket by review of the Florida Public Service Commission's website.

**Statement of Position**

16. DEF must meet its burden of proof in this matter. FLASEIA seeks to conduct discovery and reserves the right to modify its position based on information obtained during discovery or otherwise.

**Disputed Issues of Material Fact**

17. Disputed issues of material fact include, but are not limited to, the following:

- a. Whether the increased base rates for which DEF seeks cost recovery are reasonable;
- b. Whether the proposed changes in DEF's rate base are fair, just and reasonable; and
- c. Whether the proposed increased base rates consider demand-side resources to mitigate costs to customers and accurately account for distributed energy resources.

**Statement of Ultimate Facts Alleged and at Issue**

18. Ultimate facts alleged and at issue include, but are not limited to, the following:

- a. The base rates DEF seeks to recover from its customers, including FLASEIA members, must be fair, just, and reasonable.

**Rules and Statutes Justifying Relief**

19. The rules and statutes that entitle FLASEIA to intervene and participate in this case include, but are not limited to:

- a. Section 120.569, Florida Statutes;

- b. Section 120.57, Florida Statutes;
- c. Section 366.04, Florida Statutes;
- d. Section 366.06, Florida Statutes;
- e. Rule 28-106.201, Florida Administrative Code; and
- f. Rule 28-106.205, Florida Administrative Code.

**Relief Requested**

20. FLASEIA requests that it be permitted to intervene as a full party in this docket.

**Statement of Conferral of Counsel**

1. As required by F.A.C. 28-106.204(3), counsel for FLASEIA has conferred with counsel for the other parties in this docket, and DEF is the sole objecting party as The Office of Public Counsel; Florida Rising, Inc.; the League of United Latin American Citizens of Florida (LULAC); the Florida Retail Federation; White Springs Agricultural Chemicals, Inc. d/b/a PCS Phosphate – White Springs; Nucor Steel Florida, Inc.; and Florida Industrial Power Users Group (FIPUG); Wawa, Inc.; Racetrac, Inc.; Americans for Affordable Clean Energy, Inc. (AAACE); Circle K Stores, Inc.; each indicated they take no position on the Petition while Southern Alliance for Clean Energy (SACE) responded that it does not object to the Petition. Counsel for FLASEIA attempted to confer with counsel for DEF on the objection but was unable to find common ground on the issue of FLASEIA’s standing to intervene in this docket.

**WHEREFORE**, the Florida Solar Energy Industry Association requests that the Commission grant its petition to intervene in the docket as a full party and require that all parties provide the undersigned with all notices, pleadings, testimony, evidence, and discovery filed in this docket.

Respectfully submitted June 24, 2024.

KILPATRICK TOWNSEND & STOCKTON LLP

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Certificate of Service

I hereby certify that copies of the foregoing have been mailed, emailed or hand-delivered to all parties of record on June 24, 2024.

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