

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 (Florida Public Utilities Company).	DOCKET NO. 20240015-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
	FILED: September 12, 2024

POST-HEARING STATEMENT OF THE FLORIDA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

The Florida Department of Agriculture and Consumer Services, Office of Energy (FDACS), pursuant to the Order Consolidating Dockets and Establishing Procedure, Order No. PSC-2024-0022-PCO-EG (Order Establishing Procedure), issued on January 23, 2024, in these dockets, hereby submits its Post-hearing Statement.

BACKGROUND

Sections 366.80 through 366.83 and 403.519, Florida Statutes (F.S.), are known collectively as the Florida Energy Efficiency and Conservation Act (FEECA). The six utilities subject to FEECA, collectively known as the FEECA Utilities, are Florida Power & Light Company (FPL), Duke Energy Florida, LLC (DEF), Tampa Electric Company (TECO), Florida Public Utilities Company (FPUC), JEA, and Orlando Utilities Commission (OUC).

Pursuant to Section 366.81, F.S., the Legislature has directed the Florida Public Service Commission (Commission) to adopt overall goals, and has authorized the Commission to require utilities to develop plans and implement programs for increasing energy efficiency and conservation and demand-side renewable energy systems. Pursuant to Section 366.82(6), F.S., the Commission must review the conservation demand-side management (DSM) goals of each FEECA Utility at least every five years. Accordingly, the Commission's Prehearing Order has identified fourteen conservation goal-setting issues (Issues) based upon a review of the testimony and exhibits pre-filed by the FEECA Utilities and Intervenors.¹ Each FEECA Utility proposed DSM goals for years 2025 through 2034.

Chapter 377, Florida Statutes, gives broad authority and responsibilities to FDACS in administering renewable energy and energy efficiency grants, promoting energy efficiency and conservation programs, and providing educational outreach on energy issues. Pursuant to Section 377.703(2)(i), F.S., FDACS is charged with promoting energy efficiency and conservation in all energy use sectors throughout the state. As part this responsibility, Section 366.82(5), F.S., specifically requires that FDACS be a party to these FEECA proceedings and file comments with the Commission on the proposed goals, including, but not limited to:

- (a) An evaluation of utility load forecasts, including an assessment of alternative supply-side and demand-side resource options;
- (b) An analysis of various policy options that can be implemented to achieve a least-cost strategy, including nonutility programs targeted at reducing and controlling the per capita use of electricity in the state; and
- (c) An analysis of the impact of state and local building codes and appliance efficiency standards on the need for utility-sponsored conservation and energy efficiency measures and programs.

¹ See Order No. PSC-2024-0022-PCO-EG (Order Establishing Procedure), issued on January 23, 2024; and Order No. PSC-2024-0293-PHO-EG (Prehearing Order), issued on August 2, 2024.

Pursuant to this statutory directive, FDACS filed its Notice of Intervention in these dockets on April 19, 2024, which was acknowledged by Commission Order No. PSC-2024-0128-PCO-EG, issued April 24, 2024, and hereby files the following comments.

STATEMENT OF BASIC POSITION

Pursuant to Section 366.81, F.S., the Legislature determined that it is critical to utilize the most efficient and cost-effective demand-side renewable energy systems and conservation systems in order to protect the health, prosperity, and general welfare of the State and its citizens. Reduction in, and control of, the growth rates of electric consumption and weather-sensitive peak demand are of particular importance.

When evaluating and setting goals to meet these mandates, FDACS has recommended that the Commission consider various policy options to achieve a least-cost strategy, employ market-based technologies, and yield greater efficiencies of electric consumption; the effects of non-utility programs that are targeted at reducing and controlling the per capita use of electricity in Florida; the impact of state and local building codes and appliance efficiency standards; and the importance of pursuing energy efficiency and conservation programs against the cost of the programs and their impact on all ratepayers.² FDACS took no position on ratemaking or utility-specific Issues identified in the Prehearing Order.

COMMENTS ON FEECA PROCEEDINGS

Prior to the FEECA conservation goal-setting hearing held on August 8, 2024 (FEECA Hearing), the parties in all six dockets stipulated to resolve all Issues identified by the Prehearing

² Document No. 07350-2024 (FDACS Prehearing Statement).

DOCKET NOS. 20240012-EG, 20240013-EG, 20240014-EG, 20240015-EG, 20240016-EG, & 20240017-EG

Order to be addressed and litigated during these FEECA proceedings (Stipulations).³ FDACS took no position on and did not object to the Stipulations and as such, agreed to a Type 2 Stipulation in each docket.⁴

When presented with the Stipulations during the FEECA Hearing, the Commission made a bench decision⁵ in each docket to accept each Stipulation to resolve all Issues, except for Issue 10 in the FPL Stipulation.⁶ During the FEECA Hearing, the Commission also entered all pre-filed testimony, stipulated exhibits, and discovery responses identified by the parties into the evidentiary record.⁷

The only remaining Issue for the parties to brief and the Commission to resolve is Issue 10, which is specific to FPL:⁸

Issue 10: Is FPL's proposed HVAC On-Bill option for its existing Residential On-Call program with its associated HVAC Services Agreement (proposed Tariff sheets 9.858 through 9.866) a regulated activity within the jurisdiction of the Commission? If not, should the savings associated with FPL's HVAC On-Bill option and HVAC Services Agreement be removed from its conservation goals?

The parties in the FPL Docket agreed or did not object to the following position as the resolution for Issue 10:⁹

Stipulated Position for Issue 10: The Parties stipulate and agree that the record supports a Commission finding that FPL's proposed HVAC On-Bill option expands the existing On Call® load-management program to allow greater customer access to new energy-saving HVAC equipment in a way

³ Document No. 08228-2024 (FPL Stipulation), Document No. 08303-2024 (DEF Stipulation), Document No. 08975 (TECO Stipulation), Document No. 08203-2024, at pp. 66-68 (FPUC Stipulation), Document No. 08234-2024 (JEA Stipulation), Document No. 08253-2024 (OUC Stipulation).

⁴ TR:3: P. 646, L. 2-11.

⁵ These FEECA proceedings are unlike previous FEECA proceedings wherein the parties litigated all Issues identified in the Prehearing Order and filed post-hearing briefs on all such Issues.

⁶ TR-1: P. 22, L. 4-18, P. 23, L. 7-17, P. 24, L. 12-24, P. 25, L. 11-22, P. 26, L. 8-19, P. 27, L. 4-15.

⁷ TR-1: P. 27, L. 18-24; TR-3: P. 644, L. 16-23, P. 645, L. 1-10.

⁸ Order No. PSC-2024-0293-PHO-EG (Prehearing Order), issued on August 2, 2024, at p. 42.

⁹ Document No. 08228-2024 (FPL Stipulation), at p. 4.

that also passes the RIM cost-effectiveness test, and should be included in FPL's proposed DSM Goals.

The stipulated position for Issue 10 in the FPL Stipulation was not accepted by the Commission, and the parties in the FPL Docket may file a brief on the issue for consideration by the Commission to make a determination on the Issue.¹⁰

On Issue 10, FDACS initially took "no position on this utility-specific issue" in the Prehearing Statement and continues to maintain the same position.¹¹

CONCLUSION

The Commission has accepted the Stipulations to resolve all Issues in each docket, except utility-specific Issue 10 in the FPL Docket, and has approved stipulated DSM goals for years 2025 through 2034. When determining Issue 10 in the FPL Docket and approving energy efficiency programs in the Commission's Energy Conservation Cost Recovery Clause Docket,¹² the Commission should continue to balance the goals of promoting energy efficiency and conservation with the impact of the associated costs on all customers.

Respectfully submitted,

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/s/ **Kelly Wright**

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Senior Attorney

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¹⁰ TR-3: P. 646, L. 14-18, P. 647, L. 5-7.

¹¹ Document No. 07350-2024 (FDACS Prehearing Statement), at p. 7;

¹² Energy Conservation Cost Recovery Clause, Docket No. 20240002-EG.

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DOCKET NOS. 20240012-EG, 20240013-EG, 20240014-EG, 20240015-EG, 20240016-EG, & 20240017-EG

CERTIFICATE OF SERVICE

**DOCKET NOS. 20240012-EG; 20240013-EG; 20240014-EG; 20240015-EG; 20240016-EG;
AND 20240017-EG**

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished

by electronic mail on this 12th day of September 2024, to the following:

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