



Via E-Filing

June 18, 2014

Carlotta S. Stauffer, Director
Office of Commission Clerk
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, Florida 32399

RE: Docket No. 130199-EI (Florida Power & Light Company)
Docket No. 130200-EI (Duke Energy Florida, Inc.)
Docket No. 130201-EI (Tampa Electric Company)
Docket No. 130202-EI (Gulf Power Company)
Docket No. 130203-EM (JEA)
Docket No. 130204-EM (Orlando Utilities Commission)
Docket No. 130205-EI (Florida Public Utilities Company)

Dear Ms. Stauffer:

Please find enclosed for filing the Motion for Leave to Reply to the Joint Response in Opposition to The Alliance for Solar Choice's Petition to Intervene. Do not hesitate to contact me if you have any questions regarding this filing.

Sincerely,

/s/ Thadeus B. Culley

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Enclosures

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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|---|-----------------------------|
| In re: Commission review of numeric conservation goals (Florida Power & Light Company). | DOCKET NO. 130199-EI |
| In re: Commission review of numeric conservation goals (Duke Energy Florida, Inc.). | DOCKET NO. 130200-EI |
| In re: Commission review of numeric conservation goals (Tampa Electric Company). | DOCKET NO. 130201-EI |
| In re: Commission review of numeric conservation goals (Gulf Power Company). | DOCKET NO. 130202-EI |
| In re: Commission review of numeric conservation goals (JEA) | DOCKET NO. 130203-EM |
| In re: Commission review of numeric conservation goals (Orlando Utilities Commission) | DOCKET NO. 130204-EM |
| In re: Commission review of numeric conservation goals (Florida Public Utilities Company) | DOCKET NO. 130205-EI |
| | FILED: JUNE 18, 2014 |

**MOTION FOR LEAVE TO REPLY TO
THE JOINT RESPONSE IN OPPOSITION TO
THE ALLIANCE FOR SOLAR CHOICE’S PETITION TO INTERVENE**

The Alliance for Solar Choice (“TASC”), by and through its undersigned qualified representative, respectfully submits this Motion, pursuant to Rule 28-106.204, Florida Administrative Code, for leave to file a reply to the Joint Response in Opposition (“Response”), filed by Duke Energy Florida, Inc., Florida Power & Light Company, Gulf Power Company, JEA and Tampa Electric Company (collectively, the “Utilities”), to TASC’s Petition to Intervene (“Petition”). TASC states the following in support of its motion:

1. Good cause exists to allow TASC to file a reply to correct and clarify erroneous factual and legal assertions made in the Utilities' Response. TASC's reply will assist the Commission's consideration of issues and will not delay the Commission's administration of this proceeding. TASC is cognizant that the Commission's rules do not explicitly address the opportunity to file a reply, but requests that the Commission exercise its discretion¹ to allow TASC's reply in this instance.

2. The Utilities' Response contains factual mischaracterizations of TASC member companies' operations. The Utilities' Response alleges that TASC's interests are too remote because the member companies are, like the would-be intervenors in Order No. PSC-95-1346-S-EG, Docket NO. 941173-EG (November 1, 1995) ("Order 95-1346"), "two steps" removed from interactions with Florida ratepayers. In fact, TASC member companies, and rooftop solar developers, generally, share a close relationship with retail customers and often play a large role in customer decisions to adopt rooftop solar, through the specialized services of providing customer-specific designs, educating customers on available incentives, and forecasting benefits of solar adoption. This factual mischaracterization—comparing the interest in developing the market of TASC member companies to that of wholesale equipment providers—has a material impact on the standing analysis and should be noted.

3. The Utilities' Response is in legal error by citing nearly twenty-year-old Commission precedent on the zone of interest analysis for the Florida Energy

¹ See PSC-08-0242-PCO-TP, Docket No. 070368-TP (April 15, 2008) (granting Motion for Leave to File a Reply).

Efficiency and Conservation Act (“FEECA”), without taking into account the impact of the most recent amendments to FEECA on the Commission’s interpretation. TASC suggests that the 2008 legislative amendments, particularly those that require the Commission to adopt appropriate goals for increasing development of demand-side renewable energy systems, do impact the Commission’s legal analysis of whether TASC’s alleged interests fall within the zone of interests protected by FEECA.

4. Consistent with Rule 28-106.24, TASC has conferred with other parties to this proceeding to determine whether they object this Motion. TASC’s qualified representative sent an email on the morning of June 18, 2014 to the service list to confer with parties on their respective position toward this Motion. The Utilities that jointly filed the Response have indicated that they all oppose this motion. Environmental Defense Fund, Sierra Club, Southern Alliance for Clean Energy, Wal-Mart, PCS Phosphate, Office of Public Counsel, and Florida Industrial Power Users Group have responded and do not take a position on this motion.

WHEREFORE, TASC respectfully requests that the Commission grant it permission to reply in order to clarify erroneous factual and legal assertions in the Utilities’ Response.

Respectfully submitted this 18th day of June, 2014.

BY /s/ Thadeus B. Culley
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Qualified Representative of The Alliance
for Solar Choice

CERTIFICATE OF SERVICE

I hereby certify that on June 18, 2014 I sent a true and correct copy of this MOTION FOR LEAVE TO REPLY TO THE JOINT RESPONSE IN OPPOSITION TO THE ALLIANCE FOR SOLAR CHOICE'S PETITION TO INTERVENE via electronic mail or US Mail to the following:

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Dated: June 18, 2014 at Cary, North Carolina.

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