

BEFORE THE PUBLIC SERVICE COMMISSION

In re: Joint Petition for Approval of) DOCKET NO: 20190176-EI
Regulatory Improvements for decentralized)
Solar Net-Metering Systems in Florida) Filed: September 30th, 2019
_____)

PETITIONERS' RESPONSE OPPOSING STAFF RECOMMENDATION TO DENY

Achim Ginsberg-Klemmt, ("Petitioner") hereby files this Response in Opposition to FPSC Staff recommendation to deny Docket No. 20190176-EI, "Joint Petition for Approval of Regulatory Improvements for Decentralized Solar Net-Metering Systems in Florida," stating in support as follows:

Introduction

1. The petition requests multiple actions on the part of the FPSC, which should be addressed individually by the FPSC and not collectively, as stated by the staff recommendation. Any one requested action found not adequately addressed or supported by the petition should not impact the outcome for the other requests. The FPSC staff memorandum states, "Petitioners make three specific requests for Commission action. Each of these requests would require amending Rule 25-6.065, F.A.C." This is not entirely accurate.

Argument

i. Declare that utility companies operating on public land can have direct competition.

2. We agree with the FPSC staff analysis that changing the regulatory scheme of Chapter 366, F.S., is not within the Commission's jurisdiction, and hereby rescind the request for action to declare that utility companies operating on public land can have direct competition.

ii. Declare that utility companies operating on public land will compensate the public with a premium for renewable power generation.

iii. Amend Rule 25-6.065(8)(f) and (g) to include a premium for renewable power generation to encourage development of existing and spur new installations.

3. Section 366.91, F.S., states it is in the public interest to promote the development of renewable energy resources in the state. The Commission's implementation of Section 366.91, F.S. allows the Commission to declare a premium must be added by utilities to the compensation for surplus renewable energy generated. We believe the COG-1, as-available energy tariff plus the premium should currently equal \$0.08 per kWh.

iv. Amend Rule 25-6.065(4)(a), F.A.C. to specify Tier 1 customer-owned renewable generation must have a gross power rating that is less than 90% of the customer's utility distribution service rating and generate 50kW or less.

4. Our request to amend the allowable range for Tier 1 customer-owned renewable generation, as provided in Rule 25-6.065(4)(a), F.A.C., encourages the development of existing installations and fully configure new installations to power newly-acquired electric vehicles (EVs) and plug-in hybrid electric vehicles (PHEVs). The current Tier 1 limitation was set well before EVs and PHEVs were commonly available. At least one of the petitioners currently has an EV, and another petitioner has a deposit on an EV. FPSC staff erroneously refer to states with requirements more restrictive than Florida, without recognition to the express requirement of Florida Statutes *promoting* development of renewable energy. FPSC staff reason since the rule allows Tier 2 and Tier 3, the rule needs no change, but ignore the costly liability insurance of Tier 2 and Tier 3 systems specified by Rule 25-6.065(5)(e). Further, the staff analysis contains a logic fallacy: Stating, "the increasing number of small customer-owned renewable generation indicates ... the purpose of the rule is being met under the current tier structure." One has nothing to do with the other. Intent of the customer is primary, which cannot be determined by number of installations. Most of the petitioners would have installed a larger system had the Tier 1 limit been 50 kW.

v. Order Florida Power & Light Co. (FPL) to comply with Rule 25-6.065 in that FPL limits the size of new solar installations to not exceed the previous 12 months usage, a requirement not imposed by Rule 25-6.065.

5. Our petition clearly establishes that FPL has assumed regulatory authority in that FPL limits installations to 115% of *past* utility usage, not planned/projected usage. This requirement is not in Rule 25-6.065, F.A.C. The FPSC staff recommendation recognizes this in the review, but fails to mention it in the analysis. Nowhere does the Legislature nor the FPSC limit the relevant time period. See also Document No. 08982-2019.

WHEREFORE, Petitioners respectfully request that Petition be APPROVED.

Respectfully submitted on September 30th 2019,

s/Chris E. Pierce

s/Achim Ginsberg-Klemmt

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing *Response in Opposition to FPSC Staff Recommendation to Deny* has been furnished via electronic service on Ms. Margo DuVal, Esq., at mduval@psc.state.fl.us, counsel for the FPSC, on this 30th day of September 2019.

Respectfully submitted,

/s/ Chris E. Pierce

781 Minerva Lane

Lake Mary, FL 32746

Email: pierce781@gmail.com