BEFORE THE PUBLIC SERVICE COMMISSION

In re: Joint Petition for Approval of Regulatory Improvements for decentralized Solar Net-Metering Systems in Florida	))))	DOCKET NO. 20190176-EI Filed: October 21st, 2019

MOTION FOR RECONSIDERATION

Achim Ginsberg-Klemmt, ("Petitioner"), pursuant to Rule 25-22.0060 Florida Administrative Code, respectfully requests that the Florida Public Service Commission ("Commission") reconsiders its decision memorialized in Order No. PSC-2019-0410-FOF-EI stating as follows:

The protection of free speech is held high by the First Amendment of the United States Constitution.

1. Without necessity, only 4:31 and 7:06 minutes in, this honorable Commission repeatedly cut off petitioner's oral presentation during the October 3rd 2019 public hearing. (see Transcript Page 7 Line 23 and Page 10 Line 11).

Petitioner was therefore unable to discuss and rebut the faulty conclusions contained in the Commission Staff's written recommendation.

In their Final Order, the Commission misconstrues several aspects and boldly jumps to arbitrary conclusions.

2. The FPSC's final order repeatedly claims: *"Petitioners assert that they operate or plan to install 'solar net-metering systems within the commission's jurisdiction and contend that the general public should be able to operate such systems without any utility-imposed limitations.[..]"*

Petition 20090176-EI states as follows: "*Petitioners respectfully ask the Public Service Commission to allow net-metering customers or their contractors to freely choose the size of their net-metering systems providing that the existing electric grid connection supports the requested size*

and the requested solar system fully complies with the applicable technical standards controlled and verified by the current building permit inspection process at the County level."

The commission misconstrues this request. Net-metered solar systems cannot and should not exceed the transformer capacity. Nowhere in the record does the petition contend that the general public should be able to operate solar systems without any utility-imposed limitations. Transformer capacity is an acceptable limitation. The language demonstrates that the Commission seems to join the school of belief that Florida Power & Light would be authorized to unilaterally impose arbitrary limitations on solar net-metering systems to benefit their own commercial interests.

Attorney Egger's legal analysis (see PSC Docket 20190167-EI) and an email by Public Counsel Mr JR Kelly dated February 6th 2019 (Memorandum in Opposition, Exhibit D) should clarify further that only the Florida Public Service Commission would be authorized to impose such limitations.

The Commission could, the Commission should, but the Commission is not required to change Rule 25-6.065 to mitigate negative effects caused by the 10KW Tier 1 limitation.

3. The commission jumps to conclude that *"Petitioners make three specific requests each of which would require amending Rule 25-6.065, F.A.C."*

There are several different legal avenues for the Commission to evaluate if they want to follow their official Mission Statement and move towards compliance with their goal: to "*ensure that all entities providing utility services to consumers comply with all appropriate requirements subject to the commission's jurisdictions.*"

Rule 25-6.065 only needs to increase the Tier 1 threshold to reflect the future potential use of an average Floridian household which should also include two electric vehicles. This would allow this rule to comply with the renewable energy goals of the FPSC.

Analysis & Conclusion in the Final Order claim that "[..]*Petitioners do not provide any specific reasoning as to why the suggested amendment would promote the development of small customer-owned renewable generation or otherwise meet the purpose of the rule.*"

Even though doing this insults several people's intelligence, Petitioner will provide specific reasoning as to why increasing the Tier 1 threshold from 10KW to 50KW will promote the development of customer-owned renewable power generation:

10KW is simply not powerful enough.

Higher generating capacity would make installing a solar system which is capable of fully covering the electricity needs of a larger home including electric vehicles more economical and less bureaucratic.

Orlando Utility Corporation took the lead in a different direction and incorporated a more solar friendly insurance waiver into the text of their Interconnect Agreements:

"b. Tier 2 (greater than 10 kW and less than or equal to 100 kW) RGS. The Customer shall maintain general liability insurance for personal injury and property damage for not less than one million dollars ($1,000,000). The Customer shall provide initial proof of insurance or sufficient guarantee and proof of self-insurance. ***For residential customers with systems between 10 kW and 20 kW, OUC recommends that the customer maintains an appropriate level of general liability insurance for personal injury and property damage." (Emphasis added)***

Petitioner's charming wife read the FPSC Staff's denial recommendation to a classroom of gifted 6th graders at Pine-View School in Osprey. The kids were amused at the justification of not raising the Tier 1 threshold in the Sunshine State since "***other states have lower thresholds, and some do not offer net metering at all.***"

A few hours before, the kids had learned in an assembly that just because you see another person bullying worse than you do, does not make your more mild bullying OK. Pointing fingers at other losers doesn't make us winners.

The six grader's also thought it was funny to justify not raising the Tier1 threshold because the number of households who use solar energy since 2008 has increased.

Who knows how many tens of thousands of more households would have adopted solar systems or doubled their installed solar panel capacity if they could feel assured that ALL their electricity needs would be fully met with a new solar system, and that the solar system would actually pay for itself more quickly?

The FPSC could also simply waive the unscientific, arbitrary insurance requirement of $1 million, or grant a variance for all residential solar installations similar to the variance that was granted on May 1st 2012 in Docket No. 120012-EI.

Missing Enforcement and Lack of Oversight

4. While raising the Tier1 threshold from 10KW to 50KW would facilitate and promote more powerful and more economical solar installations, the missing enforcement and missing oversight capabilities of existing rules during the permitting process are the core problem brought up in this petition. The Commission's Final Order and the Commission Staff's written recommendation fail *in toto* to address this issue.

One FPSC staff member complained to the Petitioner on the telephone that only one person is in charge of electric utility rule compliance and enforcement in the entire state. He admitted that he does not have a technical background and therefore cannot provide the adequate technical expertise that would be necessary to understand and oversee a complex billion dollar industry like this.

The lack of technical expertise at the FPSC staff level can be confirmed by Exhibit E, Memorandum in Opposition, the Commission's denial justification for our Net-Metering application dated February 21st 2019:

For the net metering request of Mr. Ginsberg-Klemmt, the gross power rating (GPR) was calculated as follows:

1) 6 panels at 325 Watts = 11,700 Watts or 11.7 kW (DC)

If all solar net-metering applicants would be able to create 11.7KW solar systems with six 325 Watt panels, then fossil fuel would certainly not be in need any longer.

Surplus Power Production

5. Petition 20090176-EI states as follows: "*Petitioners respectfully ask the Florida Public Service Commission to raise the minimum compensation for surplus solar electricity generated by decentralized solar net-metering systems to a minimum of $0.08 per kWh.*"

Florida's Electric Utility companies file PSC petitions to increase their rates or to request compensation for questionable hurricane damages on a regular basis.

In this Petition, solar net-metering customers are asking this honorable commission to establish a just minimum compensation. While Duke Energy customers receive 6 cents per kWh for produced surplus electricity, FPL customers only received 2,5 cents per kWh for the clean, sustainable, surplus solar power they generate during peak demand hours at daytime.

This honorable commission treated Petitioner's simple request for a rate increase as a "Petition to initiate rule-making to amend Rule 25-6.065", which is obviously not the appropriate way to respond and if it would be, this rule should be modified.

The final order further misconstrues Petitioner's intent:

> "*Based on their arguments, it appears that Petitioners may be seeking to generate electricity at a capacity that is beyond what is currently needed to offset part or all of their individual electricity requirements. If the intent of this surplus generation is to become supply-side independent power producers by installing systems that are intended to generate in excess of customer load, Petitioner's request would be outside of the purpose of the Commission's Interconnection and net metering rule. In fact during the rule-making proceedings to amend Rule 25-6.065, F.A.C. stated that certain provisions of the rule were meant to ensure that customers will not intentionally oversize their systems for the* ***PRIMARY*** *(emphasis added by Petitioner) purpose of selling energy to the utility or becoming an independent power producer.*"

During the altercations with FPL surrounding Petitioner's second net-metering application, the roof dimensions of the building were the primary criterium that lead to design a 28-panel, 8.4 KW system.

Nevertheless, the automated FPL website demanded that the system size be reduced down to 19 panels (4.65 KW).

The Commission intentionally chose the term **PRIMARY** purpose to include secondary purposes in Rule 25-6.065. Otherwise, they would have chosen "*sole*" or "*exclusive*" to describe their intent.

A secondary purpose of a suitably sized net-metering solar system would be the incidental production of some surplus power over the course of time according to Rule 25-6.065. If this would not be permissible, there would be no defined compensation rate of 2.5 cents/kWh and there would be no need to increase the discriminatory compensation rate of 2.5 cents/kWh.

In clear contrast, any supply-side, independent power production installation generates considerably greater surplus above and beyond its self-consumption. In this case, surplus power production would be the **PRIMARY** intent of a solar installation.

Criminalizing and hindering surplus regenerative power production or moralizing against the installation of powerful decentralized net-metering systems is contrary to the intent of F.S §366.91.

Florida Power & Light's current corporate policy explicitly allows a 15% surplus power production. Florida Power & Light just wants to limit the acceptable surplus (for whatever reason) to 115% of the "**past**" electricity usage.

While moralizing and litigating against solar systems which would aim for 15% surplus production based on future projected consumption, Florida Power & Light accepts a solar net-metering system size with 15% surplus production based on past electricity usage. This is arbitrary and unscientific.

But why focus on the past? During the construction of our solar systems it became clear that the Sunshine State's electric power monopoly is as important to the decisive social progress of our times as the salt monopoly was in India a few years ago.

We urge the FPSC to enforce the existing rules and protect customers who aim for 115% "future usage" instead of 115% "past usage", which should include one or more electric vehicles during the planning phase of all new solar net-metering installations.

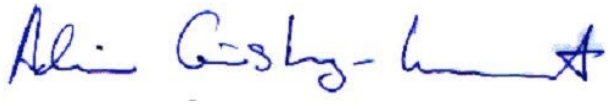
It is not certain that reaching this goal would help to prevent future oil drilling activities in the Gulf of Mexico close to the Florida Coast, but it might delay the inevitable and become a first bold step into the right direction.

The Public Service Commission currently allows the fox to guard the henhouse by encouraging utility companies like Florida Power & Light to enact and enforce their own arbitrary rules based on their biased corporate policies.

This is akin to allowing Volkswagen compliance oversight of Diesel engine emissions, or allowing Boeing to regulate and oversee the safety of the Boeing 737MAX flight dynamics.

WHEREFORE, Petitioner respectfully requests that the Commission takes the first step towards a brighter future for clean energy production and reconsiders its ruling in PSC-2019-0410-FOF-EI by granting this Motion for Reconsideration.

Respectfully submitted this 21st of October 2019

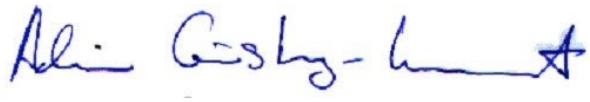


Achim Ginsberg-Klemmt

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing *Motion for Reconsideration* has been furnished via electronic service on Ms Margo DuVal. Esq., mduval@psc.state.fl.us, counsel for the FPSC, Mr JR Kelly, kelly.jr@leg.state.fl.us, Public Council, Ms Stephanie Morse Esq., morse.stephanie@leg.state.fl.us, Associate Public Council, Ms Maggie Clark Esq., at mclark@seia.org, SEIA State Affairs Senior Manager, Southeast and Ms Katie Chiles Ottenweller Esq., at katie@votesolar.org, Vote Solar Southeast Director on this 21st day of October 2019.

Respectfully submitted,



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