

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Petition by Duke Energy Florida, LLC  
for a limited proceeding to approve Clean  
Energy Connection Program and Tariff and  
Stipulation

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Docket No. 20200176-EI

FILED: August 26, 2020

**PETITION TO INTERVENE BY  
SOUTHERN ALLIANCE FOR CLEAN ENERGY**

Pursuant to Sections 120.569, 120.57, Florida Statutes, and Rule 28-106.205, Florida Administrative Code, Southern Alliance for Clean Energy (“SACE”), through its undersigned counsel, petitions for leave to intervene in the above captioned, proceeding, and in support thereof states:

**I. AGENCY AFFECTED**

1. The name and address of the agency affected by this petition is:

Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399-0850

**II. IDENTIFICATION OF THE INTERVENOR AND ITS COUNSEL**

2. The name and address of Petitioner is:

Southern Alliance for Clean Energy  
P.O. Box 1842  
Knoxville, Tennessee 37901  
Telephone: (865) 637-6055

3. The name and address of counsel for Petitioner, authorized to receive all notices, pleadings, and other communications in this docket is:

George Cavros  
Southern Alliance for Clean Energy  
120 E. Oakland Park Blvd., Suite 105

Fort Lauderdale, Florida 33334  
(954) 295-5714  
george@cavros-law.com

### **III. RECEIPT OF NOTICE OF AGENCY'S PROPOSED ACTION**

4. SACE received notice of the Florida Public Service Commission's ("Commission") action through the filing of Duke Energy Florida's ("DEF") petition in this docket on July 1, 2020.

### **IV. SACE'S SUBSTANTIAL INTERESTS**

5. SACE is a non-profit clean energy corporation organized under the laws of the of Tennessee and authorized to conduct operations in the State of Florida. The purpose of SACE, as reflected in its bylaws, is to advocate for energy plans, policies, and systems that best serve the environmental, public health, and economic interest of communities in the Southeast, including Florida, and recovery of costs associated with such plans policies and systems. SACE's guiding mission is to promote responsible energy choices to ensure clean, safe, and healthy communities throughout the Southeast, including Florida. As part of that mission, SACE strongly supports and advocates for the development of solar energy as a low cost, emission-free generation resource with no fuel costs and hence no price volatility exposure for customers. It supports and advocates for a diversity of solar programs and ownership structures that benefit customers – including community, or shared, solar programs.

6. In the above-captioned proceeding, the Commission will consider whether to approve DEF's *Clean Energy Connection* ("CEC") community solar program, and the associated tariff and stipulation. SACE is a signatory to the stipulation and has a substantial interest in the subject matter and outcome of this proceeding. SACE has staff in Florida working to advance the goal of meaningful development of solar power, including community solar programs. In

addition, there is a substantial number of SACE members residing in DEF's service territory and dedicated to advancing low cost, low risk clean energy solutions, such as community solar programs in order to promote responsible energy choices that ensure clean, safe, and healthy communities in Florida.

7. To further its mission, SACE has presented experts and provided technical testimony in numerous forums throughout Florida, including before the Commission. SACE, for instance, has filed comments on solar program designs in Docket Nos. 20140070-EG; 20150248-EG; 20180204-EG, and participated as a party in Docket No. 20190061-EI regarding the Florida Power and Light Co. *SolarTogether* program.

#### **V. STATEMENT OF AFFECTED INTERESTS**

8. DEF is proposing to construct ten 74.9 MW solar installations, totaling approximately 750 MW.<sup>1</sup> These solar resources are cost-effective and are projected to create a net system savings benefit of approximately \$533 million.<sup>2</sup> This represents a significant clean energy opportunity for DEF's electricity customers, including customers who are SACE members.

9. SACE recognizes that community solar programs play an important role in extending the economic and environmental benefits of solar power to customers who may not be able to directly take advantage of rooftop solar power. Therefore, a successfully designed community solar program, one that provides tangible economic benefits to customers, will advance the adoption of low-cost, clean solar power and is consistent with SACE's mission, and that of its members.

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<sup>1</sup> Duke Energy Florida, *Petition for a Limited Proceeding to Approve Clean Energy Connection Program and Tariff and Stipulation*, Docket No. 20200176-EI, July 1, 2020, p. 4.

<sup>2</sup> *Id.*

10. Of the 750 MW capacity of the proposed CEC program, 25% will be available to residential customers. The CEC program includes a significant carve-out for low-income customers of 27.7% of the residential customer allocation. This ensures that the opportunity to participate in the CEC program will be accessible to all residential DEF customers – including customers who SACE members.<sup>3</sup> Approximately 87.3% of the economic benefit of the CEC program is projected to inure to all DEF customers<sup>4</sup>, including customers that are SACE members. Therefore, SACE members have both a substantial pecuniary and environmental interest in the outcome of this docket. As such, Commission actions and orders in this docket are inexorably intertwined with the substantial interest of SACE and its members.

11. Prior to the filing of the DEF's petition, SACE had a number of discussions with DEF regarding improvements to the proposed CEC program design and tariff, and clean energy outcomes. Ultimately, SACE and several counterparties signed a stipulation with DEF that SACE believes strengthens the program (Stipulation attached to DEF's petition as Exhibit A). The stipulation contains a 10% carve-out for local municipalities that may desire to subscribe to the CEC program in order to meet clean energy goals and targets. The stipulation also has a significant carve-out for low-income customers coupled with a commitment by DEF to market the program through existing energy efficiency programs, and ensure the ability for customers to enroll regardless of a customer's arrearage status. Moreover, the stipulation includes commitments from DEF to gather information gained from the CEC program to evaluate future deferment or elimination of planned gas infrastructure with solar and battery storage facilities; and to collect and share data with stakeholders on DEF customers' investments in rooftop solar.

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<sup>3</sup> Duke Energy Florida, *Direct Testimony of Lon Huber*, Docket No. 20200176-EI, July 1, 2020, p. 13.

<sup>4</sup> *Id.* at 18.

SACE believes that the stipulation in its totality is fair, just and reasonable and is in the public interest. SACE asks the Commission to approve the program, tariff and stipulation.

12. For the above stated reasons, SACE has associational standing to intervene in this matter. It has a substantial number of members that will be substantially affected by the Commission's decision in this docket, the matter of the proceeding is well within the interest and scope of SACE and its members, and the type of relief requested is appropriate on behalf of SACE members. *Florida Home Builders Association v. Department of Labor and Employment Security*, 412 So. 2d 351, 353-54 (Fla. 1982), and *Farmworker Rights Organization, Inc. v. Department of Health and Rehabilitative Services*, 417 So. 2d 753, 754 (Fla. 1st DCA 1982), which is based on the basic standing principles established in *Agrico Chemical Company v. Department of Environmental Regulation*, 406 So. 2d 478, 481-82 (Fla. 2d DCA 1981).

13. SACE is authorized by its bylaws to represent its interests and the interests of its members in legal actions, including formal administrative actions such as these. The subject matter of this docket is well within the scope of interest and activities of SACE, and the relief requested is the type of relief appropriate for SACE to receive on behalf of its members. The rights and interests of SACE and its members cannot be adequately represented by any other party in this docket, and intervention will not unduly delay or prejudice the rights of other parties.

## **VI. STATEMENT OF POSITION**

14. SACE supports DEF's request for approval of the CEC program, tariff, and stipulation.

## **VII. STATEMENT OF DISPUTED ISSUES OF FACT**

15. SACE does not disputed the material facts as stated by DEF in its petition and testimony.

**VIII. STATEMENT OF ULTIMATE FACT**

16. The stipulation is in the public interest.

**IX. STATUTES AND RULES THAT REQUIRE THE RELIEF REQUESTED**

17. The rules and statutes that entitle SACE to intervene and participate in this case include, but are not limited to, the following:

- a. §120.569, Fla. Stat.;
- b. § 120.57, Fla. Stat.;
- c. §§ 366.04-06, Fla. Stat.; and
- d. R. 28-106.205, F.A.C.

**X. STATEMENT OF COMPLIANCE WITH R. 28-106.204(3)**

18. Counsel for SACE has conferred with counsel for DEF and LULAC, and the Office of Public Counsel, and can represent that DEF does not oppose SACE's intervention and LULAC and OPC take no position.

**XI. RELIEF SOUGHT**

19. WHEREFORE, SACE respectfully requests that the Commission enter an order granting it leave to intervene in the above-styled docket as a full party, and further requests parties to provide the undersigned with all pleadings, testimony, evidence and discovery filed in the docket.

RESPECTFULLY SUBMITTED this 26<sup>th</sup> day of August, 2020

/s/ George Cavros

George Cavros

Southern Alliance for Clean Energy

120 E. Oakland Park Blvd., Suite 105

Fort Lauderdale, FL 33334

(954) 295-5714

*Counsel for Petitioner*

*Southern Alliance for Clean Energy*

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true copy and correct copy of the foregoing was served on this 26<sup>th</sup> day of August, via electronic mail on:

Florida Public Service Commission Shaw Stiller, Bianca Lherisson Office of the General Counsel 2540 Shumard Oak Boulevard Tallahassee, Florida 32399-0850 sstiller@psc.state.fl.us blheriss@psc.state.fl.us	J.R Kelly/Stephanie Morse Office of Public Counsel c/o The Florida Legislature 111 W. Madison Street, Room 812 Tallahassee, FL 32399-1400 rehwinkel.charles@leg.state.fl.us kelly.jr@leg.state.fl.us morse.stephanie@leg.state.fl.us
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DATED this 26<sup>th</sup> day of August, 2020.

*/s/ George Cavros*  
Attorney