

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for a limited proceeding to approve clean energy connection program and tariff and stipulation, by Duke Energy Florida, LLC.

DOCKET NO. 20200176-EI
ORDER NO. PSC-2021-0010-PCO-EI
ISSUED: January 4, 2021

ORDER MODIFYING PREHEARING ORDER

On July 1, 2020, Duke Energy Florida, LLC (Duke) filed a Petition for a Limited Proceeding to Approve The Clean Energy Connection Program and Tariff and Stipulation. The Clean Energy Connection Program is proposed by Duke as a voluntary community solar program that would allow participating customers to pay a subscription fee in exchange for receiving bill credits related to solar generation produced by solar facilities. Walmart Inc., Vote Solar, and the Southern Alliance for Clean Energy (SACE) are signatories to the Stipulation submitted by Duke, and intervened in support of Duke and approval of the Stipulation, Tariff, and Program. The League of United Latin American Citizens of Florida, a/k/a LULAC Florida Educational Fund, Inc. (LULAC) intervened and opposes Commission approval. The Office of Public Counsel and Florida Industrial Power Users Group (FIPUG) also intervened.

The administrative hearing in this docket was noticed for and conducted on November 17-18, 2020. At the commencement of the hearing, the parties proposed the following stipulated modifications to Prehearing Order No. PSC-2020-0430-PHO-EI, issued November 10, 2020:

1. That the first two full paragraphs on page 17 of the Prehearing Order, Section XIV, Rulings, be stricken.
2. That those Issues proposed in the Prehearing Statement filed by the Office of Public Counsel on October 28, 2020, be added as the Issues in the Prehearing Order.

The issues proposed by the Office of Public Counsel are as follows:

1. Is DEF's proposed Clean Energy Connection Program and Tariff an appropriate mechanism to seek approval for the construction of 750MW of new solar generation facilities?
2. Does DEF's proposed Clean Energy Connection Program and Tariff give any undue or unreasonable preference or advantage to any person or locality or subject the same to any undue or unreasonable prejudice or disadvantage in any respect, contrary to Section 366.03, Florida Statutes?
3. Should the Commission allow recovery of all costs and expenses associated with DEF's proposed Clean Energy Connection Program and Tariff in the manner proposed by DEF?

4. Should the Commission approve DEF's proposed Clean Energy Connection Program and Tariff?
3. Should the Commission approve the Stipulation for approval of the Duke Energy Florida, LLC, Clean Energy Connection Program and Tariff, as being in the public interest when taken as a whole?

The Commission accepted this stipulation at the November 17, 2020, hearing.

Based on the foregoing, it is

ORDERED by Chairman Gary F. Clark, as Presiding Officer, that the first two full paragraphs on page 17 of Prehearing Order No. PSC-2020-0430-PHO-EI, Section XIV, Rulings, are stricken. It is further

ORDERED that those Issues set forth in the Prehearing Statement filed by the Office of Public Counsel October 28, 2020, are added as the Issues in the Prehearing Order. It is further

ORDERED that Order No. PSC-2020-0430-PHO-EI is reaffirmed to the extent it is not inconsistent with this Order.

By ORDER of Chairman Gary F. Clark, as Presiding Officer, this 4th day of January, 2021.



GARY F. CLARK
Chairman and Presiding Officer
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399
(850) 413-6770
www.floridapsc.com

Copies furnished: A copy of this document is provided to the parties of record at the time of issuance and, if applicable, interested persons.

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing or judicial review will be granted or result in the relief sought.

Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

Any party adversely affected by this order, which is preliminary, procedural or intermediate in nature, may request: (1) reconsideration within 10 days pursuant to Rule 25-22.0376, Florida Administrative Code; or (2) judicial review by the Florida Supreme Court, in the case of an electric, gas or telephone utility, or the First District Court of Appeal, in the case of a water or wastewater utility. A motion for reconsideration shall be filed with the Office of Commission Clerk, in the form prescribed by Rule 25-22.0376, Florida Administrative Code. Judicial review of a preliminary, procedural or intermediate ruling or order is available if review of the final action will not provide an adequate remedy. Such review may be requested from the appropriate court, as described above, pursuant to Rule 9.100, Florida Rules of Appellate Procedure.