

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Commission Review of Numeric
Conservation Goals
(Florida Power & Light Company)

Docket No: 20240012-EG

In re: Commission Review of Numeric
Conservation Goals
(Duke Energy Florida, LLC)

Docket No: 20240013-EG

In re: Commission Review of Numeric
Conservation Goals
(Tampa Electric Company)

Docket No: 20240014-EG

In re: Commission Review of Numeric
Conservation Goals
(JEA)

Docket No: 20240016-EG

In re: Commission Review of Numeric
Conservation Goals
(Orlando Utilities Commission)

Docket No: 20240017-EG

PETITION TO INTERVENE BY
SOUTHERN ALLIANCE FOR CLEAN ENERGY

Pursuant to sections 120.569, 120.57(1), Florida Statutes, and Rule 28-106.205, Florida Administrative Code, Southern Alliance for Clean Energy (“SACE”), through its undersigned attorney, petitions for leave to intervene in each of the above-captioned, consolidated proceedings, and in support thereof states:

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

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

2. The name and address of Petitioner is:

Southern Alliance for Clean Energy
P.O. Box 1842
Knoxville, TN 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:

William C. Garner
Law Office of William C. Garner, PLLC
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Tallahassee, FL 32312
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4. Petitioner is a not-for-profit corporation that advocates for energy plans, policies, and systems that best serve the environmental, public health, and economic interest of communities in the Southeastern United States, including Florida, and regularly monitors activities and participates in proceedings at the Florida Public Service Commission. Petitioner received notice of the Florida Public Service Commission's ("Commission") action in this matter by reviewing the Commission Clerk's open dockets linked on the agency's web site on January 23, 2024.

5. Intervenor's Substantial Interests. SACE is a non-profit clean energy corporation organized under the laws of the State of Tennessee and is authorized to conduct operations in the State of Florida. The mission 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 Southeastern United States, including Florida. As part of that mission, SACE places a priority on evaluating all opportunities for displacing non-renewable electricity generation with lower cost end-use energy efficiency measures. These measures directly and cost-effectively

reduce the amount of fossil fuels consumed by existing non-renewable energy generation facilities and displace the need for new power plants, thereby reducing the overall electric system costs for customers who ultimately bear the costs of fuel, new power plants and added infrastructure. Decreased fuel consumption also reduces the overall negative impacts to public health and the environment, as well as the economic costs associated with greenhouse gas emissions from non-renewable energy generation. Additionally, SACE's members have an interest in ensuring that the Commission properly considers the true value of all conservation measures, including demand-side renewable energy, such as rooftop solar, as required by law.

6. SACE has staff in Florida working to advance these goals. In addition, there are more than 8,000 SACE members residing in Florida and dedicated to promoting low-cost, low-risk, clean energy solutions, such as adopting meaningful levels of energy efficiency, to encourage clean, safe, and economically and environmentally responsible energy choices. Approximately 5,812 of SACE's Florida members reside within the service territory of Florida Power & Light Company ("FPL"), 1,602 within Duke Energy Florida's ("DEF") service territory, 531 within Tampa Electric Company's ("TECO") service territory, 260 within JEA's service territory, and 105 within the Orlando Utilities Commission's ("OUC") service territory.

7. To further its missions, SACE has presented experts and provided technical testimony in numerous forums throughout Florida, including before the Florida Public Service Commission. SACE has been granted intervenor status by this Commission in numerous proceedings, including in: *In re: Commission review of numeric conservation goals*, Docket Nos. 08407-EG – 080413-EG; *In re: Commission review of numeric conservation goals*, Docket Nos. 130199-EI – 130203-EI; and *In re Commission review of numeric conservation goals*, Docket Nos. 20190015-EG – 20190021-EG.

8. Declarations establishing facts to support SACE's standing are attached to this Petition.

9. Statement of Affected Interests. In the above-captioned consolidated proceeding, the Commission will determine the numeric conservation goals for FPL, DEF, TECO, JEA, and OUC. The conservation goals set by the Commission will establish the amount of energy savings to be captured by FPL, DEF, TECO, JEA and OUC through the end-use efficiency, demand response programs, and through demand-side renewable energy implementation – such as photovoltaic (“PV”) panels. The goals set by the Commission will invariably affect the scope, number, quality, and type of energy efficiency and demand-side management programs that FPL, DEF, TECO, JEA, and OUC will offer to the customers to meet the conservation goals, including their customers who are members of SACE. The cost of the programs to support the goals set by the Commission will be passed on to the customers, including customers who are members of SACE.

10. SACE and its members advocate for all cost-effective energy efficiency measures. Such measures can meet electricity demand at a fraction of the cost of building new power plants. SACE's members have an interest in ensuring that the Commission properly considers the true value of all conservation measures, including demand side renewable energy, as required by law. Thus, the substantial interests of members of SACE are impacted in these consolidated cases because the Commission's Order will determine the level of cost-effective energy savings to be captured through the utility-sponsored programs of FPL, DEF, TECO, JEA, and OUC. Those energy savings will directly affect how much higher-cost generation is displaced which directly impacts the overall electric system costs of FPL, DEF, TECO, JEA, and OUC that is passed on to their customers, including SACE members. Thus, the Commission's Order will directly affect the

mission of SACE and its members and their pecuniary interests. Additionally, it will determine the level of effort the above-mentioned utilities will undertake to help customers reduce energy use and save money on their bills. This level of effort directly impacts the mission of SACE and its members and impacts the pecuniary interests of SACE members residing in the service territories of FPL, DEF, TECO, JEA, and OUC. Lastly, the Commission will address how to meet its demand-side renewable requirement in these dockets. SACE and its members likewise have an interest in ensuring that the Commission properly considers the true value of all conservation measures, including demand side renewable energy, such as rooftop solar. The level of demand-side renewable implementation to be determined in the consolidated cases directly impacts the mission of SACE and its members and impacts the pecuniary interests of SACE members residing in the service territories of FPL, DEF, TECO, JEA, and OUC.

11. Moreover, SACE and its members rely on these proceedings to provide the Commission with expert testimony and opinion about the full technical, economic, and achievable potential for cost-effective energy efficiency, and the value of demand side renewables.

12. These are the type of interests this proceeding is designed to protect because the purpose of these consolidated cases coincides with the substantial interests of SACE and its members. *Ameristeel Corp. v. Clark*, 691 So. 2d 473 (Fla. 1997); *Agrico Chemical Co. v. Department of Environmental Regulation*, 415 So. 2d 1359 (Fla. 1982); *Florida Home Builders Ass'n v Department of Labor and Employment Security*, 412 So. 2d 351, 353-54 (Fla. 1982).

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 interests 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.

14. SACE's intervention is timely. Rule 25-22.039, F.A.C.

15. Disputed Issues of Material Fact. SACE anticipates that assertions of material facts will be in dispute in these proceedings. However, at this time, SACE cannot identify all disputed issues of material fact because the utilities have not yet submitted their filings.

16. SACE anticipates that the disputed issues of material fact in these proceedings will include, but are not limited to, the following, and reserves the right to identify additional issues of material fact as they arise:

a. Whether the utilities provided a complete assessment of the full technical potential of all available energy savings measures;

b. Whether the utilities provided a complete assessment of the economic potential of all available energy savings measures;

c. Whether the utilities provided a complete assessment of the achievable potential of all available energy savings measures;

d. Whether the utilities' proposed energy savings goals appropriately reflect the costs and benefits to customers participating in the measure;

e. Whether the utilities' proposed energy savings goals appropriately reflect the costs and benefits to the general body of ratepayers as a whole, including utility incentives and participant contributions;

f. Whether the utilities' proposed goals adequately reflect the need for incentives to promote both customer-owned and utility-owned energy efficiency and demand-side renewable energy systems;

g. Whether the utilities' proposed energy savings goals appropriately reflect the projected compliance costs imposed by state and federal regulations on the emission of CO₂ and whether those numeric costs are consistent with compliance costs utilized in other dockets by the utilities before the Commission;

h. Whether the utilities' proposed conservation goals utilize all cost-effective energy efficiency measures;

i. Whether the utilities' proposed conservation goals properly value demand-side renewables;

j. Whether the utilities are using an appropriate methodology to determine levels of free-ridership;

k. What cost-effectiveness test or tests should the Commission use to set goals pursuant to section 366.82, Florida Statutes;

l. Whether the utilities are utilizing the appropriate avoidable unit for the purpose of determining cost effectiveness of energy efficiency measures;

m. What specific residential summer and winter megawatt (MW) and annual gigawatt-hour (GWh) energy savings goals should be established for each utility;

n. What specific commercial/industrial summer and winter megawatt (MW) and annual gigawatt-hour (GWh) energy savings goals should be established for each utility;

o. What demand-side renewable energy savings goals should be established for each utility;

p. Whether the Commission should establish performance incentives for the relevant utilities for meeting meaningful energy saving goals, including demand-side renewable energy goals.

17. Disputed Legal Issues. SACE anticipates that issues of law may be in dispute during these proceedings. However, at this time, SACE cannot identify all disputed issues of law because the utilities have not yet submitted filings. SACE reserves the right to dispute assertions of law as they arise during the proceedings.

18. Statement of Ultimate Facts Alleged. The Florida Legislature has recognized the extraordinary potential for increasing energy efficiency and encouraging the development of residential and commercial renewable energy in Florida in adopting the Florida Energy Efficiency and Conservation Act (“FEECA”). *See* §§ 366.81-366.85, Fla. Stat. Indeed, the Florida Legislature declared it “critical to utilize the most efficient and cost effective demand-side renewable energy systems and conservation systems in order to protect the health, prosperity, and general welfare of the state and its citizens.” § 366.81, Fla. Stat. Moreover, FEECA is to be “liberally construed” to meet the Legislature’s stated policy of reducing the rate of electricity consumption, increasing the overall efficiency and cost-effectiveness of electricity use, encouraging further development of demand-side renewable energy systems, and conserving expensive resources. § 366.81, Fla. Stat.

19. Under FEECA, the Commission is required to set energy efficiency and conservation goals for the state’s major electric utilities, which include FPL, DEF, TECO, JEA, and OUC. In setting those goals, the Commission must “evaluate the full technical potential of all available demand-side and supply-side conservation and efficiency measures, including demand-side renewable energy systems.” § 366.82(3), Fla. Stat. Additionally, the Commission must consider four mandatory criteria when setting goals pursuant to FEECA:

- a) The costs and benefits to customers participating in the measure.
- b) The costs and benefits to the general body of ratepayers, including utility incentives and participant contributions.

c) The need for incentives to promote both customer-owned and utility-owned energy efficiency and demand-side renewable energy systems.

d) The costs imposed by state and federal regulations on the emission of greenhouse gases.

Id.

20. SACE contends that annual energy savings levels achieved by the state's largest utilities is significantly less than peer utilities in other states. SACE will highlight the Commission's unique opportunity in these consolidated cases to significantly increase goals, and in so doing, assist customers in lowering energy use and saving money on their bills. The benefits of the Commission's increase of utility conservation and efficiency goals to participants and the general body of ratepayers will outweigh the costs to each group.

21. SACE cannot, at this time, provide a complete statement of ultimate facts to be proven because the utilities have not yet submitted their filings in these proceedings, and reserves the right to revise its statement of ultimate facts as necessary based on the proceedings.

22. Laws Entitling Petitioner to Relief. 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. §§ 366.80-366.83, Fla. Stat.
- d. Rule 28-106.201, F.A.C.
- e. Rule 28-106.205, F.A.C.

23. Prayer for Relief. The Southern Alliance for Clean Energy respectfully requests that the Commission enter an Order granting it leave to intervene in the above-named matters as a

full party, and further requests parties to provide the undersigned with all pleadings, testimony, exhibits, evidence, and discovery filed in said matters.

24. Statements Required by Rule 28-106.204(3), Florida Administrative Code. The above-captioned matters are not subject to the proposed agency action procedure. Therefore, it is premature at this time to state whether SACE supports or opposes the Commission's preliminary action. Pursuant to Rule 28-106.204(3), Florida Administrative Code, undersigned has conferred with counsel for all other parties of record, and no such party has stated an objection to this Petition. Florida Rising, LULAC, and ECOSWF indicate they support the petition. The Office of Public Counsel, TECO, PCS, Nucor and FIPUG indicate they take no position. OUC indicates that it does not object to the petition. FPL indicates that it takes no position subject to review of the petition. JEA indicates that it takes no position on the petition but reserves the right to object if SACE seeks to inject issues beyond those set forth in the Order Establishing Procedure. DEF takes no position but reserves the right to respond, pending review of the petition to intervene.

RESPECTFULLY SUBMITTED this 19th day of April, 2024.

/s/ William C. Garner

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was served on this
19th day of April, 2024, via electronic mail on:

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/s/ William C. Garner
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DECLARATION OF DOROTHEA LARSEN
SOUTHERN ALLIANCE FOR CLEAN ENERGY

1. I, Dorothea Larsen, am over 18 years of age and have personal knowledge of the following facts.

2. I am based in Florida and serve as the Senior Electric Transportation Program Manager for the Southern Alliance for Clean Energy (SACE). I have held that position since August of 2017. Through my work with SACE, I have personal knowledge of SACE's operations, membership, and mission.

3. SACE's mission, 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. In particular, SACE's guiding values include promoting energy independence, advancing a clean energy economy, creating job opportunities, saving energy while saving money, empowering diverse constituencies, and ensuring safe, healthy communities.

4. Energy efficiency is a crucial part of SACE's core mission. SACE places a priority on evaluating all opportunities for displacing non-renewable electricity generation with lower cost end-use energy efficiency measures. These measures directly and cost-effectively reduce the amount of fossil fuel consumed by existing non-renewable energy generation facilities and displace the need for new power plants, thereby reducing the overall electric system costs for customers, including customers who are SACE members, who ultimately bear the costs of fuel, new power plants and added infrastructure. Decreased fuel consumption also reduces the overall negative impacts of energy generation to public health and the environment, as well as the economic costs associated with greenhouse gas emissions from non-renewable combustion.

5. Increasing the accessibility and adoption of demand-side renewable energy, such as rooftop solar, is another key component of SACE's mission. As with energy efficiency measures, demand-side renewables decrease the demand for fossil energy generation, alleviating the burden on consumers of the economic and public health costs of expanded fossil fuel combustion and infrastructure.

6. SACE has dedicated staff working to advance these goals in Florida. In addition, there are more than 8,000 SACE members residing in Florida and dedicated to promoting low-cost, low-risk clean energy solutions, such as adopting meaningful levels of energy efficiency, to encourage energy choices in Florida that are economically and environmentally responsible, clean, and safe.

7. Of the more than 8,000 SACE Florida members a substantial number are confirmed to reside within the service territories of each of the utilities involved in these FEECA proceedings, including: 5,812 members within the territory of Florida Power & Light Company (including the territory of the former Gulf Power Company), 1,602 members within the territory of Duke Energy Florida, LLC, 531 members within the territory of Tampa Electric Company, 260 members within the territory of JEA, and 105 members within the territory of the Orlando Utilities Commission.

8. In addition, in accordance with the SACE bylaws and guiding values, SACE's members have an interest in ensuring that the Commission properly consider the true value of all conservation measures, including demand-side renewable energy, such as rooftop solar, as required by law.


9. As such, SACE members are directly affected by the availability and effectiveness of energy efficiency measures and renewables programs. The adoption of meaningful efficiency measures and renewables goals directly and cost-effectively reduces the amount of fossil fuels consumed by existing non-renewable energy generation facilities and displaces the need for new power plants. Because the capital and environmental costs of increased fossil fuel generation are passed onto the public through rate increases and impaired air and water quality, SACE members experience significant consequences because of FEECA proceedings.

10. As the Senior Electric Transportation Program Manager for SACE, and as a long-time employee of SACE, I understand the economic and environmental benefits for our members when energy efficiency is used as a utility resource, and therefore fully support increased levels of energy efficiency implementation in Florida. SACE members have previously and continuously relied on energy efficiency measures to cost effectively participate in SACE's mission, reduce their current and future energy bills, and lessen environmental pollution.

11. I understand that the Florida Public Service Commission is considering energy efficiency goals and measures for Florida Power & Light Company, Duke Energy Florida, LLC, Tampa Electric Company, JEA, and the Orlando Utilities Commission. Florida SACE members would use more energy efficiency measures in their homes if their electric utility offered and expanded a wider variety of programs, containing such measures, because of higher goals, including more meaningful financial and other incentives to assist them in adopting energy efficiency measures.

12. Conversely, if the electric utilities on which Florida SACE members rely fail to offer an expanded and wider menu of energy efficiency programs, alongside more meaningful incentives, Florida SACE members will lose the opportunity to participate in programs to cost-effectively reduce their electric bill in the short term through the use of affordable energy efficiency measures, and may not be able to afford such choices at all in the absence of financial assistance. As a result, SACE members will be burdened by increased monthly electricity bills, because without efficiency incentives, they will require more electricity than they otherwise would have. In addition, SACE members' bills will also increase due to the need for more expensive new power generation, which would have been deferred or avoided by increased efficiency. An increase in both the amount and price of electricity upon which SACE members rely each month thereby directly and adversely causes financial harm to the membership of SACE.

UNDER PENALTIES OF PERJURY, I declare that I have read the foregoing declaration, and that to the best of my knowledge and belief the facts stated in it are true.


Dorothea Larsen, Declarant

4.18.24
Date

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**DECLARATION OF THOMAS G. CAFFERY, A MEMBER OF
SOUTHERN ALLIANCE FOR CLEAN ENERGY**

1. I, Thomas G. Caffery, am over 18 years of age and have personal knowledge of the following facts. I reside at 4406 Yachtmans Court, Orlando, FL 32812. I am a customer of Duke Energy Florida, LLC (“DEF”).

2. As a member of the Southern Alliance for Clean Energy, I understand the economic and environmental benefit to me of energy efficiency as a utility resource and fully support increased levels of energy efficiency implementation by my utility. As a utility customer, I

understand the importance of utility-sponsored energy efficiency programs, comprised of many measures, which provide information and financial or other incentives to me, to reduce my energy usage and lower my electricity bill.

3. As an electricity consumer, utility customer, and as a member of the Southern Alliance for Clean Energy, I also understand that energy efficiency measures help reduce electricity demand and delay or displace the need for constructing more costly new power plants to meet electricity demand, thereby helping to keep my electricity bills from escalating in the future.

4. I understand that the Florida Public Service Commission is considering energy efficiency goals for DEF. I have relied on utility-sponsored energy efficiency programs to help me identify energy efficiency opportunities in my home and to provide incentives for adopting energy efficiency measures. I have relied upon energy audits, insulation improvement, window improvements, time-of-use rates, and net metering to reduce my electricity bill from DEF.

5. I would use more energy efficiency measures in my home if my electric utility offered an expanded and wider variety of programs, resulting from higher goals, including more meaningful financial or other incentives to assist me in adopting energy efficiency measures.

6. If my electric utility does not offer an expanded and wider variety of energy efficiency programs with more meaningful incentives, I will lose the opportunity to cost-effectively reduce my electric bill in the short-term using affordable energy efficiency measures. Instead, I will have to choose between spending much more money on energy efficiency projects, such as A/C upgrade, a solar water heater, or installation of more energy efficient appliances, to pay an increased monthly electricity bill, because I will use more electricity without the efficiency incentives. In addition, my bills will also increase due to the need for more expensive new power

generation, which would have been avoided or deferred by increased energy efficiency or demand-side management programs by my utility. An increase in both the amount and price of electricity upon which I rely each month would thereby directly and adversely cause me financial harm.

UNDER PENALTIES OF PERJURY, I declare that I have read the foregoing declaration and that to the best of my knowledge and belief the facts stated in it are true.

Thomas G. Caffery
Thomas G. Caffery, Declarant

4/18/24
Date