

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

Re: Petition by Florida Power & Light Company
for Approval of FPL SolarTogether Program and
Tariff.

DOCKET NO. 20190061-EI

FILED: January 3, 2020

PRE-HEARING STATEMENT OF THE OFFICE OF PUBLIC COUNSEL

The Citizens of the State of Florida, through the Office of Public Counsel, (“OPC”), pursuant to the Order Establishing Procedure in this docket, Order No. PSC-2019-0272-PCO-EI, Amendatory Order No. PSC-2019-0272A-PCO, as amended by the First Order Modifying Order Establishing Procedure, Order No. PSC-2019-0399-PCO-EI, and the Second Order Modifying Order Establishing Procedure, Order No. PSC-2019-0431-PCO-EI, hereby submit this Prehearing Statement.

APPEARANCES:

J.R. Kelly
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On behalf of the Citizens of the State of Florida

1. WITNESSES:

OPC's Witness	Subject Matter	Issue #
Direct and Supplemental James R. Dauphinais	Assessment of whether the SolarTogether program and related facilities are reasonable and prudent, and the impact of the program and facilities on customers.	1-5 and OPC's Proposed Issue

2. EXHIBITS:

James R. Dauphinais – JRD-1 through JRD-12 proffered by OPC.

3. STATEMENT OF BASIC POSITION

OPC objects to programs that plainly violate Florida laws on (a) the prohibition on discriminatory rates and charges, § 366.03, Fla. Stat. (2019), and (b) the requirement that only prudent capital projects may be factored into the rates and charges demanded of customers, e.g., § 366.06(1), Fla. Stat. The SolarTogether program also violates the base rate freeze provision of the 2016 Settlement between FPL and Intervenors. The SolarTogether Program also appears to violate the provisions of paragraphs 4 and 7 of the Settlement Agreement approved in Order No.PSC-2016-0560-AS-EI, which prohibit indirect increases to base rates or clause recovery of costs the type of which have been traditionally, historically and ordinarily recovered through base rates.

Bona fide “voluntary community solar” projects are those where the community which voluntarily participates in projects actually pays the costs of the projects. The SolarTogether program forces all customers to pay in some manner, whether they participate or not. The projected, non-guaranteed benefits which non-participants will supposedly (and decades later) realize, stand in stark contrast to the essentially guaranteed benefits participants will see on their bills more immediately. Moreover, the SolarTogether program simply expands rate base to the benefit of shareholders and at the cost of customers. An example of this is the overreach demonstrated by FPL in its attempt to accrue AFUDC for Project Nos. 1 and 2. OPC's position is no AFUDC should accrue or be booked for Projects Nos. 1 or 2. OPC does not support the utility's unchecked effort to build rate base while placing all of the cost and risks of such projects fully on the backs of ratepayers while sparing the utility's shareholders from any risks or costs.

This case does not present a simplistic, binary choice between favoring or disfavoring

renewable energy, but rather the choice is in how much each party pays for particular renewable energy facilities in relation to the risks and benefits they take on. The Office of Public Counsel, on behalf of the Citizens of the state, fully supports renewable energy. However, the design of the SolarTogether program fails to meet statutory requirements regarding the division of financial responsibilities between customers and the privately-held utility company which enjoys a monopoly in the customers' service area.

4. STATEMENT OF FACTUAL ISSUES AND POSITIONS

ISSUE 1: Is FPL's proposed SolarTogether Rider tariff an appropriate mechanism to seek approval for the construction of 1,490 MW of new solar generation facilities?

OPC: No.

ISSUE 2: Does FPL's proposed SolarTogether Rider 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?

OPC: Yes.

ISSUE 3: Should the Commission allow recovery of all costs and expenses associated with FPL's proposed SolarTogether Program in the manner proposed by FPL?

OPC: No.

ISSUE 4: Should the Commission approve FPL's proposed SolarTogether Program and associated tariff, Rate Schedule STR, which is the same tariff attached as Attachment I to the Settlement Agreement filed October 9, 2019?

OPC: No.

ISSUE 5: What adjustments, if any, should the Commission make to any affiliate transaction costs associated with FPL's SolarTogether Rider tariff?

OPC: The Commission should disallow any and all affiliate transaction costs associated with FPL's SolarTogether Rider tariff.

ISSUE 6: Should this docket be closed?

OPC: No position at this time.

OPC'S PROPOSED ISSUE:

Is FPL required to demonstrate a need for the solar generation facilities that will be constructed for SolarTogether and, if so, what need or needs are met by the SolarTogether Program?

OPC: Yes. FPL bears the burden of demonstrating what, if any, need is met by the SolarTogether program.

5. **STIPULATED ISSUES:**

None at this time.

6. **PENDING MOTIONS:**

OPC has not filed any pending motions.

7. **STATEMENT OF PARTY'S PENDING REQUESTS OR CLAIMS FOR CONFIDENTIALITY:**

None at this time.

8. **OBJECTIONS TO QUALIFICATION OF WITNESSES AS AN EXPERT:**

None at this time.

9. STATEMENT OF COMPLIANCE WITH ORDER ESTABLISHING PROCEDURE:

There are no requirements of the Order Establishing Procedure with which the Office of Public Counsel cannot comply at this time.

Dated this 3rd day of January, 2020.

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/s/ Stephanie Morse
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CERTIFICATE OF SERVICE
Docket No. 20190061-EI

I **HEREBY CERTIFY** that a true and correct copy of the foregoing has been furnished
by electronic mail on this 3rd day of January 2020, to the following:

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