

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION

In the Matter of:

DOCKET NO. 20200176-EI

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

_____ /

PROCEEDINGS: COMMISSION CONFERENCE AGENDA
ITEM NO. 1

COMMISSIONERS
PARTICIPATING: CHAIRMAN ANDREW GILES FAY
COMMISSIONER ART GRAHAM
COMMISSIONER GARY F. CLARK
COMMISSIONER MIKE LA ROSA
COMMISSIONER GABRIELLA PASSIDOMO

DATE: Thursday, September 8, 2022

PLACE: Betty Easley Conference Center
Room 148
4075 Esplanade Way
Tallahassee, Florida

REPORTED BY: DEBRA R. KRICK
Court Reporter and
Notary Public in and for
the State of Florida at Large

PREMIER REPORTING
112 W. 5TH AVENUE
TALLAHASSEE, FLORIDA
(850) 894-0828

1 P R O C E E D I N G S

2 CHAIRMAN FAY: All right. Commissioners,
3 next, we will move to Item No. 1. I believe Mary
4 Anne will be presenting item one this morning.

5 MS. HELTON: Yes, sir. Thank you, Mr.
6 Chairman. I will be filling in for Mr. Stiller
7 this morning.

8 CHAIRMAN FAY: Great. Thank you.

9 MS. HELTON: So back in January of last year
10 we entered a filing order approving the stipulation
11 in the docketed issue today. The order approved
12 Duke Energy Florida's clean energy program and
13 associated tariffs as set forth in the stipulation.
14 Duke's CEC program is a voluntary community solar
15 program that allows participating customers to pay
16 a subscription fee in exchange for receiving bill
17 credits related to the solar generation produced by
18 the CEC program facilities.

19 The League of United Latin American Citizens
20 of Florida, or LULAC, timely appealed the order to
21 the Florida Supreme Court. And after a full
22 briefing and oral argument, the Supreme Court
23 remanded the proceeding back to the Commission to
24 afford an opportunity for the Commission to enter a
25 revised final order explaining its reasoning and

1 conclusions on the central issue raised by LULAC.
2 That is whether the funding structure of the CEC
3 program results in a subsidy to the participants in
4 violation of Section 366.03 Florida Statutes.

5 Staff has attached to its recommendation as
6 part of Issue 1 the revised final order that we
7 recommend you approve today so that we can enter it
8 and send it to the court.

9 CHAIRMAN FAY: Okay. With that -- thank you,
10 Ms. Helton. I appreciate the summary on the item
11 and filling in for us this morning.

12 Commissioners, I just -- I have a brief
13 comment about this item, and I am happy to take
14 questions or comments on it.

15 I know that our staff, including those who are
16 here and aren't here today, have worked really hard
17 on trying to get this in the right posture to
18 provide a revised order, and I think they've done a
19 good job. I think the heart of the discussion
20 lends itself to this unjust preference component,
21 which is thoroughly addressed. And my key takeaway
22 in the proposed revised order is essentially that
23 that determination isn't dispositive of whether
24 that preference is unjust or not. So I am
25 comfortable and support the revised order as

1 drafted, but also would like to open it up for any
2 comments or questions that my colleagues may have.

3 Commissioner Passidomo, you are recognized.

4 COMMISSIONER PASSIDOMO: Thank you, Mr. Chair.

5 I just wanted to take a brief moment to
6 comment that initially when this program came
7 before the Commission that was prior to my
8 appointment, but since then I have reviewed the
9 record, read all the hearing transcript, and I do
10 feel prepared to participate on this item.

11 CHAIRMAN FAY: Thank you, Commissioner
12 Passidomo. Reflect that on the record.

13 Any other comments or questions from my
14 colleagues?

15 With that, we have a proposed revised order in
16 front of us. I will entertain a motion.

17 COMMISSIONER CLARK: Mr. Chairman, I move to
18 approve the revised final order.

19 CHAIRMAN FAY: We have a motion. Do we have a
20 second?

21 COMMISSIONER GRAHAM: Second.

22 CHAIRMAN FAY: We have a motion and a second
23 for approval of Issues 1 and 2, which include the
24 revised order.

25 All that approve say aye.

1 (Chorus of ayes.)

2 CHAIRMAN FAY: None opposed. With that, Item
3 No. 1 passes.

4 Thank you, Ms. Helton.

5 MS. HELTON: And, Mr. Chairman --

6 CHAIRMAN FAY: Yes.

7 MS. HELTON: There is also Issue 3, where we
8 are not closing the docket but sending the order
9 back to the court.

10 CHAIRMAN FAY: Okay. Great. I want to make
11 sure we clarify that for the record then, showing
12 no objections to the approval also of Issue 3 as
13 proposed in the recommendation. With that, we have
14 Item 1 approved.

15 Thank you, Ms. Helton.

16 (Agenda item concluded.)

17

18

19

20

21

22

23

24

25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

CERTIFICATE OF REPORTER

STATE OF FLORIDA)
COUNTY OF LEON)

I, DEBRA KRICK, Court Reporter, do hereby certify that the foregoing proceeding was heard at the time and place herein stated.

IT IS FURTHER CERTIFIED that I stenographically reported the said proceedings; that the same has been transcribed under my direct supervision; and that this transcript constitutes a true transcription of my notes of said proceedings.

I FURTHER CERTIFY that I am not a relative, employee, attorney or counsel of any of the parties, nor am I a relative or employee of any of the parties' attorney or counsel connected with the action, nor am I financially interested in the action.

DATED this 19th day of September, 2022.



DEBRA R. KRICK
NOTARY PUBLIC
COMMISSION #HH31926
EXPIRES AUGUST 13, 2024