

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Proposed amendment of Rule 25-) DOCKET NO. 202000181-EU
17.0021, F.A.C., Goals for Electric)
Utilities)
_____)

**FLORIDA LEAGUE OF UNITED LATIN AMERICAN CITIZENS' &
ENVIRONMENTAL CONFEDERATION OF SOUTHWEST FLORIDA'S
REQUEST FOR HEARING**

Pursuant to section 120.54(3)(c), Florida Statutes, the Florida League of United Latin American Citizens (“LULAC”) and the Environmental Confederation of Southwest Florida (“ECOSWF”) file this request for a hearing on the proposed amendment of Rule 25-17.0021, Florida Administrative Code (“F.A.C.”), as contained in Order No. PSC-2023-0104-NOR-EU (“Proposed Amendments”), issued on March 15, 2023. LULAC and ECOSWF ask that the request for a hearing be granted for the reasons contained herein.

LULAC and ECOSWF have been engaged in the rulemaking process in the docket from the beginning, participating in three workshops by giving oral comment and filing three post-workshop sets of comments.¹ LULAC’s and ECOSWF’s members are affected parties: LULAC has previously intervened in the FEECA goal-setting process based on how energy efficiency is needed to help its members lower their bills;² ECOSWF’s members equally need energy

¹ See LULAC’s and ECOSWF’s Post-Workshop Comments (Feb. 15, 2021), *available at* <https://www.floridapsc.com/pscfiles/library/filings/2021/02191-2021/02191-2021.pdf>; LULAC’s and ECOSWF’s Second Post-Workshop Comments (June 28, 2021), *available at* <https://www.floridapsc.com/pscfiles/library/filings/2021/07092-2021/07092-2021.pdf>; LULAC’s and ECOSWF’s Third Post-Workshop Comments (Dec. 16, 2022), *available at* <https://www.floridapsc.com/pscfiles/library/filings/2022/12096-2022/12096-2022.pdf>.

² *In re: Commission review of numeric conservation goals*, Docket Nos. 20190015-EG, 20190018-EG, 20190021-EG, Order Granting Intervention, Order No. PSC-2019-0293-PCO-EG (July 25, 2019), *available at* <https://www.floridapsc.com/pscfiles/library/filings/2019/05987-2019/05987-2019.pdf>.

efficiency help to lower their bills,³ and as such participated not only extensively in this docket, but also in *In re: Petition for approval of demand-side management plan and request to modify residential and business on call tariff sheets, by Florida Power & Light Co.*, Docket No.

20200056-EG. Although LULAC and ECOSWF participated in the agenda conference at which the proposed amendment of Rule 25-17.0021, F.A.C. was considered by the Commission for the first time in this docket, such participation was limited to a few minutes of oral comments.⁴ This is not a criticism of the agenda conference, but a note at the limitations allowed by that process.

A hearing under section 120.54(3)(c), Florida Statutes, will allow LULAC and ECOSWF the time needed to present the important issues in this docket directly to the Commission, and explain how the Proposed Amendments either completely ignore those issues or do not adequately address them. The primary issues that need to be addressed are: 1) the over-reliance on RIM, which can be addressed through the addition of the Utility Costs Test (“UCT”) (the UCT is the same calculation as the RIM test except it does not count energy savings—the goal of

³ See, e.g., *In re: Petition for Rate Increase by Florida Power & Light Company*, Docket No. 20210015-EI, Testimony of ECOSWF members Becky Ayech, Glenna Blomquist, Bobbie Lee Davenport, Sara Lewis, and Linda Wilson, Hearing Transcript Volume 9 at 1969-1996 (Sept. 20, 2021), available at <https://www.floridapsc.com/pscfiles/library/filings/2021/11382-2021/11382-2021.pdf>.

⁴ See *In the Matter of: Proposed amendment of Rule 25-17.0021, F.A.C., Goals for Electric Utilities*, Docket No. 20200181-EU, Transcript of Commission Conference Agenda Item No. 2 at 5-6 (Mar. 7, 2023) (Chairman Fay: “we range anywhere between three and five minutes for comments in the Commission, so this morning be shooting for that. I can let you know if you exceed time.”), available at <https://www.floridapsc.com/pscfiles/library/filings/2023/02310-2023/02310-2023.pdf>.

the Florida Energy Efficiency and Conservation Act⁵—as a cost⁶); 2) the use of the two-year payback screen which increasingly is used to screen-out the most cost-effective measures; and 3) codifying as a requirement the existing practice of addressing the needs of low-income communities. We ask for a hearing to better present these issues to the Commission for consideration.

Respectfully submitted this 5th day of April, 2023.

/s/ Bradley Marshall
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⁵ § 366.81, Fla. Stat. (“The Legislature finds and declares that it is critical to utilize the most efficient and cost-effective . . . conservation systems in order to protect the health, prosperity, and general welfare of the state and its citizens. *Reduction in, and control of, the growth rates of electric consumption* and of weather-sensitive peak demand are of particular importance.”) (emphasis added); § 366.82, Fla. Stat. (“The commission shall adopt appropriate goals for increasing the efficiency of energy consumption . . ., specifically including goals designed to increase the conservation of expensive resources, such as petroleum fuels, *to reduce and control the growth rates of electric consumption . . .*”) (emphasis added).

⁶ The utilities subject to FEECA often refer to the decrease in energy usage resulting from improved energy efficiency as “lost revenue.”

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy and correct copy of the foregoing was served on this 5th day of April, 2023, via electronic mail on:

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| Jon Rubottom Florida Public Service Commission Office of the General Counsel 2540 Shumard Oak Boulevard Tallahassee, Florida 32399-0850 jrubotto@psc.state.fl.us | |
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DATED this 5th day of April, 2023.

/s/ Bradley Marshall, Attorney