

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for approval of new clean energy impact program, a new renewable energy certificates (REC) buying program, by Duke Energy Florida, LLC.

DOCKET NO. 20220202-EI
ORDER NO. PSC-2023-0191-TRF-EI
ISSUED: June 29, 2023

The following Commissioners participated in the disposition of this matter:

ANDREW GILES FAY, Chairman
ART GRAHAM
GARY F. CLARK
MIKE LA ROSA
GABRIELLA PASSIDOMO

ORDER APPROVING DUKE ENERGY FLORIDA, LLC'S
CLEAN ENERGY IMPACT PROGRAM

BY THE COMMISSION:

BACKGROUND

On November 15, 2022, Duke Energy Florida, LLC (DEF or Company) filed a petition for approval of its Clean Energy Impact (CEI) Program and associated tariff. The Program would provide DEF customers the opportunity to purchase renewable energy certificates (RECs) directly from the Company. RECs are a tradeable market-based verification unit which are certified by a third party entity to represent renewable attributes of electricity generated from a renewable source, typically in increments of 1,000 kilowatt-hours (kWh). RECs are generally purchased to comply with regulatory requirements, to support renewable energy claims, or to meet voluntary renewable energy targets. When a REC is purchased and retired, it can no longer be traded but the purchaser of the REC can claim the environmental aspects of the energy produced. For the CEI Program, DEF proposes to use RECs generated by its renewable resources, which currently includes 13 solar facilities. The Company will retire RECs as the purchases are completed.

On December 15, 2022, DEF waived the 60-day file and suspend requirement pursuant to Section 366.06(3), Florida Statutes (F.S.). After the filing of DEF's original petition, Commission staff requested further information via data requests to clarify terms of the proposed program and tariff language. On April 3, 2023, Commission staff met with DEF and informed the Company of concerns surrounding the proposed tariff language. In response to our staff's inquiries and the informal meeting, on April 14, 2023, DEF filed an amended petition and amended proposed tariff.

We have jurisdiction under Sections 366.04, 366.05, 366.91, and 366.92, F.S.

DECISION

Currently, customers interested in demonstrating support for renewable energy can purchase RECs from one of several tradeable markets. RECs purchased on the market are retired in the name of the purchaser, who is then the only person entitled to claim credit for the attributes of the renewable energy represented by the REC. A REC that has been purchased and retired can no longer be traded and cannot be sold again.

The CEI Program provides DEF customers the option to purchase RECs directly from the Company. Handling REC sales through a tariff allows the company to charge customers conveniently as a line item on their utility bill and allows DEF the opportunity to provide sales of smaller REC amounts to residential customers. RECs purchased under the CEI Program are generated by DEF owned renewable facilities, currently comprised of 13 solar facilities. These 13 facilities are separate from the 10 solar facilities associated with DEF's Clean Energy Connection (CEC) program, as RECs generated by those facilities are retired by DEF on behalf of the CEC participants.

These voluntary REC purchases will allow DEF to generate additional revenue from assets already part of DEF's rate base. The Company is not using and does not need the environmental attributes associated with these RECs for any regulatory compliance purposes. The Company will retire RECs purchased by non-residential customers in their names, and will retire annually all RECs purchased by residential customers in the name of the Company.

Program participation is limited by the number of RECs available, which DEF will annually estimate based on a percentage of RECs expected to be generated for the year. If REC demand exceeds supply, the proposed tariff also allows DEF to implement an annual random selection process or wait list system at the Company's discretion. In response to Commission staff concerns regarding the lack of specificity for REC allocation, DEF revised its tariff and included language that describes the planned reservation of RECs based on customer class. Annually, 10 percent of available RECs will be reserved for the residential customer class, with the caveat that if the reserved amount is not fully purchased by September 30, then the remaining available RECs will be available for sale to all customer classes until the end of the year. The remaining 90 percent of available RECs reserved for non-residential customers will also be subject to the same rules regarding unpurchased REC allocations. Program participants can purchase RECs that exceed their electric usage but are restricted by REC availability and reserved customer class allocation amounts.

Participation requirements under the CEI Program vary based on customer class. Residential participants will be able to purchase portions of RECs in increments of 250 kWh, which is the required monthly minimum purchase amount according to the tariff. Participating residential customers can cancel with 30 days notice to the Company. Non-residential participants will be required to enter into a service agreement and purchase a minimum of 1,000 RECs to participate in the CEI Program. The service agreement that non-residential customers enter will be offered on an annual basis with a service term up to 5 years. Program participants

who are delinquent in their payments for the CEI Program can not be disconnected from electric service, provided they had paid the remainder of their bill, but can be removed from the CEI Program.

DEF will annually set the rate for RECs based upon market REC pricing, plus an administrative fee to cover expenses related to the program. The Company intends to choose a tradeable market that will be used to determine REC pricing for the proposed program, but has yet to finalize its tradeable market choice. The Company will set REC pricing based upon the previous 12 months monthly average price at DEF's chosen tradeable market. The Company will provide the annual calculation of customer REC pricing and blocks of RECs, via its website for both customer classes, with the website links shown in the proposed tariff.

The administrative fee will be set annually by DEF and will be based on estimated administrative expenses and the estimated RECs to be sold during the year. Per the proposed tariff, the administrative fee would not be allowed to exceed 20 percent of the market REC price. DEF estimates the annual program administrative expenses to be approximately \$400,000, comprised of program labor costs, marketing expenses, IT/software expenses, and REC registration fees. Based on DEF's estimates and the administrative fee limit, the minimum market REC price to breakeven is \$3.30 per REC in 2023, decreasing to \$2.48 by 2028.

In DEF's original petition, program revenues and expenses were intended to be included in base rates; however, in response to Commission staff concerns, the petition was amended to include revenues, net of expenses, in DEF's Fuel Clause filings. Including net revenues through the Fuel Clause will ensure that the program benefits for the general body of ratepayers are reflected in rates on a more timely basis. Passing revenues generated from REC sales through the Fuel Clause is appropriate because RECs are generated from energy produced from utility-owned generation resources whose costs are recovered from DEF's general body of ratepayers.

DEF has proposed to provide an annual program report within its annual Fuel Clause filings, including a summary of annual sales, by customer class, of RECs for the previous year. In addition to the summary information proposed by the Company to be included, the annual program report shall also include the number of program participants in total and by customer class, the amount of RECs generated by DEF, the amount of RECs made available to the CEI Program, the amount of revenue generated both in total and by type (REC sales and administration fees), and the total program administrative expenses. These reporting requirements will provide us additional information to ensure the program is continuing sustainably and is providing a net benefit to the general body of ratepayers.

Having reviewed the amended petition and Commission staff data request responses, we find that the program will provide a benefit to the general body of ratepayers. Company customers will be given an opportunity to voluntarily demonstrate support for renewable energy. Net program revenues from REC sales will be included as a credit in the Fuel Clause to offset other fuel expenses, thereby benefiting the general body of ratepayers. To ensure the program continues to benefit ratepayers, DEF shall provide a summary of the program containing the information specified herein as a part of its annual Fuel Clause filing.

For these reasons, we hereby approve Duke's Amended Petition and the proposed Clean Energy Initiative program as reflected in Section No. VI, Original Sheet Nos. 6.420 – 6.421, and Section No. VI, Twenty-Seventh Revised Sheet No. 6.100, of DEF's Retail Tariff Rate Schedule, appended hereto as Attachment A, effective the date of this Order.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that Duke Energy Florida, LLC's Amended Petition for Approval of New Clean Energy Impact Program, a New Renewable Energy Certificates (REC) Buying Program, is hereby approved as stated in the body of this order. If it further

ORDERED that Twenty-Seventh Revised Sheet No. 6.100 and Original Sheet Nos. 6.420 – 6.421 in DEF's Retail Tariff Rate Schedule, Section No. VI, appended hereto as Attachment A, are hereby approved effective the date of this Order. It is further,

ORDERED that if a protest is filed within 21 days of issuance of this order, the tariff shall remain in effect with any charges held subject to refund pending resolution of the protest. It is further

ORDERED that if no timely protest is filed, this docket shall be closed upon the issuance of a Consummating Order.

By ORDER of the Florida Public Service Commission this 29th day of June, 2023.



ADAM J. TEITZMAN
Commission Clerk
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399
(850) 413-6770
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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

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.

The Commission's decision on this tariff is interim in nature and will become final, unless a person whose substantial interests are affected by the proposed action files a petition for a formal proceeding, in the form provided by Rule 28-106.201, Florida Administrative Code. This petition must be received by the Office of Commission Clerk, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on July 20, 2023.

In the absence of such a petition, this Order shall become final and effective upon the issuance of a Consummating Order.

Any objection or protest filed in this docket before the issuance date of this order is considered abandoned unless it satisfies the foregoing conditions and is renewed within the specified protest period.



SECTION NO. VI
TWENTY-SEVENTH REVISED SHEET NO. 6.100
CANCELS TWENTY-SIXTH REVISED SHEET NO. 6.100

INDEX OF RATE SCHEDULES		Page 1 of 1
FPSC UNIFORM RATE SCHEDULE DESIGNATION		BEGINS ON SHEET NO.
BA-1	Billing Adjustments	6.105
SC-1	Service Charges	6.110
RS-1	Residential Service	6.120
RSL-1	Residential - Load Management (Optional)	6.130
RSL-2	Residential - Load Management - Winter Only - (Optional)	6.135
RST-1	Residential Service (Optional Time of Use)	6.140
GS-1	General Service - Non-Demand	6.150
GST-1	General Service - Non-Demand (Optional Time of Use)	6.160
GS-2	General Service - Non-Demand (100% Load Factor Usage)	6.165
GSD-1	General Service - Demand	6.170
GSDT-1	General Service - Demand (Optional Time of Use)	6.180
GSLM-1	General Service - Load Management (Optional)	6.220
GSLM-2	General Service - Load Management - Standby Generation	6.225
CS-2	Curtailable General Service	6.235
CS-3	Curtailable General Service Fixed Curtailable Demand	6.2390
CST-2	Curtailable General Service (Optional Time of Use)	6.245
CST-3	Curtailable General Service (Optional Time of Use) Fixed Curtailable Demand	6.2490
IS-2	Interruptible General Service	6.255
IST-2	Interruptible General Service (Optional Time of Use)	6.265
LS-1	Lighting Service	6.280
SS-1	Firm Standby Service	6.310
SS-2	Interruptible Standby Service	6.315
SS-3	Curtailable Standby Service	6.320
TS-1	Temporary Service	6.330
CISR-1	Commercial/Industrial Service Rider	6.360
PPS-1	General Service – Premier Power Service Rider	6.370
ED-2	Economic Development Rider	6.382
FB-1	Optional – Fixed Bill Program	6.390
SOL-1	Shared Solar Rider – Experimental Pilot Program	6.395
NSMR-1	Optional - Non-Standard Meter Rider (AMI Opt-Out)	6.400
CEC-1	Clean Energy Connection Rider (Optional Solar Program)	6.405
FCF-1	Public Charging for Electric Vehicles	6.410
MEB-1	Optional – My Energy Bill+ Program	6.415
CEI-1	Clean Energy Impact Program	6.420

ISSUED BY: Thomas G. Foster, Vice President, Rates & Regulatory Strategy - FL
EFFECTIVE:



SECTION NO. VI
ORIGINAL NO. 6.420

Page 1 of 2

**RATE SCHEDULE CEI-1
CLEAN ENERGY IMPACT PROGRAM**

Availability:

This optional Clean Energy Impact Program (the "Program") provides customers the option to foster and promote the use of renewable energy through the purchase of renewable energy attributes from Duke Energy Florida (Company) owned Renewable Energy Resources. This Program is available on a voluntary first come, first served basis to residential and non-residential customers, receiving concurrent service from the Company who contract for a block(s) of Renewable Energy Certificates (RECs) generated from Renewable Energy Resources. The maximum number of customers served under this Program shall be determined by the maximum number of blocks of RECs available for purchase through the Program. This Program is not available for temporary service or for resale service. This Program shall remain open to eligible customers pursuant to the Program's terms and conditions.

Definitions:

Renewable Energy Resources: For the purposes of this Program, Renewable Energy Resources shall include generation resources owned by the Company tied to the Company's grid which generate energy from renewable resources, such as solar photovoltaic (PV) facilities and wind facilities. The RECs purchased under the Program may be derived from any combination of different Renewable Energy Resources which fosters a blend of renewable energy.

Renewable Energy Certificates: RECs shall mean tradable units that represent the commodity formed by unbundling the environmental attributes of a unit of renewable or environmentally friendly energy from the underlying electricity. One REC would be equivalent to the environmental attributes of one MWh (1,000 kWh) of electricity from a renewable or environmentally friendly generation source.

Applicable:

This optional Program is offered in conjunction with the applicable rates, terms, and conditions under which the customer takes service from the Company.

Residential Customers: Residential customers, will be offered RECs in block increments sized at 250 kWh per block, which is a quarter of 1 REC (1,000 kWh). Residential customers may purchase as many blocks of RECs as they choose, with a minimum monthly purchase of 1 block.

Residential customers shall elect to participate in the Program by completing the request at the Company's electronic platform located at www.duke-energy.com or by verbally requesting participation to a Company representative. Upon request by the Customer, the Company shall prepare a service confirmation (the "Service Confirmation") that shall specify the number of blocks and price to be purchased monthly. The Service Confirmation shall be provided to customer for Program. The Service Confirmation shall remain in effect for the term stated therein and shall automatically renew unless the customer notifies the Company of their intent to be removed from the Program. The customer may terminate the Service Confirmation at any time by providing the Company not less than thirty (30) days' notice of its desire to cancel its participation in this rider.

Residential customers will not be eligible to enroll in the Program if within the last 12 months, the customer has:

- 1) Defaulted on a payment arrangement;
- 2) Entered into a multi-month payment arrangement;
- 3) Had a payment that was not honored by a financial institution; or
- 4) Been disconnected for non-payment of electric service.

Non-Residential Customers: Non-Residential customers must purchase a minimum of 1,000 RECs annually. For non-residential customers interested in purchases above the 1,000 REC minimum, RECs shall be offered in 1 REC increments. There is no upper limit to the number of RECs that individual non-residential customers may purchase, though there may be the possibility for a customer's requested REC amount being unavailable at time of purchase if the demand for RECs exceeds the available supply.

Non-residential customers in Company's service territory may purchase RECs as a standalone product, separate from their standard electric service by entering into a Service Agreement, which will be drafted by the Company. The stand-alone product will be offered on an annual basis, subject to availability. The Service Agreement shall be for a term of up to 5-years, subject to credit approval and availability.

If non-residential customers elect to be billed monthly for Program REC purchases in conjunction with their monthly electric service bill, they will not be eligible to enroll in the program if within the last 12 months, the customer has:

- 1) Defaulted on a payment arrangement;
- 2) Entered into a multi-month payment arrangement;
- 3) Had a payment that was not honored by a financial institution; or
- 4) Been disconnected for non-payment of electric service.

(Continued on Page No. 2)

ISSUED BY: Thomas G. Foster, Vice President, Rates & Regulatory Strategy - FL
EFFECTIVE:



SECTION NO. VI
ORIGINAL NO. 6.421

Page 2 of 2

**RATE SCHEDULE CEI-1
CLEAN ENERGY IMPACT PROGRAM
(Continued from Page No. 1)**

Rate:

In addition to all other charges stated in the applicable Schedule with which this Program is used, the following charge shall also apply to each block the customer purchases:

The cost of blocks of RECs to customers will be set annually beginning when Commission approval of the Program is received. The annual REC price will be based on the monthly average of the applicable REC market rate (from the tradeable market) for the previous 12 months. In addition to the average market rate, the REC price will also include an administrative fee, which will not exceed 20% of the related average market rate per REC. For residential customers, the block price will equal one quarter of the REC price plus administrative fee described above.

The administrative fee will be reviewed annually to evaluate if fees collected matched the administrative expenses. If they do not match, the administrative fee will be adjusted the following year, but will never exceed 20% of the applicable annual average market rate per REC. The Company may bill non-residential customers separately for REC purchases on a quarterly or annual basis, not on their Duke Energy bill.

The Company shall display the annual calculation of the customer cost of RECs (and blocks of RECs) on its website, within the Clean Energy Impact webpage:

Residential page: <https://www.duke-energy.com/home/products/clean-energy-impact/>

Non-Residential page: <https://www.duke-energy.com/business/products/clean-energy-impact/>

The Rate shall apply to the customer's bill regardless of the customer's actual kilowatt-hour consumption.

Special Provisions:

1. The Company reserves the right to terminate this Program at any time.
2. Participants may be terminated from the Program by Company if the customer becomes delinquent on the Program. The Company reserves the right to remove customers from the Program who do not pay Program fees for two consecutive months or who start bankruptcy proceedings. The Company also reserves the right to remove customers that enter a payment arrangement plan.
3. RECs generated by the Renewable Energy Resources portfolio shall be retired by the Company on behalf of all residential participants on a yearly basis. Non-residential RECs will be retired in the customer's name. The retirement of RECs will be done in the North American Registry (NAR). RECs will not be retired until payment from the customer has been confirmed. The Company will provide documentation of the REC retirement upon request by the customer. The Company will solely retain all claims related to its ownership, maintenance, facility procurement, and generation of the energy from DEF-owned Renewable Energy Resources, as well as the emissions, fuel, and all other impacts, benefits, reductions, displacements, and/or offsets occurring on the Company's system in connection with the generation, facility procurement, and use of the energy from Renewable Energy Resources to serve the Company's system or customers.
4. The Company will reserve 10% of the Program's estimated available RECs annually to be purchased by residential customers. If this 10% is not fully purchased by residential customers by the end of the third quarter each year (September 30), then the available RECs within this residential allocation will become for sale to all customers through year-end. The same will apply for the capacity reserved for business customers if not subscribed to by September 30 that the RECs could become available to residential customers. Otherwise, RECs are available on a first come, first-served basis. The Company may, in its discretion, implement an annual random selection process system and/or a wait list if it determines that the demand for RECs exceeds the supply. RECs will be retired by the Company on behalf of program participants annually.

ISSUED BY: Thomas G. Foster, Vice President, Rates & Regulatory Strategy - FL
EFFECTIVE: