



May 28, 2019

By Electronic Mail

Dear Lake Worth Commissioners and Mayor Triolo:

Vote Solar is writing to express our concern over the City of Lake Worth's decision made on April 30, 2019 to impose a moratorium on the interconnection of new solar systems. *See* Resolution No. 15-2019.

Vote Solar's mission is to make solar a mainstream energy resource across the United States. Since 2002, Vote Solar has been working to lower solar costs and expand solar access. A 501(c)3 non-profit organization, Vote Solar advocates for state policies and programs needed to repower our electric grid with clean energy. Our organization has over 300 members in Lake Worth.

We refer the City to Florida Statute Section 366.91(6):

On or before July 1, 2009, each municipal electric utility and each rural electric cooperative that sells electricity at retail shall develop a standardized interconnection agreement and net metering program for customer-owned renewable generation. Each governing authority shall establish requirements relating to the expedited interconnection and net metering of customer-owned generation. By April 1 of each year, each municipal electric utility and rural electric cooperative utility serving retail customers shall file a report with the commission detailing customer participation in the interconnection and net metering program, including, but not limited to, the number and total capacity of interconnected generating systems and the total energy net metered in the previous year.

Lake Worth is obligated under Florida law to have developed and made available both a net metering program and interconnection agreement on or before July 1, 2009. We appreciate that in failing to provide an interconnection agreement for the existing 82 net metered customers, Lake Worth failed to comply with part of its obligation under the law. **However, by imposing this moratorium, the City is making matters worse, and is now failing to comply with Florida law with respect to *both* requirements.**

Vote Solar also wants to ensure that the City is aware of its federal law obligations with respect to solar-generating customers. It is unclear to Vote Solar whether this moratorium would be imposed on all solar installations, or is just limited to customers who intend to avail themselves of the state's net metering law. In addition to its obligations under Florida law, the City may also be subject to the Public Utilities Regulatory Policies Act, or PURPA, concerning interconnections of self-generating customers, which the statute refers to as qualifying facilities. We encourage the



City to make itself aware of these obligations as it considers its duties to self-generating customers in its service territory.

While we appreciate that the moratorium as approved was lowered from six months to four months, we still believe that a moratorium of this length continues to unreasonably restrict customers' ability to go solar – and also hampers important economic development in the City. Vote Solar also believes that the time entailed in getting the *existing* 82 customers onto interconnection agreements should not be a rationale for delaying *new* solar customers' interconnections.

If the City indeed hopes to be portrayed as “pro solar,” we encourage it to reconsider this moratorium. There is no reason why such a moratorium is necessary. With all respect to City staff, we believe that the City could easily adopt an interconnection agreement based on what has already been implemented by other neighboring municipal utilities in Florida – even as a placeholder or interim policy – and that this is an insufficient reason to suppress customers' right to install solar on their own property. Vote Solar has significant expertise in these matters and would be happy to provide guidance on best practices with respect to such an interconnection agreement.

We are also concerned with statements by Utility Manager Ed Liberty that Lake Worth's net metering program is “disproportionately beneficiary relative to the customer base,” a vague and unsubstantiated allegation that does not appear to be limited to or even rationally related to the legal obligation to provide an interconnection agreement. We also are aware that the City has signaled its intent to review net metering rates in the future. Based on these and other comments, we are concerned that the purported rationale for this moratorium is in fact a red herring. Vote Solar works with policymakers and utilities across the country to adopt common sense, fact-based and fair compensation rates for solar, and we strongly encourage the City to reach out and collaborate with us and other interested stakeholders prior to making any changes to its net metering program.

We appreciate the opportunity to address these important matters, and would be open to meeting with the City at your convenience to further discuss how it can best protect solar rights and facilitate clean energy investments in Florida. You can reach me at katie@votesolar.org or by phone at (706)224-8017.

Sincerely,

Katie Chiles Ottenweller
Southeast Director
Vote Solar