



Audubon OF FLORIDA

2507 Callaway Road  
Suite 103  
Tallahassee, FL 32303  
Tel. (850) 224-7546  
[www.audubonofflorida.org](http://www.audubonofflorida.org)

January 8, 2009

Florida Public Service Commission  
Chairman Matthew M. Carter II  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399-0850

**Re:** Establishment of the Renewable Portfolio Standard Rule  
Comments on the January 9, 2009 RPS rule development in lieu of public testimony

Dear Chairman Carter,

I am writing on behalf of Audubon of Florida to offer comments as part of the discussion of the Renewable Portfolio Standard (RPS) rule. This letter is being sent in lieu of providing public testimony at the next hearing, scheduled for January 9, 2009. Due to the annual Everglades Coalition conference in Miami I am unable to be there in person but want to make sure Audubon's views are considered.

Audubon has participated throughout the rule development process, is a member of the Renewable Energy Alliance (REAL), and has examined the December 31, 2008 staff report. Much work has been undertaken to develop a RPS for Florida, and Public Service Commission (PSC) staff recommended in its report that the Commission refer up to three different RPS rules or amendments to the Legislature. Audubon believes that HB 7135 is unambiguous with regards to its direction that the "The Commission shall present a draft rule for legislative consideration on February 1, 2009." (Section 42. Section 366.92 (3)) Therefore, we urge Commissioners to submit just one recommended rule to the Legislature rather than a series of options.

As to the substance of the RPS rule, Audubon stresses that studies have shown that Florida has the renewable energy resources—and an excellent opportunity—to implement a RPS that achieves 20% renewable energy generation by the year 2020. To achieve this goal, the rule should incorporate a two percent floor—not cap—on additional costs; allow the PSC to roll over unused expenditure capacity on an annual basis; as well as raise the floor percentage after a five-year period to encourage further investment. We strongly support this 2% floor because it will provide a real financial commitment toward renewable energy development and growth of the renewables industry in Florida. If a cap is necessary, we suggest a cap that averages 5%. Additionally, we support including provisions for standard offer contracts that provide certainty to renewable energy developers and that are not cumbersome or place providers at a disadvantage.

Finally, the Commission should not consider Issue 3 of the staff report or its recommendation to incorporate energy from nuclear and coal plants into the RPS. These

energy generation sources are neither renewable nor clean. Incorporating nuclear and coal undermines the establishment and implementation of a successful renewables program and an economically vibrant renewable energy market. Additionally, we object to including nuclear or coal as the legislative rule authority does not anticipate or call for those sources.

Thank you for your consideration of these comments and we look forward to working with the Commission to achieve an effective RPS rule.

Sincerely,

A handwritten signature in black ink, appearing to read "Eric Draper". The signature is fluid and cursive, with the first name "Eric" and last name "Draper" clearly distinguishable.

Eric Draper  
Deputy Director