**Shop for electricity? Florida voters could decide in 2020.**

**By Samantha J. Gross***Herald/Times Tallahassee Bureau*

[ORDER REPRINT →](https://www.mcclatchyreprints.com)

January 24, 2019 02:18 PM,

Updated January 24, 2019 04:56 PM

How solar energy works: The simplified version

Solar energy is the most abundant source of energy on Earth, but how can it be used to power everyday life? The answer is through solar panels. Here is a simplified version of how solar energy can be used to power a home.

By Jenna Eason

Up Next

×

A petition for a ballot measure that could potentially reinvent Florida’s electric utility industry is headed to the Florida Supreme Court.

The petition reached the threshold of 76,632 signatures required to be reviewed by Attorney General Ashley Moody and soon after, Florida’s highest court, according to Alex Patton, the chairman of Citizens for Energy Choices political committee.

The proposal, put forward by the political committee, calls for the customer’s “right to choose” and would loosen the grip of private utility monopolies like Florida Power & Light, Gulf Power, Duke Energy and Tampa Electric Company. It would allow customers to pick their electricity providers from a competitive market or give themmore options to produce solar energy themselves.

The language aims to protect customers against deceptive or unfair practices and establish an independent market to make energy sales competitive, the Alachua-based committee says.

The committee had raised more than $1.1 million as of Dec. 31, with all seven donations coming from Coalition for Energy Choice, Inc., an Alachua nonprofit. So far, it has spent about $574,080 on mainly petition verification and signature gathering.

The proposal says nothing in the language should be interpreted to affect the existing rights of utility companies or the state’s policies on energy. But utilities fear more competition and more rooftop solar means lower costs and therefore, lower bottom lines for the regulated monopolies.

“The longer-term threat of fully exiting from the grid [or customers solely using the electric grid for backup purposes] raises the potential for irreparable damages to revenues and growth prospects,” wrote the Edison Electric Institute, the investor-owned utility trade group, in a 2013 report.

Opponents have also said the market changes would be complicated and that customers would not save much in costs.

“Deregulation does not reduce prices for the average customer,” said Cherie Jacobs, a spokeswoman for Tampa Electric. “Deregulated states have some of the highest energy prices in the nation. Tampa Electric customers pay prices that are significantly below the national average — about 19 percent lower.”

“Deregulation is a historically failed idea that will be harmful for consumers, bad for Florida’s economy and damaging to our state’s clean energy progress,” said FPL spokesman Chris McGrath. “We intend to fight this measure because it’s a disastrous idea pushed and funded by special interests that will hurt Florida’s economic stability and, most of all, our customers.”

FPL has promised to install more than 30 million solar panels by 2030 and eliminate its last coal-fired plant by the end of this year. With the new plan, the company said it hopes to be the largest operator of solar generation in the country.

Patton, the political committee’s chairman, said the threat of competition is a good thing for the renewable market, but added that having choice is still key.

The proposal is modeled closely after Texas’ deregulation under former Gov. George W. Bush, where the market is open to new parties who could generate and sell electrical power.

Parent companies like NextEra Energy, which owns FPL and Gulf Power, make money in competitive markets like Texas but the role of utilities as a special interest is different there than it is in Florida, Patton said, where investor-owned utilities pour millions into candidates and political committees each election cycle.

The proposal faces a hard road ahead if history is any indication.

“When you are powerful and entrenched, you fight against change and disruption,” Patton said. “The monopoly utilities have proven in other states that they will bankroll almost an unlimited amount of money. We’re going to have to do more with less, be smarter and make our case very clear.”

The energy choice issue had an unsuccessful run in 2018 through both the Legislature and the Constitution Revision Commission, which convenes once every 20 years to examine the Florida Constitution and propose changes.

Associated Industries of Florida, a group that opposed the CRC proposal last year, said it is “staunchly opposed” to the ballot initiative.

“We believe deregulation would have a detrimental impact on Florida’s businesses and citizens in the form of increased cost of electricity and market uncertainty,” said AIF President and CEO Tom Feeney. “Deregulating Florida’s electric utility industry would create inefficient and uneven services throughout the state, causing major chaos when a natural disaster strikes.”

Citizens for Energy Choices said this time, the only way to “give voters what they want” is the amendment proposal.

“Marijuana, $15 minimum wage are all things that do very well in public opinion,” Patton said, referring to past and present ballot proposal ideas. “This petition initiative process is the way to break the logjam.”

In 2016, solar industry advocates tried to get a proposal on the ballot that would allow homeowners and businesses to sell excess solar generation to third parties in an effort to expand rooftop solar, but the proposal never made it on. The practice is allowed in all but four other states.

That same election cycle, utilities backed a ballot measure that claimed to expand solar in Florida but was actually intended to amend the language in the Florida Constitution to limit rooftop solar expansion in the future. The misleading Amendment 1 proposal failed to get the vote, just a month after [the Herald/Times obtained audio](https://www.miamiherald.com/news/politics-government/election/article109017387.html) of Sal Nuzzo, a vice president at the James Madison Institute in Tallahassee, detailing the misleading strategies used to create and finance the amendment, which received more than $21 million in utility industry financing.

In the audio, he called it “an incredibly savvy maneuver” that “would completely negate anything they [pro-solar interests] would try to do either legislatively or constitutionally down the road.”

“To the degree that we can use a little bit of political jujitsu and take what they’re kind of pinning us on and use it to our benefit either in policy, in legislation or in constitutional referendums — if that’s the direction you want to take — use the language of promoting solar, and kind of, kind of put in these protections for consumers that choose not to install rooftop,” he said.

Susan Glickman, Florida director of the Southern Alliance for Clean Energy, was one of the most outspoken opponents of Amendment 1. She said the public will support utility choice because for one thing, people like having choice.

Glickman compared the proposal to the deregulation of the telecommunications industry, noting that having a choice of phone carriers resulted in significantly lower costs for cell service.

“We’ve been in this regulated market for a long time,” she said. “It would be the first time in 20 years that there was a large market opened up.”

She said the public will also likely support the proposal because of residual bad feelings toward monopoly utilities after how they handled Amendment 1.

“We’ve seen it in polling,” she said. “It’s a direct result of their bad behavior being exposed.”

South Miami Mayor Phillip Stoddard, who powers his electric car and entire house with solar panels, echoed Glickman’s sentiment. He said bad press changed public opinion, and now people are much more skeptical of the monopoly utilities.

“Nobody trusts FPL anymore to do what they say they’re going to do,” he said.

Stoddard referred back to Amendment 1, for which the utility-backed group paid signature gatherers $4 per signature — twice what the opposing energy-backed group paid.

After reaching a crucial threshold and getting court approval for its ballot language, the group collecting signatures for the opposing energy-backed group raised its rates for each new signature from $2 to $3.25. Their proposal never made it onto the ballot.

This time around, signature gathering is proving to be a problem once again. Ballot Access, a signature-gathering firm, was hired to get signatures for the crucial threshold in October. Once they did, they started the process of negotiating a contract to collect the rest of the signatures.

They quit the agreement before they signed a contract.

“They suddenly found a conflict,” Patton said.

Ballot Access could not be reached for comment.

Read more here: <https://www.miamiherald.com/news/politics-government/state-politics/article225004695.html#storylink=cpy>

Business groups sound off on utility ballot proposal

“This proposal is a false promise wrapped in a too-good-to-be-true wrapper.”



By [**Drew Wilson**](https://floridapolitics.com/archives/author/drew)

On January 24, 2019

A proposed constitutional amendment that purports to bring freedom of choice to utility customers is drawing the ire of the state’s two largest business associations.

The Florida Chamber of Commerce and the Associated Industries of Florida put out statements Thursday condemning the measure backed by the [**Citizens for Energy Choices**](https://dos.elections.myflorida.com/committees/ComDetail.asp?account=73832) political committee.

The proposal would change the state constitution to allow customers to choose their electricity providers and would limit the role of investor-owned electric utilities — private companies such as Florida Power & Light, Duke Energy Florida, Tampa Electric Co. and Gulf Power Co. — to constructing, operating and repairing transmission and distribution systems.

Put simply, utility deregulation is a process where ratepayers can opt out of paying their local untility for power and instead purchase it on a “retail energy market” — that energy would still come from the same local provider.

Backers of the amendment claim the proposed amendment would save the state more than $5 billion a year, with the main benefits being lower electric bills, new jobs and more energy via renewables.

Chamber President **Mark Wilson** says that’s malarkey.

“This proposal is a false promise wrapped in a too-good-to-be-true wrapper that has no place in our state’s constitution. Despite claiming to promote choice, it would prohibit Floridians from choosing the very Florida companies that currently serve them,” he said.

With an increasingly fragile economic outlook, now isn’t the time to create unnecessary uncertainty and risk raising Floridians’ cost of living even further. Whether a senior on a fixed income, a college student working part time in order to keep going to class, or a local business struggling to make payroll, Floridians deserve affordable and reliable electricity,” he continued.

Wilson noted that Florida utility rates were 25 percent lower than those of the average deregulated state last year.

Indeed, private utility companies have slashed rates over the past couple of years — Panhandle electric co Gulf Power recently had a new rate plan approved that will see their customers [**pay a lower monthly bill**](https://floridapolitics.com/archives/284012-gulf-power-tax-savings-headed-to-ratepayers) than they did a decade ago.

When it comes to renewables, Florida Power & Light has taken the driver’s seat, recently announcing their plans for a [**massive solar power rollout**](https://floridapolitics.com/archives/285609-fpl-rolls-out-30-by-30-solar-road-map) over the next decade. The company said more than half of its power will come from renewables by 2020.

The Chamber’s stance was echoed in AIF’s Thursday release. AIF President **Tom Feeney** said his group was “staunchly opposed to the deregulation of Florida’s electric utility industry,” citing the the rate increases brought about in other states.

“Deregulating Florida’s electric utility industry would create inefficient and uneven services throughout the state, causing major chaos when a natural disaster strikes,” he said. “The bottom line is a deregulated market does not work in other states and will not in the Sunshine State. AIF remains committed to opposing this ill-conceived policy.”

AIF also included comment from **John Quackenbush**, the former chairman of the Michigan Public Service Commission. Michigan instituted a partial utility deregulation years ago, and ratepayers in the state are forking over an estimated $300 million more per year than they would under the old system.

It is very troubling a state like Florida that already has low electricity rates, would even consider electricity deregulation. While a handful of states chose this path 20 years ago, the electricity prices in these states are on average higher than those in Florida,” Quackenbush said. “Those higher prices, along with other issues including poor customer service and fraud, have resulted in calls to return to a regulated electricity market among elected leaders and consumers in many states.

“Floridians already benefit from utilities that are highly respected around the nation for their operational efficiencies,” he continued. “In addition to higher prices, Florida consumers should be concerned about the potential for reduced reliability and aggressive and/or deceptive marketing tactics that this proposal to deregulate the electricity market would invite.”

The Florida Chamber and AIF condemnations come as the initiative, known as “[**Right to Competitive Energy Market for Customers of Investor-Owned Utilities**](https://dos.elections.myflorida.com/initiatives/initdetail.asp?account=73832&seqnum=1),” hit the threshold to be reviewed by the Attorney General and state Supreme Court.

As of Thursday, the proposed amendment had 76,632 valid petition signatures. Amendments need 766,200 signatures to make the ballot and must earn at 60 percent of the vote to pass.