



HERALD FILE PHOTO, 2011

Justin Collison, left, and Jay Chandler of Sunshine Solar company install a solar panel array for a whole-house solar power source at a home in Pinecrest.

Rival solar petitions spawn confusion

Dueling solar ballot initiatives

Petition gatherers are swarming the state to collect signatures for two ballot initiatives related to solar-generated electricity. Floridians for Solar Choice is focused on opening the market to competition. Consumers for Smart Solar is focused on preserving status quo of government regulation.

FLORIDIANS FOR SOLAR CHOICE

● **What it will do:** The amendment would open Florida's energy market to competition by removing a ban on homeowners and businesses from signing lease agreements with companies to install equipment to generate up to 2 megawatts of electricity by solar energy and sell to contiguous properties. The homeowner or company would pay the third-party solar company for the cost of the power generated. The amendment prevents utility companies from charging a solar user more for backup power and to connect to the grid.

● **What it won't do:** The proposal will not lead to unregulated electricity generation. It will also not guarantee lower electric rates. The Legislature, local governments, and the Florida Public Service Commission, the state utility regulator, now protect consumers from utility fraud and excessive costs. They impose regulations to maintain consumer safety and the power grid. They would continue to have that role over all utility companies, including solar companies, unless the existing laws are changed by the Legislature. It will be up to regulators to determine the full impact of more competition.

● **Financial backing:** The top contributor, giving \$1.1 million, is the Southern Alliance for Clean Energy, a Knoxville-based 501(c)(3) that promotes renewable energy policies. Because the organization is not required to reveal its donors, its funding is not transparent.

The other top backers are: \$50,000 from Barbara Stiefel, Coral Gables environmentalist; \$25,000 from Infinite Energy, an energy marketing firm with offices in Gainesville; \$25,000 from Conservatives for Energy Freedom, a consulting firm from Buford, Georgia; and \$10,000 each from Williamson Automotive, a Miami car dealership, and Leverette F. Lynn, a retired doctor from Miami.

CONSUMERS FOR SMART SOLAR

● **What it will do:** The amendment maintains the status quo, which allows homeowners and companies to install solar equipment and sell the electricity it generates to the grid at retail costs — as long as homeowners or businesses pay for the installation and own it themselves. The proposal also will retain current laws that allow state and local governments to charge people who install solar to pay more for backup power and access to the electric grid — policies that have traditionally inhibited solar companies from attempting to compete with the existing utility monopolies.

● **What it won't do:** Because the proposal embeds into the Florida Constitution existing law, there would be no reduction in consumer protections but it also does not guarantee any additional consumer protections. It also does not guarantee that electricity prices will not rise, that utility companies will increase their investment in solar, or that utility companies will not seek to charge current customers for future power plants.

● **Financial backing:** Nearly all of the major donors to the group are utility companies or organizations that can pass-through money from utility companies. The largest contributor is \$200,000 from Let's Preserve the American Dream Inc., a Tallahassee-based nonprofit that is not required to report its donors so its funding is not transparent. The company was organized by Associated Industries of Florida, a lobbying group funded, in part, by utility interests.

The other top contributors to the initiative are: \$180,000 from Gulf Power, a northwest Florida utility company; \$175,000 from Florida Power & Light, the state's largest utility company; \$175,000 from Tampa Electric Company; and \$160,000 from Duke Energy.

— MARY ELLEN KLAS

Fight is over whether or not to open utility monopoly to solar competition

With a tight deadline, both groups have hired petition gatherers

Misleading claims are causing voter confusion

BY MARY ELLEN KLAS
Herald/Times Tallahassee Bureau

Although many Floridians may not know it, two competing organizations are circulating petitions about solar power that could dictate the future of the state's lucrative electricity market in a well-funded battle for signatures — and voter confusion has been the result.

Becky Van Horn of Hollywood says she “was duped” into signing a utility-backed Consumers for Smart Solar petition by being told it would make it easier for people to switch to solar power in Florida.

“I didn't realize there were two petitions going around,” said Van Horn, a senior at Florida International University who signed a petition on the Biscayne Bay campus after talking to a “very knowledgeable” pro-solar petition gatherer. “I think a lot of people do that. They don't really read what they're signing.”

Donna Redish of Tampa says she “was scammed” into signing the same petition because it was described as the “revised, updated version” of the competing Floridians for Solar Choice initiative she had already signed.

And when Greg Fussell was handed the Smart Solar petition, he rejected it as the one promoted by utility companies, so he was given another — the one promoted by the solar industry, he wrote in a letter to the editor of the Gainesville Sun.

“Why the first one?” Fussell said he asked the young petition gatherer outside the University of Florida Health Science Center. “I get paid more,” he was told.

Organizers of the utility-backed Smart Solar initiative say they have no intention of misleading voters.

“It defies all logic to suggest that we think confusing our amendment with theirs will help us get signatures,” said Sarah Bascom, spokeswoman for the group. “If that is happening, we want to know about it because we won't tolerate it.”

But it's a scenario many

Florida Restaurant and Lodging Association, the Florida Retail Federation, the League of Women Voters, the Christian Coalition and the Libertarian Party.

Florida is one of four states that prohibit anyone but a regulated utility from selling electricity and, after years of trying to change that in the state Capitol, backers of the Solar Choice proposal are taking the fight to voters. The amendment also prevents utility companies from trying to erect barriers to competition by charging solar users new fees in order to connect to the grid or use backup electricity — a tactic electric companies are using in other states that allow third-party sales of solar energy.

The ballot language has been approved by the Florida Supreme Court, but organizers still must get more than 480,000 signatures. To get there, they have raised \$1.3 million — mostly from the Southern Alliance for Clean Energy, a 501(c)(3) organization that does not have to disclose its donors. The group relies on volunteers, but also has hired Progressive Campaigns Inc. to gather petitions. The petition-gathering firm also brought medical marijuana, Fair Districts and the Land and Water Conservation amendments to the state ballot in recent years, and is handling the marijuana petition again.

On the other side is Consumers for Smart Solar, which would embed into the constitution what is now allowed by law: “the right under Florida's constitution for consumers to own or lease solar equipment installed on their property to generate electricity for their own use.”

Current law allows consumers to install solar as long as they pay for the initial costs of the installation and do not sell the power generated to other consumers. State regulators require solar companies to buy excess power from individuals at retail rates, and the amendment would continue that.

The Smart Solar group has raised \$1.4 million, mostly from utilities or supportive companies, and it has yet to submit its ballot language, with the title “Rights of Electricity Consumers Regarding Solar Energy Choice,” for review by the Florida Supreme Court.

The amendment has the backing of an array of business groups, including the National Black Chamber of Commerce, the Florida Hispanic Chamber of Commerce, the 60 Plus Association, and Florida Faith and Freedom Coalition. To get the nearly 570,000 signatures it needs, it has hired Nevada-based National Voter Outreach.

The rival petitions have fueled an unprecedented

race for signatures. Until last week, the utility-backed Smart Solar group paid twice as much as the clean energy-backed Solar Choice group to its hired petition gatherers: \$4 per signature.

But after reaching a crucial threshold on Oct. 22, and getting court approval for its ballot language, the Solar Choice group upped the ante. It raised its rates for each new signature from \$2 to \$3.25.

“We're serious as a heart attack to qualify this thing, and their whole purpose in life is to confuse and block,” said Stephen A. Smith, executive director of the Southern Alliance for Clean Energy.

When Solar Choice paid \$1, Smart Solar paid \$2, he said. “When we went to \$2, they went to \$4. We'll see what they're going to do now.”

Bascom, the Smart Solar spokeswoman, accused the rival group of “strong arm tactics,” saying they required medical marijuana petition gatherers to only carry the Solar Choice initiative, not her group's Smart Solar ballot.

But Smith denied that is happening. Instead, he said, his petition gatherers take the opposite view. “We don't really care if they carry both because we know their amendment isn't going to get through the Supreme Court.”

Bascom said that although petition gatherers are independent contractors, her group will not allow its petition gatherers to carry both petitions “since it represents an obvious conflict of interest to carry two opposing issues.”

“As independent contractors, they can work for different petition drives, just like political consultants or lobbyists or other vendors can work for different clients — so long as it does not present a conflict of interest,” she said. She also acknowledged that her vendor has threatened legal action.

“If we find you are working both solar petitions, there will be legal consequences and we will not purchase any of your Smart Solar petitions,” warned a National Voter Outreach organizer on a September phone message provided to the Herald/Times.

Bascom noted, however, that “there are occasionally bad actors who, despite agreeing not to carry both, do so in the hopes of not getting caught. When they are caught, our vendor no longer uses their services.”

Meanwhile, organizers report frequent confusion on the street over what both amendments do.

Jennifer Rubiello, state director of St. Petersburg-based Environment Florida, said that she often sees petition gatherers for Smart Solar promoting their plan as if it were the Solar Choice initiative — claiming it will bring more choice to the solar market in Florida.

“It infuriates me on a daily basis,” she said. “Either they think they are helping the solar cause and they've been duped or they are just there to get the quick bucks.”

Sarah Younger, an artist in Boynton Beach who has organized petition-gathering efforts in Palm Beach County, said she has watched as competing petition gatherers “give people a lot of misinformation.”

Bascom said that her group's petition gatherers “agree to use talking points from the same fact sheets that are on our website” and that using the rival's logos and materials “is not authorized.” She said that if she is provided a description of the circulator, or their name and where and when the alleged actions took place, they would have the vendor investigate.

Tampa Bay Times staff writer Jeremy Wallace contributed to this report.

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