

More Smoke, More Mirrors For Solar Politics In Sunshine State

William Pentland - Forbes Magazine

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The politics of solar power seem to have taken a decidedly dark turn in the Sunshine State.

To be fair, despite the license plate slogan, Florida has never been very sympathetic with the sun. Under current law, only utilities are able to sell electricity to customers in Florida, including power generated by solar panels.

Over the better part of the past year, Floridians for Solar Choice (FLSC), a political action committee funded primarily by the Southern Alliance for Clean Energy, has been collecting signatures to get a proposed constitutional amendment on the ballot in the 2016 election. The proposed amendment would allow non-utility companies to sell solar power to customers directly.

Florida's investor-owned utilities are anything but keen on the ballot proposal. This may explain why some people suspected that Florida Power & Light (FPL), a wholly-owned subsidiary of NextEra Energy and the state's largest utility, may be backing Consumers for Smart Solar (CSS), a political action committee that appeared out of the blue last week. To be fair, the organization was officially founded on July 8, 2015, according to the Florida's Department of State.

In less than a week, CSS launched a snazzy new website loaded with professionally produced multimedia content, recruited a slate of high-profile supporters and staged a major news conference kicking off its statewide ballot initiative. CSS seems more interested in denigrating FLSC's amendment than promoting its own rival solar ballot.

Where did CSS come from? Who paid to set it up?

CSS has not yet raised a single dollar in contributions, according to records from Florida's Division of Elections.

Given the organization's rabid rhetoric against what it calls the "Big Solar" industry, one might suspect FPL was the source of CSS's money.

"We have appreciated the opportunity to offer technical and policy assistance to Consumers for Smart Solar in the development of their amendment," FPL spokeswoman Alys Daly said, an FPL spokeswoman said in an email to John Howell in The Daily Fray. "We have not yet made a donation, but we certainly intend to join others in supporting the effort."

I am not an expert in campaign finance law, but I could not help but notice the FPL spokeswoman's odd choice of words. Campaign finance laws regulate campaign "contributions" – not "donations." In Florida's Political Committee Handbook, the word "contribution" appears 144 times. By contrast, the word "donation" is not used even once.

A "contribution" may include circumstances where a company pays its employees to provide "technical and policy assistance" to a political action committee (PAC), but it is anybody's guess what "donations" include.

Normally, I probably would not have wondered about these things, but "normal" rarely applies in Florida's utility industry. My suspicions deepened when I discovered that CSS is located at the same address as another elusive PAC called "Take Back Our Power," which was funded almost exclusively by FPL as part of a bitter political battle between the utility and the City of South Daytona.

In 2011, South Daytona's City Council voted in favor of creating a municipal utility rather than renewing a 30-year franchise agreement with FPL. "Take Back Our Power" was founded in 2012 and appears to have existed solely for the

purpose of preventing the establishment of a municipal electrical system in South Daytona.

FPL contributed almost \$400,000 to Take Back Our Power, including a significant amount of so-called “in-kind contributions” described in public records as “Consulting Services.” Think “technical and policy assistance.”

Take Back Our Power was located at the same address as CSS – 2640-A Mitcham Drive, Tallahassee, Florida 32308. The office building located at the address is actually occupied by Carroll & Company, a an accounting company that provides campaign finance compliance services. Carroll & Company served as the Campaign Treasurer for Take Back Our Power. It is playing the same role for CSS.

A few weeks before South Daytona voted on the ballot measure backed by Take Back Our Power, South Daytona’s City Council met to discuss, among other things, a controversial letter the organization had sent to voters. I’ve included a few excerpts from the meeting minutes below, which suggest that Take Back Our Power was little more than a front group for FPL.

Joseph Yarbrough, the City Manager of South Daytona, “stated that a PAC could say anything and have an unlimited amount of money. He noted the average spent was \$80 per vote on the charter amendment. There had never been a campaign in the history of the city all combined that ever came close to spending that amount of money. If the city is for sale, it’s for sale . . . after six years of sending facts out and doing the best to provide the information to the citizens including transparency, the public doesn’t get involved. They have a tendency to look at slogans rather than the information. The city knew that FPL could do polls every week to measure the public opinion and spend whatever money necessary to protect their territory. FPL does not want to sit down and settle a dispute.”

Darryl Reichenberger, a resident of South Daytona, “stated that he was offended by the letter from ‘Take Back Our Power’ . . . [which] was blatantly full of untruths and some half-truths . . . He asked that the city council do more public education. He said ‘Take Back Our Power’ had no desire to debate the facts but simply spread the information that FPL wanted.”

I may be wrong, but I don’t think CSS would be legal but for the U.S. Supreme Court’s decision in “Citizens United.”