

## “No” Votes Mean an Electoral Win for Solar Energy in Sunshine State

Despite national election returns that darken the prospects for environmental protection, there is a ray of sunshine in the defeat of a Florida ballot initiative designed to thwart residential solar projects. In a year in which the residential solar market recorded its one millionth installation according to the Solar Energy Industries Association, the Florida ballot measure attracted considerable attention.

The measure, titled the Rights of Electricity Consumers Regarding Solar Energy Choice, appeared to promote residential solar by establishing a state constitutional right to own or lease equipment to generate solar electricity for personal use. The amendment, however, also provided utilities with the ability to undermine solar energy growth.

Specifically, the ballot measure provided that “state and local governments retain their abilities to protect consumer rights and public health, safety and welfare.” It also ensured that “consumers who do not choose to install solar are not required to subsidize the costs of backup power and electric grid access to those that do.”

According to Floridians for Solar Choice — a broad coalition of businesses, governmental entities, and environmental groups funded primarily by the Southern Alliance for Clean Energy — the amendment would have “pave[ed] the way for barriers that would penalize solar customers.” For example, it would have enabled utilities to charge fixed fees to customers who install solar and to curtail the practice of net metering, whereby customers are paid for excess energy they generate and put into the grid. Furthermore, Floridians for Solar Choice, which spent over \$1.6 million to defeat

the amendment, according to Ballotpedia, maintained that utility customers “already have the right to purchase or lease solar equipment” and “are already fully protected under Florida’s existing consumer protection laws.”

The primary group supporting the measure, Consumers for Smart Solar, which spent over \$25 million and received the majority of its funding from electric utilities, touted the amendment as a way to “promote the increased use of solar power.” It became apparent, however, that this was a ploy to win votes. In mid October, the measure’s purpose was laid bare by the vice president of the James Madison Institute, who explained in a recording obtained by the *Miami Herald* that the measure was intentionally framed as pro-solar to win votes, while its actual intent was to “negate” efforts to advance solar energy.

### Despite some clever wording, voters saw through the anti-solar ballot language

Even though the measure was drafted in a misleading manner, it survived State Supreme Court review on a 4-3 vote in March prior to being placed on the ballot. As more information surfaced about the intent of the ballot measure, solar advocates asked the court to reconsider, but the justices rejected their requests.

On November 8, the measure failed to win the 60 percent approval required for amendments under the state constitution, although it received slightly more “yes” than “no” votes — 50.7 percent voted in favor. The results appear to indicate that voters support residential solar and do not appreciate ballot subterfuge. Nevertheless, the key issue underlying the Florida ballot measure is not going away — to wit, how can utilities effectively integrate roof-top solar into their business models?

Advocates of the Florida amendment contended that utilities need to



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be able to recover costs for grid maintenance and counched the measure, in part, as an effort to protect less wealthy consumers from incurring costs associated with roof-top solar. The presidents of the U.S. and Florida State Hispanic Chambers of Commerce endorsed the measure on these grounds in a *Florida Politics* post, pointing to “unfair net metering policies” and concluding that “those who don’t or can’t afford to choose solar, shouldn’t have to subsidize the energy choices of those who do.”

But a recent Brookings Institution report concludes that “a significant body of cost-benefit research” conducted by public utility commissions, research organizations, and others “provides substantial evidence that net metering is more often than not a benefit to the grid and all ratepayers.” The authors urge regulators and utilities “to engage in a broader and more honest conversation about how to integrate distributed-generation technologies into the grid nationwide” — including ways to develop a “fair utility cost recovery strategy that does not pose significant challenges to solar adoption.”

Hopefully, the failure of the Florida amendment will catalyze a more genuine dialogue that covers not only utility and consumer costs, but also the environmental costs of discouraging residential solar. And, that discussion should start now, as SEIA estimates (presumably barring federal tax incentive changes) that residential solar will hit the two millionth installation mark before the midterm elections.