



215 Pennsylvania Avenue, SE • Washington, D.C. 20003 • 202/546-4996 • www.citizen.org

Battle Over Florida Solar Initiative Dominated by Just Four Utility Companies That Spent \$12 Million to Support the Initiative

Spending by Four Utility Companies Makes Up 65% of All Spending in Campaigns for or Against the Florida Right to Solar Choice Initiative, Amendment 1 on the November Ballot

By Rick Claypool, a research director at Public Citizen

July 27, 2016 — A Public Citizen analysis of Florida campaign finance data shows that spending in the contest for the misleading Florida Right to Solar Choice ballot initiative is dominated by just four Florida utility companies. The initiative would make changes to Florida’s constitution that would do nothing to make it easier for homeowners to generate their own solar power while enabling utilities to restrict and increase costs for rooftop solar generation.

Key Findings

- Utility companies – Florida Power and Light Company, Duke Energy, Tampa Electric Company and Gulf Power Company – together contributed \$12,144,125 to Consumers for Smart Solar, a political action committee (PAC) whose aim is to pass the initiative.
- The utility company contributions amount to 74 percent of all contributions to this PAC and 65 percent of all spending for or against this initiative.¹
- The utility company contributions to Consumers for Smart Solar PAC are as follows (see Appendix I and II for additional top corporate / business group contributors):
 - Florida Power and Light Company (a NextEra Energy subsidiary): \$4,145,000
 - Duke Energy: \$3,987,000
 - Tampa Electric Company (an Emera Incorporated subsidiary): \$2,352,675
 - Gulf Power Company (a Southern Company subsidiary): \$1,659,450
- Contributions from other corporations and business groups to Consumers for Smart Solar add up to \$12,844,225, 78 percent of the \$16,374,245 total this PAC has received.²
- The \$3,530,020 in non-corporate contributions to Consumers for Smart Solar includes ideological 501(c)3 and 501(c)4 nonprofits, which are not required to disclose their donors, and which may act as conduits for corporate dark money. The largest of these contributors is 60 Plus Association, which gave \$1,440,000.³

¹ Publicly available Florida campaign finance data obtained from Florida Department of State, Division of Elections, on July 18, 2016, from <http://dos.elections.myflorida.com/campaign-finance/contributions/>.

² Business groups in this report are defined as 501(c)6 trade groups and PACs that receive corporate funding. The corporate / business groups category does not include ideological 501(c)3 or 501(c)4 nonprofits, which may be corporate-funded but which are not required to disclose their funders (and so, generally, do not).

³ 60 Plus Association is heavily funded through the political network backed by Charles and David Koch, the billionaire heirs of Koch Industries, a privately held corporation that does much of its business in the energy sector. See Michael Beckel, “Koch-backed seniors group low-balling election spending?” Center for Public Integrity (July 30, 2014), <https://www.publicintegrity.org/2014/07/30/15163/koch-backed-seniors-group-low-balling-election-spending>. Other ideological nonprofits that have contributed to Consumers for Smart Solar and are not included in the analysis as corporate/business groups include Let’s Preserve the American Dream (\$890,000) and Checks and Balances (\$420,965).

- In contrast, opponents of the Florida Right to Solar Choice ballot initiative – a coalition that includes environmental groups, tea party groups and solar business groups – have received a total of \$2,125,021 in contributions – which means they are being out-fundraised by nearly 8-to-1.
- Most of the pro-solar fundraising, \$1,826,969, comes from Southern Alliance for Clean Energy Action Fund, a 501(c)4 nonprofit that also does not disclose donors, and which may include business contributions.
- Corporations and business groups contributed \$51,790 toward opposing the initiative, including \$2,000 from the Solar Power PAC, which is funded exclusively by businesses in the solar power sector.

Background

The utility-backed Consumers for Smart Solar PAC⁴ and Florida Right to Solar Choice Initiative were launched to compete with the pro-solar Floridians for Solar Choice PAC⁵ and undermine the pro-consumer Florida Right to Produce and Sell Solar Energy Initiative.⁶

The utility campaign, which has been criticized as “deceptive” by Florida newspapers,⁷ successfully collected the number of petition signatures needed to put its initiative (the Florida Right to Solar Choice) on the ballot.⁸ The pro-solar campaign did not meet the signature threshold, and now has the goal of reaching the ballot in 2018.⁹

The pro-solar Florida Right to Produce and Sell Solar Energy Initiative seeks to amend Florida’s constitution to allow consumers to lease solar panels and to allow owners of solar panels to sell excess energy they produce to neighboring consumers.¹⁰ Currently, only utility companies are permitted to sell energy to Florida consumers, and consumers are prohibited from leasing rooftop solar panels (they must purchase and own the panels themselves, an arrangement that has greater upfront costs than leasing). The Florida Right to

⁴ Consumers for Smart Solar website available at <https://smartsolarfl.org/>

⁵ Floridians for Solar Choice website available at <http://www.flsolarchoice.org/>

⁶ Sam Ross-Brown, “Tea Partiers and Progressives Unite Against ‘Deceptive’ Florida Ballot Initiative,” *The American Prospect* (May 5, 2016), <http://prospect.org/article/tea-partiers-and-progressives-unite-against-deceptive-florida-ballot-initiative>

⁷ Editorial, “Court should reject ‘solar’ amendment,” *Tampa Bay Times* (March 10, 2016), <http://www.tampabay.com/opinion/editorials/editorial-court-should-reject-solar-amendment/2268839>

⁸ Florida Right to Solar Energy Choice Initiative, Amendment 1 (2016) on Ballotpedia (accessed July 25, 2016), [https://ballotpedia.org/Florida_Right_to_Solar_Energy_Choice_Initiative_Amendment_1_\(2016\)](https://ballotpedia.org/Florida_Right_to_Solar_Energy_Choice_Initiative_Amendment_1_(2016))

⁹ Jim Turner, “Solar Choice ballot initiative targets 2018,” *Sun-Sentinel* (Jan. 11, 2016), <http://www.sun-sentinel.com/business/consumer/fl-nsf-solar-choice-2018-ballot-20160111-story.html>

¹⁰ Ivan Penn, “Republican-led group launches ballot petition to boost solar power in Florida,” *Tampa Bay Times* (Jan. 5, 2015), <http://www.tampabay.com/news/business/energy/republican-led-group-launches-ballot-petition-to-boost-solar-power-in/2212659>; William R. Levesque, “As utilities embrace solar, critics accuse them of trying to monopolize the sun,” *Tampa Bay Times* (March 4, 2016), <http://www.tampabay.com/news/business/energy/as-utilities-embrace-solar-critics-accuse-them-of-trying-to-monopolize-the/2268031>

Produce and Sell Solar Energy Initiative also is supported by both environmental groups and Republican-aligned tea party groups, a collaboration that has been characterized as “green tea.”¹¹

The utility-backed Florida Right to Solar Choice Initiative would add language to the Florida constitution allowing for the regulation of solar power providers, including by enabling utilities to charge additional fees for customers who have installed rooftop solar to connect to the electrical power grid.¹² It would keep in place the prohibition on rooftop solar leasing, and would allow excess power produced through solar to be sold back only to the utility companies, not to other consumers.¹³

Florida Right to Solar Choice Initiative will appear on the ballot in November 2016 as Amendment 1. In Florida, a constitutional amendment requires 60 percent of the votes to pass.¹⁴

Appendix I

Contributions to Groups Receiving Corporate Money Supporting or Opposing the Florida Right to Solar Energy Choice Initiative, Amendment 1 (2015-2016)

Group Name	Support / Oppose	Corporate / Business Group Contributions	Total Contributions	Number of Contributions	% Corporate / Business Group Contributions
Consumers for Smart Solar	Support	\$12,844,225	\$16,374,245	113	78%
Floridians for Solar Choice	Oppose	\$49,790	\$2,123,021	612	2%
Solar Power Political Action Committee	Oppose	\$2,000	\$2,000	80	100%

¹¹ Sam Ross-Brown, “Tea Partiers and Progressives Unite Against ‘Deceptive’ Florida Ballot Initiative,” *The American Prospect* (May 5, 2016), <http://prospect.org/article/tea-partiers-and-progressives-unite-against-deceptive-florida-ballot-initiative>

¹² William R. Levesque, “As utilities embrace solar, critics accuse them of trying to monopolize the sun,” *Tampa Bay Times* (March 4, 2016), <http://www.tampabay.com/news/business/energy/as-utilities-embrace-solar-critics-accuse-them-of-trying-to-monopolize-the/2268031>

¹³ *ibid*

¹⁴ Florida Right to Solar Energy Choice Initiative, Amendment 1 (2016) on Ballotpedia (accessed July 25, 2016), [https://ballotpedia.org/Florida_Right_to_Solar_Energy_Choice_Initiative,_Amendment_1_\(2016\)](https://ballotpedia.org/Florida_Right_to_Solar_Energy_Choice_Initiative,_Amendment_1_(2016))

Appendix II

Top Corporate / Business Group Contributions Supporting or Opposing Florida Right to Solar Energy Choice Initiative, Amendment 1 (2015-2016)

Rank	Corporation / Group	Contribution Amount	Receiving Group	Support / Oppose
1	FLORIDA POWER AND LIGHT COMPANY (NextEra Energy)	\$4,145,000	Consumers for Smart Solar	Support
2	DUKE ENERGY	\$3,987,000	Consumers for Smart Solar	Support
3	TAMPA ELECTRIC COMPANY (Emera Incorporated)	\$2,352,675	Consumers for Smart Solar	Support
4	GULF POWER COMPANY (Southern Company)	\$1,659,450	Consumers for Smart Solar	Support
5	FLORIDA PROSPERITY FUND	\$300,000	Consumers for Smart Solar	Support
6	FLORIDIAN'S FOR A STRONGER DEMOCRACY	\$100,000	Consumers for Smart Solar	Support
6	NATIONAL RURAL ELECTRIC COOPERATIVE ASSOCIATION	\$100,000	Consumers for Smart Solar	Support
6	POWERSOUTH ENERGY COOPERATIVE	\$100,000	Consumers for Smart Solar	Support
9	FLORIDA HISPANIC CHAMBER OF COMMERCE	\$50,000	Consumers for Smart Solar	Support
9	THE VOICE OF FLORIDA BUSINESS PAC, INC.	\$50,000	Consumers for Smart Solar	Support
11	INFINITE ENERGY	\$25,000	Floridians for Solar Choice	Oppose
12	WILLIAMSON AUTOMOTIVE	\$10,000	Floridians for Solar Choice	Oppose
13	CONSTRUCTIVE RESOURCE	\$5,000	Floridians for Solar Choice	Oppose
14	FLORIDA SOLAR ENERGY INDUSTRIES ASSOCIATION	\$4,270	Floridians for Solar Choice	Oppose
15	BRILLIANT HARVEST	\$2,500	Floridians for Solar Choice	Oppose
16	SOLAR POWER POLITICAL ACTION COMMITTEE	\$2,000	n/a	Oppose
17	SOLAR ENERGY MANAGEMENT	\$1,500	Floridians for Solar Choice	Oppose
18	US SOLAR INC	\$1,000	Floridians for Solar Choice	Oppose

19	SEM LLC	\$500	Floridians for Solar Choice	Oppose
20	GO SOLAR FLORIDA	\$100	Consumers for Smart Solar	Support