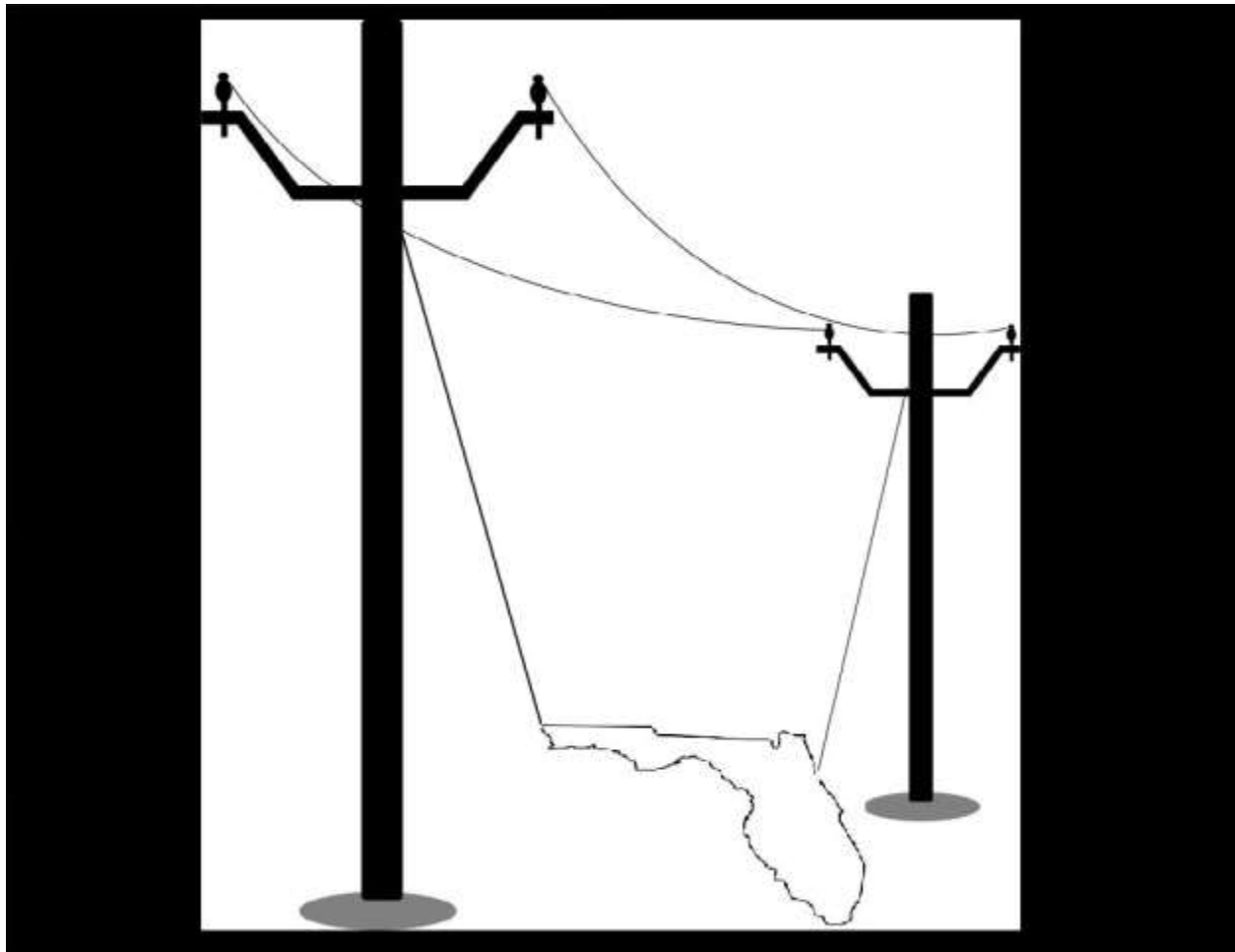


Power Play Redux: Political Influence of Florida's Top Energy Corporations

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i n t e g r i t y
F L O R I D A

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Executive Summary

In 2014, Integrity Florida released a report titled *Power Play: Political Influence of Florida's Top Energy Corporations*.¹ The report examined the political influence of the state's four largest electric utility companies: Florida Power & Light (FPL), Duke Energy (formerly Progress Energy), TECO Energy and Gulf Power. Among other issues, the report analyzed the campaign spending of these four regulated utility monopolies over five election cycles beginning in 2002 through 2012. The report also looked at yearly lobbying expenditures by the companies from 2007 through 2013.

The report cited a March 2013 article² by the Miami Herald that concluded the Florida Legislature increasingly sets its agenda and policy outcomes based on the needs of large political donors rather than the public interest. The article says the utility companies have always been among the largest contributors to legislative campaigns.

In this new report, the Southern Alliance for Clean Energy has asked Integrity Florida to examine political spending by utilities in the election cycles that have occurred since the last report (2014 and 2016) while also looking at ways the utilities attempt to influence legislation and regulators through lobbying expenditures. Below are the key findings of the report and policy options lawmakers may wish to consider.

Key Findings

- **Major campaign donations.** Florida's four largest energy companies contributed more than \$43 million to state level candidates, political parties and political committees in the 2014 and 2016 election cycles.
- **Political spending increasing.** The energy companies spent more than twice as much in the most recent four-year period than in the previous ten-year period documented in the original 2014 Power Play report.
- **Funding for Political Committee.** The state's four largest energy companies spent more than \$20 million to advance a constitutional amendment that critics said would limit rooftop solar expansion.
- **Lobby expenditures trending upward.** Utilities continue to have an outsized lobbying presence in the Florida Capitol, employing more than one lobbyist for every two legislators.

- **Trade associations used to lobby.** While the energy companies are not supposed to use customer dollars to lobby, regulators allow them to bypass the ban by paying dues to trade groups and associations that lobby.

Policy Options to Consider

- **Prohibit campaign contributions by regulated utilities to state candidates and political committees supporting or opposing state candidates.**
- **Customer expenses versus shareholder profits.** Require disclosure when customers cover costs for political spending and lobbying through trade groups and associations.
- **Political Committee reporting.** Require more transparency by prohibiting transfers of money between political committees and clearly identifying in an easily searchable database those with ties to the committee.
- **Client and gift disclosures.** The Florida Commission on Ethics should be required to put quarterly gift and client disclosures online for easy access by the public. Legislators who work for firms that lobby should be filing quarterly client disclosure forms.
- **Lobby compensation reporting.** Require legislative and executive branch lobbyists and firms to report the actual amount of compensation rather than a range as is currently required.
- **Greater independence for the Florida Public Service Commission (PSC).** Because the Florida Public Service Commission is, by definition, a legislative agency and the Florida legislature sets budgets for the PSC and a committee selected by legislative leaders sends the governor a list of potential nominees to serve as Commissioners, greater independence is needed.³

Introduction

This report follows up Integrity Florida's original *Power Play: Political Influence of Florida's Top Energy Corporations* report,⁴ published in March 2014. This update contains campaign finance information covering the 2014-16 election cycle and legislative lobbying expenditure information through 2017. Like the original *Power Play*, the report examines how the Florida Legislature often sets its agenda and arrives at policies based on the desires of large political donors rather than the public interest.⁵ The Southern Alliance for Clean Energy commissioned Integrity Florida to perform this research.

Profiles of Florida's Largest Electric Companies

Florida's largest electric utilities have more than seven million customers in the state, earning approximately \$17 billion in total revenue each year. The Florida Public Service Commission regulates them along with seven investor-owned natural gas utilities and 149 investor-owned water and wastewater utilities.⁶ The largest state utility, Florida Power & Light (FPL), is a subsidiary of NextEra Energy, the world's largest utility company.⁷

The parent companies of the two largest utilities in Florida paid no federal income tax from 2008-15, according to an April 2017 report by the Institute on Taxation and Economic Policy. ITEP said these and other corporations used so many tax breaks that they reported negative federal income taxes and combined state and federal corporation income taxes. The group included NextEra and Duke Energy among 258 profitable Fortune 500 companies that paid no net income taxes in those years.^{8,9,10}

2016 Utility Bundled Retail Sales (Total residential, commercial, industrial)¹¹

Utility	Customers	Retail Sales (megawatthours)	Estimated Revenues	Average Price (cents/kWh)
Duke Energy/Progress Energy	1,743,136	38,773,961	\$4.0 billion	10.25
Florida Power & Light Co.	4,840,240	109,449,111	\$10.1 billion	9.22
Gulf Power Co.	453,139	11,081,505	\$1.3 billion	11.54
Tampa Electric Co. (TECO)	730,504	19,234,525	\$1.99 billion	10.35

Florida taxpayers have paid these four corporations about \$499 million for services, primarily for providing electricity to state-owned or leased facilities, over the last nine years.

State Government Vendor Payments to Largest Utilities, 2008-09 through 2017-18¹²

Utility	Total Paid
Duke Energy/Progress Energy	\$86.0 million
Florida Power & Light Co.	\$295.2 million
Gulf Power Co.	\$61.3 million
Tampa Electric Company (TECO)	\$56.6 million
Total	\$499 million

Electric Utilities' Political Influence in the State Capitol

Florida's four largest electric utility monopolies gave state-level candidates, political parties and committees more than \$43 million during the 2014 and 2016 election cycles. This means they spent more than twice as much on political contributions during a four-year period than they spent during the prior ten-year period covered in the 2014 *Power Play* report.¹³

In the 2014 and 2016 cycles combined, Florida Power & Light (FPL) and its parent company NextEra Energy contributed \$22,892,591, while Progress Energy and Duke Energy spent \$10,366,478, TECO/Tampa Electric \$6,939,994 and Gulf Power \$3,188,498. The overall amount spent by all four companies jumped dramatically from \$12,557,545 in 2014 to \$30,830,018 in 2016. (All campaign finance data presented throughout this section of the report is based on data found in the state's campaign finance database administered by the Florida Division of Elections.)¹⁴

State-Level Political Contributions from Florida's Four Largest Electric Utility Corporations (2014 and 2016 Election Cycles)

Election	FPL	Progress/Duke	TECO	Gulf Power	Total
2014	\$8,039,464	\$2,184,720	\$1,868,090	\$465,269	\$12,557,545
2016	\$14,853,127	\$8,181,758	\$5,071,903	\$2,723,229	\$30,830,018
Totals	\$22,892,591	\$10,366,478	\$6,939,994	\$3,188,498	\$43,387,563

Political Party Contributions

The four investor-owned utilities continue to make large contributions to the state's political parties where there are no limits on the amount of money that may be given. The parties also play a central role in the redistribution of funds to candidates and other political committees. The practice obscures the ability of the press and researchers to draw clear connections between those making contributions and those who receive them.

State-Level Political Contributions from Florida's Four Largest Electric Utility Corporations to Major State Political Parties (2014 and 2016 Election Cycles)

Utilities	Democratic Party	Republican Party	Totals 2014-2016
FPL	\$285,683	\$1,749,008	\$2,034,691
Progress/Duke Energy	\$75,600	\$1,144,049	\$1,219,649
TECO	\$525,500	\$1,998,017	\$2,523,517
Gulf Power	\$39,500	\$398,500	\$438,000
Totals	\$926,283	\$5,289,574	\$6,215,857

The amount given to the state Republican party in relation to the amount given to the Democratic party was much higher during this four-year period than what was found in the previous report. The proportion of contributions to the parties in the last report largely mirrored the two-thirds composition of the legislature.¹⁵ However, during the 2014 and 2016 cycles utilities gave the Republican party more than five times as much as the Democratic party. This dynamic was more dramatic in the 2014 cycle, when the Republican party received roughly six times that of the Democratic party.

State-Level Political Contributions from Florida's Four Largest Electric Utility Corporations to Major State Political Parties by Cycle (2014 and 2016 Election Cycles)

Utilities	Dem Party 2014 Cycle	Rep Party 2014 Cycle	Dem Party 2016 Cycle	Rep Party 2016 Cycle	Totals 2014 & 2016
FPL	\$219,166	\$1,313,666	\$66,517	\$435,342	\$2,034,691
Progress/Duke	\$67,450	\$861,149	\$8,150	\$282,900	\$1,219,649
TECO	\$240,500	\$1,458,017	\$285,000	\$540,000	\$2,523,517
Gulf Power	\$22,000	\$286,000	\$17,500	\$112,500	\$438,000
Totals	\$549,116	\$3,918,832	\$377,167	\$1,370,742	\$6,215,857

The total amount given to both parties by the utilities dropped significantly from 2014 to 2016. In 2014, both parties received \$4,467,948 while in 2016 they received only \$1,747,909. This may have been due to the utilities' support for Amendment 1 ballot initiative in 2016.

Total State-Level Contributions to Major Political Parties (2014 and 2016 Election Cycles)

Utilities	Major Parties 2014	Major Parties 2016	Totals 2014 & 2016
FPL	\$1,532,832	\$501,859	\$2,034,692
Progress/Duke	\$928,599	\$291,050	\$1,219,650
TECO	\$1,698,517	\$825,000	\$2,523,517
Gulf Power	\$308,000	\$130,000	\$438,000
Totals	\$4,467,948	\$1,747,909	\$6,215,857

Utilities gave a significant amount of contributions to affiliated party committees and party leadership during the 2014 and 2016 cycles. The vast majority of these contributions by utilities went to affiliated party committees (\$1,410,000). These accounts are used by legislative majority and minority party leaders to campaign and fundraise for party candidates.¹⁶ Critics

have described them as slush funds for party leaders.¹⁷ Utilities gave nine times as much money to affiliated party committees in 2016 as they did in 2014. The amounts given to party leaders in the chart below reflect contributions made to them directly and to their political committees.

Affiliated Party Committees & Leadership Contributions (2014 and 2016 Election Cycles)

Utilities	2014 Affiliated Party Committees	2014 Contributions to Leadership	2016 Affiliated Party Committees	2016 Contributions to Leadership	Totals 2014 & 2016
FPL	\$0	\$100,500	\$350,000	\$32,500	\$483,000
Progress/Duke	\$125,000	\$51,000	\$400,000	\$0	\$576,000
TECO	\$0	\$2000	\$425,000	\$2,500	\$429,500
Gulf Power	\$0	\$1500	\$110,000	\$2,000	\$113,500
Totals	\$125,000	\$155,000	\$1,285,000	\$37,000	\$1,602,000

2016 Utility Support for Amendment 1

There was a significant jump in the overall political contributions by the four investor-owned utilities of \$12.5 million in 2014 to \$30.8 million in 2016. This \$18 million difference is largely due to the contributions from utilities to the Consumers for Smart Solar PAC in 2016 supporting proposed constitutional ballot Amendment 1.

Over \$26 million dollars was funneled into the PAC supporting the initiative with more than \$20 million of that money coming directly from the four-large investor-owned utilities.

The Amendment 1 campaign during the 2016 election cycle was a utility-backed attempt to limit rooftop solar expansion in Florida by embedding language in the Florida Constitution that could be used to create barriers to any companies that sought to compete with the large utilities by providing solar energy. The amendment failed to meet the 60 percent voter approval threshold necessary for passage.¹⁸

The chart below lists the aggregate contributions by each of the utilities to the Consumers for Smart Solar PAC during the 2016 cycle as well as contributions made to the PAC by political committees run by Associated Industries of Florida, the Florida Chamber of Commerce and the National Black Chamber of Commerce. (A list of business organizations included in the analysis can be found in the appendix.)

Collectively, the four utilities spent more than \$20 million dollars to advance Amendment 1. Large business associations such as the Florida Chamber of Commerce, Associated Industries of Florida and the National Black Chamber of Commerce used a myriad of political committees to contribute more than \$1.3 million.

Contributions to Consumers for Smart Solar by Utilities and Business Groups in 2016

Donors	Consumers for Smart Solar (PAC)
FPL	\$8,055,000
Duke Energy	\$6,736,998
TECO	\$2,199,450
Gulf Power	\$3,197,347
AIF & Chamber of Commerce PACs	\$1,350,000
Other	\$4,830,130
Totals	\$26,368,925

Utility Contributions to Business Associations

Another way that utilities work to influence the political process is by making large contributions to committees run by politically influential business organizations like Associated Industries of Florida (AIF) and the Florida Chamber of Commerce.

Utility Contributions to AIF and the Florida Chamber of Commerce (2014 and 2016 Election Cycles)

Utilities	2014 Contributions to business groups *	2016 Contributions to business groups	Totals 2014 & 2016
FPL	\$5,289,100	\$3,675,000	\$8,964,100
Progress/Duke	\$146,000	\$100,000	\$246,000
TECO	\$30,000	\$56,860	\$86,860
Gulf Power	\$0	\$122,500	\$122,500
Totals	\$5,465,100	\$3,954,360	\$9,419,460

* See appendix for a list of political committees included in this analysis

The Public Service Commission Nominating Council

Utilities seek to influence those who will regulate them at the PSC by making contributions to legislative leaders who select members of the PSC Nominating Council and to legislators who

serve on the nominating council themselves. Below are two charts detailing direct contributions to members of the nominating council who simultaneously served in the state legislature during the 2014 and 2016 cycles.

2014 Contributions to Legislative Members on the PSC Nominating Council

Members	FPL	Duke	TECO	Gulf	Total
Sen. Abruzzo	\$0	\$0	\$0	\$0	\$0
Rep. Diaz	\$2,000	\$1,500	\$1,500	\$2000	\$7,000
Rep. La Rosa	\$1,000	\$1,500	\$1,500	\$0	\$4,000
Sen. Richter	\$0	\$0	\$0	\$0	\$0
Rep. Williams	\$2,000	\$1,000	\$0	\$750	\$3,750
Total	\$5,000	\$4,000	\$3,000	\$2,750	\$14,750

2016 Contributions to Legislative Members of the PSC Nominating Council

Members	FPL	Duke	TECO	Gulf	Total
Rep. La Rosa	\$1,000	\$2,000	\$1,000	\$1,500	\$5,500
Sen. Stargel	\$1,000	\$2,000	\$0	\$0	\$3,000
Rep. Cruz	\$0	\$500	\$1,000	\$0	\$1,500
Rep. Miller	\$1,000	\$2,000	\$1,000	\$1,500	\$5,500
Sen. Passidomo	\$2,000	\$1,500	\$1,000	\$2,000	\$6,500
Sen. Powell	\$2,000	\$0	\$2,000	\$0	\$4,000
Total	\$7,000	\$8,000	\$6,000	\$5,000	\$26,000

Contributions to the Governor

The PSC Nominating Council selects a pool of prospective commissioners, which they submit to the Governor, who makes the final selections. Utilities made significant contributions totaling over \$1 million to the Governor when he was up for re-election in 2014 but much less in 2016, when they gave \$235,000. The Governor is also important in off-election years due to his role in signing or vetoing all legislation.

The contributions listed below include those contributions by utilities given directly to the Governor's campaign committee as well as his Let's Get to Work PAC.

Governor	FPL	Duke	TECO	Gulf	Total
2014	\$1,004,608	\$500,000	\$3,028	\$68,000	\$1,575,636
2016	\$35,000	\$0	\$150,000	\$50,000	\$235,000
Total	\$1,039,608	\$500,000	\$153,028	\$118,000	\$1,810,636

The Florida Cabinet

The Florida Cabinet is comprised of three executive officers elected statewide, serving four-year terms. Florida's four largest utilities regularly make significant contributions to those vying for these positions. The seats for Florida's Attorney General, Chief Financial Officer and the Commissioner of Agriculture were last on the ballot in 2014.

In 2014, the utilities spent only \$42,500 collectively on the three cabinet seats, with \$9,000 going to Adam Putnam for Commissioner of Agriculture, \$28,000 going to Pam Bondi and her PAC and \$5,500 to Jeff Atwater for Chief Financial Officer.

The utilities gave substantially more to the Republican party, which made large contributions to cabinet members. In 2014, the four largest utilities contributed \$3,918,832 to the Republican party. The Republican party made \$3,579,391 in contributions to the three cabinet members who won. Political parties take in money from many sources and redistribute those funds to campaigns and political committees.

The 2018 Election Cycle

This report does not include a look at utility campaign expenditures for the 2018 electoral cycle. However, news coverage indicates that utilities continue to make sizeable contributions. A March 2017 article said that FPL had already spent \$1.5 million for the 2018 election cycle, with \$601,500 of that going to four political committees operated by Associated Industries of Florida and \$500,000 going to five committees operated by the Florida Chamber of Commerce.¹⁹ This was at a time during the 2017 state legislative session when FPL was seeking to pass two controversial proposals discussed in a recent Integrity Florida report.²⁰

A more recent Tampa Bay Times story said that as of October, FPL had contributed \$2.4 million to candidates and their PACs while Duke had given \$712,000, TECO Energy \$535,000 and Gulf Power \$196,000. Another article that month found that Florida's private utility companies have donated nearly \$800,000 to Agriculture Commissioner Adam Putnam's campaign for Governor, with much more likely re-directed to him through other political committees.²¹

Electric Utilities' Lobbying Influence in the State Capitol

Lobby Spending by Florida's Largest Energy Corporations

Florida law requires power companies to report their lobbying expenditures in a range which is then aggregated to produce an estimated expenditure for legislative lobbying.²² Executive branch lobbying expenditures are also reported in categories but are not aggregated. For that

reason, we looked only at legislative lobby expenditures which are typically higher than the expenditures for the executive branch. For example, a 2014 Orlando Sentinel report²³ found Florida Power and Light spent \$545,000 on legislative lobbying in 2013 and \$430,000 for lobbying the executive branch.

Based on the aggregated estimates, from 2014 through 2017, TECO/Tampa Electric has spent the most on legislative lobbying (\$2,243,000). Florida Power and Light follows close behind spending \$1,950,000.

Gulf Power and Duke Energy are on the lower end respectively. Gulf Power spent about \$1,015,000 during the same period on legislative lobbying. Duke Energy spent about \$800,000.

Utility	2014 Lobby Expense	2015 Lobby Expense	2016 Lobby Expense	2017 Lobby Expense
Duke Energy	\$160,000	\$190,000	\$200,000	\$250,000
Florida Power & Light	\$415,000	\$390,000	\$515,000	\$630,000
Gulf Power Company	\$225,000	\$270,000	\$270,000	\$250,000
TECO/Tampa Electric	\$550,000	\$588,000	\$510,000	\$595,000
Total Energy Lobby Spending for the Year	\$1,350,000	\$1,438,000	\$1,495,000	\$1,725,000

From 2014 through 2017, Florida's four largest investor-owned utilities spent more than \$6 million on lobbyists to represent them before the Florida Legislature. The lobbying expenditures are consistent from year to year and are trending upward. The small variations from year to year cannot be explained without a detailed analysis of the issues before the legislature on a yearly basis.

The power companies employ 90 to 100 legislative contract lobbyists each year,²⁴ a significant number for four companies when you consider the Florida Legislature has 160 members. That's more than one lobbyist for every two legislators. That finding is consistent with the 2014 *Power Play* report²⁵ that looked at energy lobbying between 2007 and 2013.

Utility	Average Number of Contract Lobbyists Per Year 2014 – 2017	Total Paid 2014 - 2017
Duke Energy	25	\$750,000
Florida Power & Light	32	1,760,000
Gulf Power Company	13	\$940,000
TECO/Tampa Electric	24	\$2,098,000
Totals	94	\$5,548,000

Trade Group Lobbying

Energy companies in Florida are not supposed to charge customers for lobbying expenses, but a report²⁶ released in May 2017 by the nonprofit Energy and Policy Institute concludes companies have found a way around that prohibition. The report found that utilities, including FPL and its parent company, NextEra Energy, and Duke Energy routinely charge customers for membership dues in organizations whose work is inherently political and can be against the customers' interests.

The report says lobbying expenses for energy companies with customers in Florida are supposed to be considered “below the line” expenses, which means those expenses should be charged to shareholders. However, dues paid by energy companies to the Edison Electric Institute and other groups that engage in political activity at the state and federal level are included in rate hikes for energy customers.

The Energy and Policy Institute says the Edison Electric Institute is a powerful political organization with a \$90 million budget that the “nation’s electric ratepayers have helped fund.”²⁷ The report cites a Florida Power & Light spreadsheet submitted to the Florida Public Service Commission that shows the utility charged \$2,290,051 for Edison Electric Institute expenses in 2015.

The main issue is the definition of lobbying versus “regulatory advocacy.” In a 2014 Palm Beach Post report, an FPL Vice President said payments to organizations like the Edison Electric Institute were not for lobbying, but rather for regulatory advocacy. Regardless, many of the activities the Edison Electric Institute undertakes look like lobbying including legislative advocacy, regulatory advocacy, advertising, marketing, public relations, legislative policy research and regulatory policy research. The report says none of those expenditures should be paid for by the utility’s customers.

The report also faults the Florida PSC for lax regulation of rate cases where dues to organizations like the Edison Electric Institute are included. The report says that in FPL’s

2016 rate request, the utility revealed its ratepayers will pay more than \$9.5 million in Edison Electric Institute dues from 2015 through 2018. It says the dues went unchallenged during the Florida Public Service Commission's consideration of the rate hike request.

Florida Power & Light and the Florida Public Service Commission dispute the findings in the Energy and Policy Institute report. According to an article²⁸ in the Miami New Times, FPL stated, "FPL customers do not pay for any lobbying whatsoever." The newspaper also said that when its report was published, Florida Power & Light disputed the entire Energy and Policy Institute report as "factually inaccurate." The Energy and Policy Institute responded saying, "It stands by its report."

Conclusion

Florida's four largest energy companies contributed more than \$43 million to state level candidates, political parties and political committees in the 2014 and 2016 election cycles. The energy companies spent more than twice as much in the most recent four-year period than in the previous ten-year period documented in the original 2014 *Power Play* report.

The state's four largest energy companies spent over \$20 million to advance a constitutional amendment that critics said would limit rooftop solar expansion.

Utilities continue to have an outsized lobbying presence in the Florida Capitol, employing more than one lobbyist for every two legislators. While the energy companies are not supposed to use customer profits to lobby, it's alleged that regulators are allowing them to bypass the ban by paying dues to trade groups and associations that lobby on their behalf.

Policy Options to Consider

- **Prohibit campaign contributions by a regulated utility to state candidates and political committees supporting or opposing a state candidate.**
- **Customer expenses versus shareholder profits.** Require disclosure when customers cover costs for political spending and lobbying through trade groups and associations.
- **Lobby compensation reporting.** Require legislative and executive branch lobbyists and firms to report the actual amount of compensation rather than a range as is currently required.

- **Political Committee reporting.** Require more transparency by prohibiting transfers of money between political committees and clearly identifying in an easily searchable database those with ties to the committee.
- **Client and gift disclosures.** The Florida Commission on Ethics should be required to put quarterly gift and client disclosures online for easy access by the public. Legislators who work for firms that lobby should be filing quarterly client disclosure forms.
- **More independence for the Florida Public Service Commission (PSC).** There is a need for greater independence from the legislature for those who regulate investor-owned utilities.

Appendix

Election committees run by business groups examined in this report include:

Associated Industries of Florida Leaders (CCE)
Associated Industries of Florida (PAC)
Business Political Action Committee of P (PAC)
BusinessForce, Inc. (CCE)
BusinessForce, Inc. (PAC)
Committee for an Innovative Florida (PAC)
East Central Florida Chamber Alliance (PAC)
Florida Chamber Free Enterprise (CCE)
Florida Chamber of Commerce Alliance, Inc. (ECO)
Florida Chamber of Commerce (CCE)
Florida Chamber of Commerce (PAC)
Florida Jobs (PAC)
Florida Prosperity Fund (PAC)
Floridians for a stronger democracy (PAC)
Floridians United for Our Children's Future (PAC)
Southeast Florida Chamber Alliance (CCE)
Southwest Florida Chamber Alliance (PAC)
Voice of Florida Business (PAC)

Endnotes

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