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## Moyer Comments (Part 4)

### Comments for consideration by the IRRC? 2016 MAY 11 AM 11:05

### RE: Final Rulemaking Order of the Public Utility Commission (Docket No. L-2014-2404361)

Topic: The “Independent load” requirement -- 75.13(a)(1)

In its comments on the Proposed Rulemaking Order (page 2), the IRRC raised a very important concern about the “independent load” requirement, which is a new “condition” introduced in 75.13(a).

This arbitrary requirement was introduced by the utilities and, for years, has received support from the PUC. The policy has denied virtual meter aggregation to countless customers and, in turn, has sharply restricted access to net metering.

The IRRC asks whether an owner might be “precluded from qualifying as a customer generator because they do not have electric load at the time of application” (IRRC Comments at 6). The fact is that, for many years, utility companies have been “excluding” customer-generators arbitrarily and with impunity. It is important to acknowledge that this exclusion has been occurring for years.

What is new in the Final Rulemaking Order is that the Public Utility Commission now claims that “independent load” is a “statutory requirement” (Regulatory Analysis Form at 8). It makes the claim, however, without citing any passage in the law itself. This assertion is without basis.

The Commission reads into the AEPS Act the false assertion that “requirements for electricity” must occur at the generating site. This is how the Commission portrays the necessity:

“without independent load at the customer-generator location, there would be no requirement for electricity to net against the generation produced by the customer-generator.” (FRO at 32)

The Commission’s claim ignores the indisputable fact that, by definition, under “virtual meter aggregation”, the “requirements for electricity” occur at a different location and not at the generating site. No “independent load of the generating facility” (FRO at 32-33) is written or even “implied” in the AEPS Act, as the Commission claims (FRO at 29).

Furthermore, the adverse impact of “independent load” falls squarely on virtual meter aggregation, and has no impact on systems with physical meter aggregation. It is one of several “penalties” which accompany virtual meter aggregation (See Comments to IRRC: “Moyer-Part 3)

In physical meter aggregation, the generation and the “requirements for electricity” (i.e. “load”) occur at the same location through a single, bi-directional meter. Nevertheless, without basis and in spite of its onerous impact, the PUC has chosen to impose this arbitrary (“independent load”) requirement on virtual meter aggregation.

The Commission also contends that “there would be no need for a customer’s electric meter if there was no independent demand for electricity” (FRO at 29). This is a glaring misstatement that further ignores the meter’s essential function at the generating site, which is for tracking generation.

The Department of Environmental Protection has spoken on this issue, as well. In its own words, the DEP “disagrees” with the PUC, saying that requiring independent load “will add additional costs or disqualify systems unnecessarily”. (Comments on 75.14(e)).

The Independent Regulatory Review Commission has an opportunity to dispel this persistent and unjustified claim of an “independent load” requirement. Among the many issues deserving review, it is clear that, on this issue alone, there is ample basis for disapproval of the Final Rulemaking Order.

Thank you for your attention to these comments.

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