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Comments for consideration by the IRRC

PART B: The PUC's Revised Definition of "Utility"

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

Under the AEPS Act, a "customer-generator" is, by definition, a "nonutility". No person or entity that is considered a "utility" can, therefore, be regarded as a "customer-generator".

Under the PUC's (previous) Final Rulemaking Order of February 19, 2016, customer-generators, including Larry Moyer, were exempted from the definition of "utility" if they produced "no more than 200%" of their consumption.

In the Amended Final Rulemaking Order, however, that exemption has been completely eliminated, and "excess generation" will be a moot concept. It is an alarming and unconscionable revision.

The consequences of this change are devastating, and the ramifications are far-reaching. Under this revision, the exemption is removed, and a "utility" is "any person or entity that provides electric generation ... to other persons or entities".

Larry Moyer is just such a person. He will be regarded as a "utility", because he has produced small amounts of "excess generation" which have been "provided" to PPL Electric Utilities Corporation. During two separate years, Larry Moyer's PV system generated slightly more "excess electricity" than he used (316 kWh in 2012 and 241 kWh in 2015). This excess was "provided" to PPL Electric, and, in both years, was valued at the "Price to Compare".

The revised definition of "utility" necessarily jeopardizes every person or entity that generates excess electricity in any amount. It is alarming that a customer-generator who sells

excess electricity should no longer be eligible for net metering itself. Excess generation would no longer occur, and the EDC would be released from its obligation to compensate for it [75.13(d)]. The revised definition will undermine current provisions for net metering; it will disqualify countless customer-generators; and its effect will be to decimate the net metering option itself.

With the elimination of the “no more than 200%” exemption, Larry Moyer becomes a “utility” or a person “that provides electric generation” to another entity (i.e. PPL Electric). With that designation, he faces an even more devastating consequence. Larry Moyer and countless others will no longer be considered “customer-generators” at all. The role of a “customer-generator” is integral to net metering itself, and net metering occurs through a “customer-generator”. The AEPS Act explicitly defines a “customer-generator” as a “nonutility owner or operator of a net metered distributed generation system”.

Effectively, the new definition will halt (or even undo) the approval of new renewable facilities, and will disqualify present facilities if those facilities generate (or are designed to generate) any amount beyond what they use. It will emphatically eliminate all “excess generation”, lest it be used to “provide electric generation” to “other persons or entities”.

The PUC, by this revision, explicitly contradicts Section 5 of the AEPS Act which says that “excess generation from net-metered customer-generators shall receive full retail value for all energy produced on an annual basis.” (emphasis added)

The PUC also shows utter disregard for the existing language in the Pa. Code which declares unequivocally that the EDC shall compensate the customer-generator for any “excess kilowatt hours . . . at the price to compare”. [75.13(d)]

This revised definition of a “utility” must be repudiated, and the IRRC should disapprove the PUC’s Amended Final Rulemaking Order.

Respectfully submitted,

Larry Moyer,

June 22, 2016