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Pennsylvania Public Utility Commission  
400 North Street  
Commonwealth Keystone Building, 2nd Floor  
Harrisburg, Pennsylvania 17120

July 29, 2014

Docket Number: L-2014-2404361

The PUC is laying the groundwork for a new net metering fee via their newly-minted language in §75.13(k). The new fee requirement is underscored below.

52 Pa. Code §75.13(k)

*(k) An EDC or DSP may not charge a customer-generator a fee or other type of charge unless the fee or charge would apply to other customers that are not customer-generators, or is specifically authorized under this chapter or by order of the Commission. The EDC and DSP may not require additional equipment or insurance or impose any other requirement unless the additional equipment, insurance or other requirement is specifically authorized under this chapter or by order of the Commission.*

The Commission claims this change is to reconcile with the fee that EDCs charge under virtual meter aggregation. If that is their goal, why not spell that out? Instead, the “*or is specifically authorized*” language is added; which clearly negates the preceding text. The PUC will have essentially laid the groundwork for a Net Metering Tax.

This kind of regulatory flip-flop causes uncertainty in the regulated community, and breeds mistrust. Clearly a prior Commission wrote the original regulation so that customer-generators would be protected from special fees. Now a new Commission wants to change that rule, and do the exact opposite; a 180 degree change in policy. The Commission is essentially saying “there will be no special fees, unless there are special fees”.

The renewable energy industry needs certainty in order to flourish. Without the ability to have rules that can be counted on over time, it becomes difficult to “take the plunge” and invest in renewable energy. With this new fee in place, it will be possible for the PUC to simply “tax away” net metering. This is a step backwards for renewable energy in Pennsylvania.

The Regulatory Review Act was created to provide checks and balances, as stated in Section 2 of the Act.

Section 2

*The General Assembly finds that it must establish a procedure for oversight and review of regulations adopted pursuant to this delegation of legislative power in order to curtail excessive regulation and to require the executive branch to justify its exercise of the authority to regulate before imposing hidden costs upon the economy of Pennsylvania.*

This is exactly the kind of hidden cost that must be flushed into the open. If the PUC wants to levy a new fee, they should have to cost justify it. Given their claims that the new rulemaking will impose minimal cost on all stakeholders, what need is there of a fee? What will the new revenue be used for?

Regards,

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President  
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