

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Commission's Review of)
Chapter 4901:1-10, Ohio Administrative) Case No. 12-2050-EL-ORD
Code, Regarding Electric Companies.)
)

INITIAL COMMENTS
OF SOLARVISION, LLC

SolarVision, LLC (SolarVision) hereby respectfully submits its comments to the proposed rules regarding Chapter 4901:1-10 of the Ohio Administrative Code (O.A.C.) issued by the Public Utilities Commission of Ohio's (Commission) for comment in its Entry dated November 7, 2012 (Entry). The Commission's Entry also seeks additional comments on various issues. Specifically, SolarVision submits comments on the proposed rules and questions concerning the Commission's net metering rule, Rule 4901:1-10-28, O.A.C.

As a developer and operator of solar and other alternative energy generation facilities, SolarVision develops and installs net metering systems behind the customer's meter with the intent of primarily offsetting part or all of the customer-generator's electricity needs. As such, SolarVision commends the Commission and Staff for the proposed revisions to the existing net metering rule that provide clarity and attempt to simplify the process for customer-generators. To this end, SolarVision offers a few additional modifications and comments:

Rule Modifications

Rule 4901:1-10-28(B)(1): Although the concept of requiring electric utilities to provide net metering tariffs “in a timely manner” upon the request of customer-generator is admirable,

the term is vague and will not be uniformly applied across the state. Specifying a specific time period (e.g., within 3 business days) would be preferred. Additionally, the rule should be expanded to include requests from all customers. Customers who are interested in exploring net metering opportunities should be afforded access to such net metering information upon request. Accordingly, the revised rule should state:

(B)(1) Each electric utility shall develop a tariff for net metering. Such tariff shall be made available to customers ~~s-generators~~ upon request within three business days in a timely manner and on a nondiscriminatory basis.

Rules 4901:1-10-28(B)(3) and (B)(3)(b): The Commission should specify the rules, conditions, and procedures used for excessive-generators, and those that become excessive-generators. Requiring each individual electric utility to adopt its own rules, conditions, and procedures for the handling of excessive-generators will lead to rules that are not uniform across the state. This will make it very difficult for customer-generators with multiple net metering systems operating throughout Ohio, as well as for developers and installers working with customers and their various electric utilities across the state. One set of rules outlining the terms, conditions, and procedures for handling excessive-generators or those that become excessive-generators will simplify the process and alleviate discriminatory or inconsistent application of the definition of excessive-generator and those customer-generators deemed to be such.

Rules 4901:1-10-28(B)(3)(a) and (b): As stated above, net metering information should be provided to all customers who request it, not just those who have already installed net metering systems. Customers need to be able to ask questions and obtain pertinent net metering information before deciding to install such facilities. Accordingly, the reference to “customer-generators upon request” in both (B)(3)(a) and (b) should be modified to “customers upon request.”

Rule 4901:1-10-28(B)(5): The rule should be modified to broaden the definition of customer-generator's premises. The premises that hosts a net metering system should include adjacent property owned, operated, leased or otherwise controlled by the customer-generator. Often, a customer does not have the land to construct a generating facility, such as a solar array, at the site of the customer's building and/or meter. Allowing an adjacent property to be the site of the net metering system will encourage distributed generation, consistent with the state policy, and could be more efficient and cost-effective.

Additionally, it is unclear by the phrase that includes "or areas" in conjunction with "exclusive of easements ..." whether the rule is stating that no contiguous area can include an easement, public thoroughfare, transportation rights-of-way, or utility rights-of-way. The implication of such an interpretation is that a customer could be prohibited from being able to construct a net metering system on a single lot or area owned by the customer that contains one or several easements or utility rights-of-way, even within the boundaries of the property itself. At a minimum, the rule should not prohibit the installation of a net metering system on a customer's property that happens to be separated from the customer's meter by an easement that divides the single piece of property.

The rule should be revised as follows:

(B)(5) A net metering system must be located on the customer-generator's premises. A customer-generator's premises includes areas owned, operated, leased, or otherwise controlled by the customer-generator, including contiguous or adjacent lots or areas that are owned, operated, leased, or otherwise controlled by the customer-generator. ~~exclusive of easements, public thoroughfares, transportation rights-of-way, or utility rights-of-way.~~

Rule 4901:1-10-28(B)(9)(b): This provision should be modified to be consistent with subsequent provisions that clarify that a customer-generator can participate in net metering,

regardless of whether they are purchasing electricity from the electric utility or an alternative competitive retail electric service provider. The rule should be revised to state:

(9)(c) If the ~~electric utility supplies~~customer-generator consumes more electricity than the customer-generator feeds back to the system in a given billing period, the customer-generator shall be billed for the net electricity that the customer-generator consumed at the rate the customer-generator pays for generation~~electric utility supplied, regardless of whether the customer-generator is receiving generation from the electric utility or a competitive retail electric service provider,~~ as measured in accordance with normal metering practices.

Commission's Questions

(10)(a) and (e): Clarifications to the definition of the customer-generator and customer-generator's premises are necessary; however, the clarifications should not create artificial boundaries for where net metering systems can be constructed in violation of the state policy. Specifically, the modification to allow the premises to include contiguous lots or areas owned, operated, leased, or otherwise controlled by the customer-generator was well-made, but the rule is confusing and goes too far when it excludes areas that include easements, public thoroughfares, transportation rights-of-way, or utility rights-of-way. Easements often run through a customer's property, without regard to a customer's building structure, meter location, or property line. Limiting the placement of a net metering system to areas not separated by a road or easement, will limit the number of net metering systems that can be installed behind a customer's meter. The rule should be modified to further clarify the intent of the rule with regard to contiguous areas and easements, etc.

As explained above, premises should also include adjacent property owned, operated, leased, or otherwise controlled by the customer-generator. Allowing an adjacent property to be the site of the net metering system will encourage customers to become customer-generators and

could be more efficient and cost-effective for the installation of the customer-generator's net metering system.

(10)(b): The additional clarification of the definition of “intended primarily to offset part or all of a customer-generator’s requirements for electricity” is a welcomed modification to the rules. The presumption will assist customer-generators who install a net metering system with the intent of primarily offsetting their generation requirements, while not punishing those same customer-generators who have a lower than expected consumption year (based upon a down economy or energy efficiency measures). It will also allow customer-generators to build for a slight growth of their facilities. The presumption promotes the policy of the state by ensuring the availability and diversity of electricity supplies by giving consumers effective choices, encouraging the development of distributed and small generation facilities, ensuring that electric utilities’ systems are available to customer-generators or owners of distributed generation so the electricity produced can be marketed and delivered, encouraging implementation of distributed generation by updating administrative rules regarding net metering, and encouraging the use of energy efficiency programs and alternative energy resources by small businesses. Section 4928.02, Ohio Revised Code.

Additionally, as stated previously, although the Commission should establish a state-wide set of rules outlining the terms, conditions, and procedures for handling excessive-generators or those that become excessive-generators, the presumption will assist in the consistent application of the definition of excessive-generator, particularly if the electric utilities’ tariffs prescribe such terms and conditions.

(10)(d): The proposed addition of (B)(9)(c) to clarify the calculation of the credit was needed and it will assist in creating consistencies among the electric utilities’ tariffs and in their

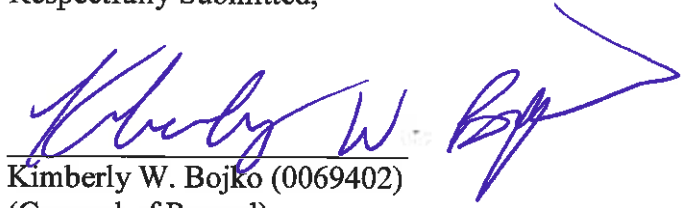
application. Additionally, as noted above, (B)(9)(b) should be similarly modified to create consistencies in the application of the generation rate charged when a customer-generator's electricity consumption is greater than the generation produced from its net metering system.

(10)(g): There is nothing in Section 4928.01 or Section 4928.67, Ohio Revised Code, that prohibits aggregate or virtual net metering of a customer-generator that has multiple customer facilities in an electric utility's service territory, so long as the net metering system is located on a premises owned, operated, leased, or otherwise controlled by the customer-generator. The customer's total consumption from multiple facilities could be aggregated to determine whether the net metering system was "intended primarily to offset part or all of the customer-generator's requirements for electricity." Similarly, there is nothing in the statute that precludes virtual net metering with regard to other facilities, such as a multi-tenant dwelling, where the owner of the dwelling is the customer-generator and the net metering system is located on a premises owned, operated, leased, or otherwise controlled by the customer-generator.

Conclusion

SolarVision appreciates the opportunity to provide comments on the draft rule revisions issued by Staff and the Commission. SolarVision respectfully requests that the Commission consider and adopt its recommendations and revisions to the draft rules as set forth herein.

Respectfully Submitted,



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Summary: Comments Initial Comments of SolarVision, LLC electronically filed by Mrs. Kimberly W. Bojko on behalf of SolarVision, LLC