

**BEFORE THE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of The Commission's  
Review of Chapter 4901:1-10 of the Ohio  
Administrative Code

Case No. 12-2050-EL-ORD

**COMMENTS ON  
PROPOSED CHANGES TO NET METERING REGULATIONS**



David R. Wooley, Of Counsel  
KEYES, FOX & WIEDMAN, LLP  
436 14<sup>th</sup> Street, Suite 1305  
Oakland, CA 94612  
Tele: (510) 314-8207  
Email: [dwooley@kfvlaw.com](mailto:dwooley@kfvlaw.com)

Counsel for The Alliance for Solar Choice  
(TASC)

December 18, 2015

**BEFORE THE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of The Commission's  
Review of Chapter 4901:1-10 of the Ohio  
Administrative Code

Case No. 12-2050-EL-ORD

*The Alliance for Solar Choice*

**COMMENTS ON  
PROPOSED CHANGES TO NET METERING REGULATIONS**

The Alliance for Solar Choice (“TASC”) submits these comments in support of the Commissions’ proposed Net Metering rule, described in its Entry dated November 18, 2015.

TASC is an organization founded by the largest solar rooftop companies in the nation. It seeks to establish and maintain successful distributed solar-energy policies throughout the United States. Its member companies are important stakeholders on solar policy at both the state and national levels. They are responsible for many thousands of solar installations serving businesses, residents, schools, churches, and government facilities. TASC has participated in dozens of state utility commission proceedings involving net metering and related public utility commission policies on distributed renewable generation systems, including proceedings before state utility commissions in Arizona, California, Colorado, Hawaii, Iowa, Kansas, Louisiana, Maine, Minnesota, Montana, Nevada, New Mexico, New York, North Carolina, Oklahoma, Oregon, Pennsylvania, South Carolina, Utah, Vermont, Washington and Wisconsin.

Net metering is an efficient and administratively simple means to compensate customers for system and societal benefits of their investment and is a mechanism to which customers have responded positively. The proposed rules demonstrate that the Commission has taken a close look at the net metering policy and has decided to retain it with modest changes. TASC strongly supports this decision.

TASC specifically supports the following net metering policy changes proposed by the Commission.

- TASC strongly supports the proposal to include a capacity component in the credit for power supplied by behind-the-meter renewable generation to the grid.
- The Commission proposes to clarify the meaning of the term, “primarily to offset” a customer’s electricity requirements, to mean a system that produces up to 120% of a customer’s historic annual electricity needs (based on the prior 3 years). Under the prior rules, there was no defined benchmark for this requirement. This change is a welcome addition to Ohio’s net metering rule, and will reduce the potential for disputes over eligibility for net metering.
- TASC supports the decision of Commission to reject calls for special fees for NEM customers. Some stakeholders have asked the Commission to add discriminatory monthly charges to net metering customers because, in their view, those customers do not pay adequately to support the distribution and transmission system which they use when their net metering system was not in use. In previous stages of this rule package, this Commission rejected this argument, finding the Ohio Revised Code does not allow discriminatory monthly charges to be assessed against net metering users.<sup>1</sup> This is the right decision for a number of additional reasons. Many studies in other states

---

<sup>1</sup> See, Case No. 12-2050-EL-ORD, Public Utility Commission of Ohio Finding and Order, pg. 38 to 39 filed January 15<sup>th</sup>, 2014; Case No. 12-2050-EL-ORD, Public Utility Commission of Ohio Second Entry on Rehearing; pg. 21 to 23, filed May 28<sup>th</sup>, 2014; and Ohio Revised Code 4928.67(A)(1).

show that net metering customers do fully pay for their cost of service. Moreover, when system benefits of net metering are counted, net metering customers provide substantial net benefits to non-participating customers. There is simply no substance to claims that net metering customers receive a subsidy from other customers.

- TASC supports the Commission's proposal to clarify that the definition of a customer's "premises" includes contiguous lots owned, operated or leased by the customer regardless of easements, public thoroughfares, transportation rights-of-way, or utility rights-of-way. The meaning of customer "premises" was previously undefined. A policy change of this nature was adopted several years ago in California and that rule significantly improved access to solar energy for agricultural customers.
- TASC supports the addition of language expressly providing that customer-generator's retain ownership of the Renewable Energy Credit ("RECs") produced by their system unless otherwise provided for in a separate transaction.
- We are pleased to see provisions in the proposed rule that provide greater opportunities for electric services companies to offer net metering services to customers.

TASC also suggests several small changes in the proposed rule in regard to interconnection aspects of the proposed rule. The Commission's interconnection requirements contain deadlines for each of the critical steps in the process governing review of net metering applications, interconnection agreements and others. These deadlines were included to reduce administrative delays that might otherwise undermine the purpose of the net metering rules. The proposed rules now under consideration allow utilities to install and in some cases charge for installation of advanced meters and to carry out reprogramming or setup of the existing meters. TASC urges the Commission

to modify those provisions to add deadlines by which utilities will complete certain steps in the process of installing or reprogramming meters. More specifically:

- **Section 4901:1-10-28 (B)(8): Add language to include a deadline for cost estimates and installation of meters. In the indented language below, we have set forth the proposed rule (with TASC's proposed additional language in bold).**
  - Net metering shall be accomplished using a single meter capable of registering the flow of electricity in each direction, A customer's existing single-register meter that is capable of registering the flow of electricity in each direction satisfies this requirement, If the customer's existing electrical meter is not capable of measuring the flow of electricity in each direction, the electric utility, upon written request from the customer, shall install at the customer's expense a meter that is capable of measuring electric flow in each direction. The electric utility shall provide a detailed cost estimate to the customer as outlined in (B)(3) (b) of this rule **within ten (10) days of the written request from the customer and within twenty (20) days of receiving the signed consent of a customer-generator, the electric utility shall install a meter.**
- **Section 4901:1-10-28 (B)(8)(b) Add 15 day deadline for providing cost estimates for reprogramming or set up.**
  - If a customer's existing meter needs to be reprogrammed or set up for the customer to become a customer-generator or to accommodate net metering, the electric utility shall provide the customer with a detailed cost estimate for reprogramming or setup of the existing meter **within fifteen business days after the EDU notifies the applicant that it has received a complete interconnection service application.**

## CONCLUSION

TASC greatly appreciates the Commission's efforts on the proposed rule and the opportunity to comment. The Commission's proposed revisions to its net metering regulations are a positive step to increase customer access to distributed renewable generation. These rules will increase investment by customers in solar generation, increase customer control over electric bills, increase employment and economic activity,

reduce air pollution, improve public health, reduce pollution control costs and create jobs in Ohio. We support the proposal wholeheartedly.

Respectfully submitted,  
/s/ David Wooley  
David R. Wooley, Of Counsel  
Keyes, Fox & Wiedman LLP  
436 14th Street, Suite 1305  
Oakland, CA 94612  
Tele: (510) 314-8207  
Email: [dwooley@kfwlaw.com](mailto:dwooley@kfwlaw.com)

Counsel for  
**THE ALLIANCE FOR SOLAR  
CHOICE**

December 18, 2015

## CERTIFICATE OF SERVICE

The Public Utilities Commission of Ohio e-filing system will electronically serve notice of the filing of the foregoing *Comments on Proposed Changes to Net Metering Regulations* on the parties referenced on the service list of the docket card who have electronically subscribed to the case. In addition, the undersigned certifies that paper service of the foregoing document has been conducted upon the following parties of record.

DATED this 18th day of December 2015.

KEYES, FOX & WIEDMAN LLP

/s/ Blake Elder

Blake Elder

DONNA SEGER-LAWSON DAYTON POWER & LIGHT COMPANY 1065 Woodman Drive Dayton, OH 45432	JOSEPH M. CLARK DIRECT ENERGY SERVICES, LLC AND DIRECT ENERGY BUSINESS, LLC 21 East State Street, 19 <sup>th</sup> Floor Columbus, OH 43215
DUKE ENERGY OHIO, INC 139 E Fourth Street Cincinnati, OH 45202	FIRST GROUP CORP 76 S. Main Street Akron, OH 44308
MATTHEW WHITE INTERSTATE GAS SUPPLY, INC. 610 Emerald Parkway Dublin, OH 43016	NATURAL RESOURCE DEFENSE COUNCIL 40 W 20 <sup>th</sup> Street New York, NY 10011
KERN, KYLE OHIO CONSUMERS COUNCIL 10 West Broad Street Suite 1800 Columbus, OH 43215	OHIO HOSPITAL (RETURN MAIL) 155 E. Broad Street 15 <sup>th</sup> Floor Columbus, OH 43215
OHIO POWER COMPANY 1 Riverside Plaza, 29 <sup>th</sup> Floor Columbus, OH 43215	

**This foregoing document was electronically filed with the Public Utilities**

**Commission of Ohio Docketing Information System on**

**12/18/2015 2:22:30 PM**

**in**

**Case No(s). 12-2050-EL-ORD**

Summary: Comments on Proposed Changes to Net Metering Regulations electronically filed by Ms. Chelsea Barnes on behalf of The Alliance for Solar Choice