

**BEFORE THE NEW HAMPSHIRE
PUBLIC UTILITIES COMMISSION**

DE 15-271

ELECTRIC DISTRIBUTION UTILITIES

**Examination of Electric Distribution Utility Interconnection and Queue Management
Processes for Net-Metered Customer-Generators**

COMMENTS OF THE ALLIANCE FOR SOLAR CHOICE

Pursuant to the letter scheduling a public comment hearing and written comment submission issued by the New Hampshire Public Utilities Commission (“Commission”) on December 4, 2015 in the above docket, The Alliance for Solar Choice (“TASC”), by and through its undersigned counsel, respectfully submits the following comments on Commission Staff’s (“Staff”) proposed Net Metering Program Capacity Allocation Procedures (“Proposed Procedures” or “Proposal”) issued December 3, 2015.

1. Description of TASC

TASC leads advocacy across the country for the rooftop solar industry. TASC’s member companies are actively involved in New Hampshire’s growing distributed generation industry. TASC is committed to offering New Hampshire citizens a viable choice in energy providers and advancing near-term, low-cost technologies for customers that preserve both the health of the solar industry and the public interest at large.

2. Comments

TASC commends Staff’s Proposed Procedures as a solid start to addressing the myriad issues revolving around interconnection and queue management processes for net-metered customer-generators. TASC is appreciative of the work that went into the Proposal and believes that the objective of this proceeding, “to develop uniform, just, and reasonable guidelines for

utility management of net metering applicant queues, as well as examining interconnection requirements, to determine whether uniform interconnection queue management procedures would be useful in managing net metering applicant queues,”¹ is essential to the health of distributed generation in New Hampshire.

TASC’s member companies’ experience has shown that a well-organized queue that allows participating business to know the status of the market and plan for development in the state is essential to any successful net metering (“NEM”) program. As such, TASC believes that a few modest changes should be made to the current Proposal: (1) For Type C Projects, an offtake agreement or power purchase agreement (“PPA”) should be required before a project is admitted to the queue; (2) Systems less than 10kW should be tracked separately in order to give stakeholders additional clarity. Additionally, TASC believes that the duties of administrators towards applicants need to be addressed and clarified in order to avoid disputes of common issues related to a queue.

I. Necessary Contracts for Type C Projects to Enter Queue

The Proposed Procedures state that, for Type C Projects (100kW to 1 MW) that are planned group net metering projects, “evidence of sufficient project-specific customer-members to satisfy the requirements to be issued a group host authorization number” must be submitted.² The Proposal includes an executed PPA as an example of such evidence.³ TASC believes that an offtake agreement should also be required prior to these projects being admitted to the queue. This requirement is necessary to maintain transparency in the queue and prevent unnecessary churn from larger projects entering the queue and subsequently leaving due to project failure if a

¹ *Order of Notice*, DE 15-271 (Jul. 7, 2015) at p. 1.

² Proposed Procedures at p. 12.

³ *Id.*

PPA or Offtake Agreement does not materialize. As Commission Staff stated in the July 30, 2015 hearing, “Viable projects should have the opportunity to take and hold their place in line, while speculative paper projects may be weeded out so that they do not take up valuable space in the programs.”⁴ Requiring an offtake agreement will help ensure that projects admitted to the queue are not merely speculative. Given the size of Type C projects, these concerns are more important than for small projects, as the failure of a single project could have a much greater impact.

II. Information in Queue Reporting should be More Granular

Second, as a general matter, TASC supports increased transparency and recognizes its importance to other parties in this proceeding.⁵ TASC’s understanding is that many stakeholders are concerned about the lack of current clarity around the NEM cap and therefore would like to see a basic queue in place as part of the process to increase transparency. TASC recognizes the importance of this concern and, to that end, believes that administrators should provide the following information in a simple online spreadsheet that is updated, at a minimum, weekly for each project category:

- a. Projects installed – (number and MW)
- b. Projects interconnected awaiting NEM allocation (NEM Queue) – (number and MW)
- c. Projects granted NEM allocation – (number and MW)
- d. Number of applications awaiting review – (number and MW)

TASC also believes that residential systems smaller than 10 kW (AC) should be tracked separately as part of administrator reporting. This change would provide stakeholders with

⁴ David L. Wiesner, Esq., PUC Staff, Transcript: DE 15-271 (Jul. 30, 2015), p. 29, ln. 18-21.

⁵ See Hearing Transcript, Jul. 30, 2015, at p. 13, ln. 3-5; p. 14, ln. 5-11; p. 15, ln. 9-11; p. 27, ln. 3-6, 8-12.

greater clarity as they would be able to understand with greater granularity which types of systems are being installed in New Hampshire.

III. Duties of Administrators Should be Addressed

Finally, TASC supports the expansion of the current queue rules to address the duties of administrators towards applicants. A number of stakeholders in communications during the stakeholder technical sessions identified a number of issues related to the duties of administrators, including treatment of requests for extensions, system size changes and their impact on NEM cap allocation if any, dispute resolution procedures, and administrator requirements for communication with applicants. TASC believes this list is a good starting point to begin to clarify the duties of administrators towards applicants.

TASC also believes the Proposed Procedures could benefit from looking to the NEM queue administrator duties implemented in Massachusetts. For instance, Massachusetts' NEM queue standards contain a section covering the duties of administrators, which includes requirements for monitoring and reporting on progress toward the NEM cap and rules for processing applications.⁶ These standards state that the administrators must “prioritize complete Applications . . . on a first-come, first-served basis,” and lay out specific timelines within which the administrator must notify applicants that their applications have been received and whether they are complete.⁷ Additionally, the rules require administrators to timely inform applicants of whether they have received a capacity allocation or been placed on a waitlist, and update

⁶ Mass. D.P.U. 11-11-D, App. A, *System of Assurance of Net Metering Eligibility* [hereinafter Mass. System of Assurance Standards] §5, available at <http://web1.env.state.ma.us/DPU/FileRoomAPI/api/Attachments/Get/?path=11-11%2f102512dpuordapa.pdf>.

⁷ Mass. System of Assurance Standards §5(C).

customers as soon as practicable as to the loss of a capacity allocation or place on the waitlist.⁸

Massachusetts' NEM queue standards also lay out a set of dispute resolution procedures that consist of an informal resolution process, with the option for arbitration out of which the applicant or administrator may seek an adjudicatory proceeding.⁹ Importantly, the Massachusetts dispute resolution rules state that, "pending the outcome of the dispute resolution process, an applicant shall not lose a Submission Date, Cap Allocation, or place on the Waiting List."¹⁰ TASC believes that dispute resolution procedures that parallel those adopted in Massachusetts can ensure that potential disputes are handled in an orderly, timely and fair manner.

Looking to the rules and practices adopted in Massachusetts is reasonable because Eversource is already required to comply with these rules as it does business in Massachusetts.¹¹ Implementing the same or similar rules in New Hampshire would therefore not be overburdensome or expand the timeline for adoption since Eversource is already familiar with meeting these requirements. Proposed rules regarding the duties of administrators based off of the rules in Massachusetts are attached as Exhibit A.

3. Conclusion

TASC thanks the Commission for considering its comments in this proceeding and looks forward to engaging as the process moves forward.

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⁸ Mass. System of Assurance Standards §5(C).

⁹ Mass. System of Assurance Standards §10.

¹⁰ Mass. System of Assurance Standards §10(B).

¹¹ See Eversource, Massachusetts Application to Connect, <https://www.eversource.com/Content/general/about/doing-business-with-us/builders-contractors/interconnections/massachusetts-application-to-connect> (last visited Jan. 11, 2016).

Respectfully submitted,

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EXHIBIT A

Proposed Rules Regarding Duties of Administrators

5. Duties of the Administrator and Fees

(A) General Duties

The Administrator shall have such duties as the Commission establishes. All notifications, reports, and documents shall be provided in a form prescribed by the Administrator.

(B) Monitoring and Reporting on Capacity

Every month, until 80 percent of the capacity of a utility's cap is reached, the Administrator shall calculate and report the remaining available capacity under such cap as the difference between: (1) the capacity of the applicable cap; and (2) the sum of: (a) the aggregate capacity of customers receiving net metering service; and (b) the capacity of customers that have been granted a capacity allocation.

Once 80 percent of the capacity of a utility's cap has been reached, the Administrator shall calculate the remaining available capacity under such cap every week as the difference between: (1) the capacity of the applicable cap; and (2) the sum of: (a) the aggregate capacity of all customers receiving net metering service; and (b) the capacity of customers that have been granted a capacity allocation.

To calculate capacity, a solar net metering facility's capacity shall be 80 percent of the facility's direct current rating at standard test conditions, and all other facilities shall be the alternating current nameplate rating.

The Administrator shall post updates on the remaining available capacity within each cap on a publicly accessible Internet website.

(C) Processing Applications for a Cap Allocation

The Administrator shall prioritize complete Applications for a capacity allocation on a first-come, first-served basis, according to their submission date and time. If multiple applications for a cap allocation are received at the same minute, the Administrator shall examine the seconds to determine priority.

The Administrator shall notify the customer: (1) within two Business Days of the submission date that the application for a capacity allocation was received; and (2) within 15 Business Days of the submission date whether the application for a capacity allocation is complete or incomplete.

If the application for a capacity allocation is complete, the Administrator shall notify the customer of a grant of a capacity allocation or a position on the waitlist.

If the application for a capacity allocation is incomplete, the Administrator shall notify the customer of the deficiency and the customer may resubmit the application for a capacity allocation, which will be deemed a new application for a capacity allocation.

The Administrator shall maintain a waitlist for customers that have applied for a capacity allocation and been denied a capacity allocation solely because the Administrator has determined, pursuant to Section 5(B), that no additional capacity is available under the applicable cap.

The Administrator shall notify the customer in writing as soon as is practicable of the customer's loss of its capacity allocation or place on the waitlist for any reason.

10. Dispute Resolution

(A) Informal Resolution

An applicant aggrieved by the Administrator's action(s) on its application for a capacity allocation may submit a request to the Administrator to resolve the dispute. The Administrator must respond to the request within fifteen Business Days. The Administrator and the applicant shall make a good faith attempt to resolve the dispute informally before any party commences arbitration.

If a dispute is not resolved informally within 30 Business Days of a request, an applicant may initiate arbitration.

(B) Arbitration

The Administrator shall retain a neutral and independent arbitrator to provide services under this Section. The Administrator shall post on its website the arbitrator's name and contact information. The applicant shall pay the arbitrator's fees and costs.

An applicant shall initiate arbitration by submitting a written request to the arbitrator, with a summary of the dispute. Unless otherwise agreed to by the parties, the arbitrator shall render a written decision within 60 days of the initiation of arbitration. The arbitrator shall establish the procedures for the arbitration.

If either party is aggrieved by the arbitrator's decision, it may petition the Commission for an adjudicatory proceeding.

Unless otherwise ordered by the arbitrator or the Commission, pending the outcome of the dispute resolution process, an applicant shall not lose a submission date, capacity allocation, or place on the waitlist.

Certificate of Service

I hereby certify that a copy of the foregoing document has on this 15th day of January 2016 been sent by email to the attached service list in docket No. DE 15-271.

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