

**BEFORE THE NEW HAMPSHIRE  
PUBLIC UTILITIES COMMISSION**

**DE 15-303**

**VIVINT SOLAR, INC.**

**Petition for Declaratory Ruling regarding RSA 362:2, 362-A:2-a and Rule Puc 2002.05**

**PETITION TO INTERVENE OF THE ALLIANCE FOR SOLAR CHOICE**

Pursuant to RSA 541-A:32 and N.H. Code Admin. Rules Puc 203.17, The Alliance for Solar Choice (TASC), by and through its undersigned counsel, respectfully submits this Petition to Intervene (Petition) in the above proceeding.

**1. Introduction**

TASC leads advocacy across the country for the rooftop solar industry. TASC's members include Demeter Power, Silevo, Geostellar, Inc., SolarCity, Solar Universe, Sunrun, Verengo, and ZEP Solar. The growth of the rooftop solar industry in New Hampshire has been driven by New Hampshire residents' desire to assert control over their electric bills, and TASC strongly supports the continuation of this trend. TASC is committed to offering the state's citizens a viable choice in renewable energy and providing near-term, low-cost and customer-based solutions to integrate renewable energy resources and improve operational efficiencies.

Pursuant to RSA 541-A:32, a petition for intervention shall be granted if the petitioner demonstrates they have "rights, duties, privileges, immunities or other substantial interests [that] may be affected by the proceeding," and "the interests of justice and the orderly and prompt conduct of the proceedings would not be impaired by allowing the intervention." TASC has a substantial interest in this proceeding and TASC's intervention will not impair the interests of

justice and orderly and prompt conduct. TASC therefore respectfully requests that Commission grant this Petition.

**2. TASC’s rights, duties, privileges or other substantial interests will be affected by this proceeding**

TASC and its members have a direct and substantial interest in this proceeding. Vivint Solar, Inc. (Vivint) has petitioned the Commission for a Declaratory Ruling finding that by offering solar power purchase agreements (PPAs) or leases to residential customers in New Hampshire. If the Commission grants Vivint’s Petition, Vivint will not be regulated by the Commission as a “public utility” under RSA 362:2 or as a “competitive electric power supplier” (CEPS) under N.H. Code Admin. Rules Puc 2002.05.<sup>1</sup>

TASC’s members’ are presently offering solar services to residents in New Hampshire. Because this proceeding will address whether PPAs trigger regulation by the Commission of a solar service provider as a “public utility” or CEPS, this proceeding will directly impact TASC members’ product offerings within the state and, thus, TASC members’ ability to continue to further New Hampshire’s clean energy and distributed generation goals. TASC does not believe Vivant can adequately represent the unique interests TASC’s members have in this docket as active participants in New Hampshire’s net metering market. TASC therefore requests intervention in this docket to represent its members.

**3. The interests of justice and orderly and prompt conduct will not be impaired by allowing TASC to intervene in this proceeding**

TASC’s intervention will not impair the interests of justice or the orderly and prompt functioning of this proceeding. TASC’s participation in this proceeding will be limited to the

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<sup>1</sup> Vivint Solar, Inc., Petition for Declaratory Ruling, DE 15-303 (Aug. 12, 2015) [hereinafter Vivint Petition], at p. 1.

scope of issues and timelines the Commission establishes, thereby ensuring the orderly and prompt conduct of this proceeding.

Moreover, one of TASC's primary concerns is the prompt resolution of the questions raised by Vivint's Petition. As Vivint notes, the Commission is currently reviewing the Competitive Electric Power Supplier and Aggregator Rules under N.H. Code Admin. Rules Puc 2000 for CEPS in rulemaking docket DRM 13-151. In DRM 13-151, Sunrun, a TASC member, has requested the Commission modify Rule PUC 2002.5 and 2002.9 to clarify that third party owners providing onsite solar energy services are not regulated as a CEPS or a public utility.<sup>2</sup> TASC respectfully urges the Commission to resolve this question in the most expeditious manner possible and with a broad enough perspective to provide clarity to New Hampshire's burgeoning distributed solar industry as a whole. To this end, TASC respectfully requests the Commission expeditiously address the substantive issues raised in Vivint's petition either in this proceeding or in DRM 13-151.

#### **4. Conclusion**

For the foregoing reasons, TASC respectfully requests the Commission grant this Petition.

Respectfully submitted,

/s/ Jason B. Keyes

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September 14, 2015

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<sup>2</sup> Vivint Petition at p. 11.

**Certificate of Service**

RE: DE 15-303, Vivant Solar Inc., Petition for Declaratory Ruling regarding RSA 362:2. 362-A:2-a and Rule Puc 2002.05

I hereby certify that I have this day served a true copy of the foregoing document upon parties of record in this proceeding in accordance with the requirements of N.H. Admin. Rule Puc 203.11, in the manner and upon the persons listed below:

Dated this 14<sup>th</sup> of September 2015.

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September 14, 2015