PEOPLE'S
Power & Light

Public Comments
From: Karina Lutz, advocacy consultant, for People's Power & Light
To: RI Public Utilities Commission, via Clerk Luly Massaro
Date: Nov. 8, 2011
Re: Docket # 4268 net metering

Honorable Commissioners:

People's Power & Light submits these public comments in regards to Docket 4268.

Firstly, we agree with the Division of Public Utilities and Carriers in their decision regarding the related investigation, D-10-126, and find that informs this docket.

As per our comments in docket 4276, we again question the language repeated in the tariff regarding "the Net Metering Provision as amended and superseded from time to time." This language should be clarified to ensure it does not authorize the company to update the policy, as stated in the tariff, without coming back to the PUC for approval. Between this set of revisions and those of 2009, National Grid changed it's internal policy without authorization of the PUC or legislature, as indicated in their initial rejection of Church Community Housing Corporation's Sandywoods Farm application for net metering. We believe this section should just refer to the new RIPUC 2074. Also, the definition of net metering is irregular ("a customer" vs. a practice) and should conform with statute.

Of primary concern is the definition of avoided costs and the harmonization of that definition with the Distributed Generation Standard Contracts program. Here we repeat our comments in our reply comments for 4277 and 4288: the PUC should explicitly name the ceiling prices to be avoided cost for their particular classes of renewables, *at least* for this program and in net metered projects as long as net excess generation is purchased through the DG program rather than compensated as a net metering credit as per statute 39-26.4-2(4). The program was structured to set the ceiling prices at the least viable cost for projects in each class, which was intended to dovetail with the new FERC allowance for states to set their own avoided costs for required purchases of specific classes of renewable power.

Implied in this consideration of harmonization is the answer yes to the Commission's first question to interveners regarding 39-26.4-2(4) (we assume that is what was meant by the 39-26.2-2(4)). We agree with Washington County Regional Planning Council and Conservation Law Foundation in this regard.

Regarding the second question, when a consumer uses more at its various meters than it generates on site, a check makes sense as the simplest, most administratively sensible, least expensive, and least error-prone way to provide the due compensation, and does not violate the Federal Power Act. Here we agree with Washington County that the answer is no, the check does not make a free-standing generator a wholesale transaction. This implies an answer no, to the third question as well.

If the federal government interprets the law otherwise, the severability clause in the statute could be applied to the issuance of checks.