P. O. Box 512
Montpelier, Vermont 05601
January 12, 2023

Holly R. Anderson, Clerk
Public Utilities Commission
112 State Street, 4th Floor, 2022.
Montpelier, Vermont 05620-2701

Subject: Proposed changes to PUC rule 5.100, construction and operation of net-metering systems
Case number 19-0855-RULE
Responses to order and draft rule issued December 2, 2022

Dear Ms. Anderson:

Thank you for the opportunity to comment on the proposed changes to rule 5.100. These comments are on the order and draft rule of December 2, 2022.

I own a Category I net-metering system (3 kW, roof-mounted, photovoltaic, with battery back-up). I support public access and participation in decision making.

These responses mainly consider the effects of the proposed rule on Category I net-metering systems.

Thank you for your consideration of my comments on June 24. I am pleased with the responses in the draft rule that agree with my requests. And I am disappointed that I was not persuasive enough for you to accept others of my requests.

5.103 definition of "System Owner".
The present rule and the proposed rule define applicant, certificate holder, customer, host landowner. They do not define system owner.

Recently I investigated who owns the renewable energy credits of a group net metering system and how the contract between the customer and the group net metering system was set up. Neither the CPG nor the application tells who owns the system. The owner's identity was essential to my investigation.

Requests:
- Add a definition of "System Owner".
- Have the registration form or application form identify each party: applicant, certificate holder, host landowner; and system owner. This would go into 5.105(B) and 5.106(D).

5.103 definition of "Project Limits"
This newly proposed amendment of the definition adds "earth disturbance, vegetation clearing, planting management". I suggest that "vegetation clearing" is not needed because "clearing" is a component of "earth disturbance". Unless the term "clearing" in "Earth disturbance" means something other than "vegetation clearing", in which case clarification would be useful. I also suggest that "demolition" be added to the definition.

Requests:
- Delete the phrase "vegetation clearing" from the definition of "Project Limits".
- Add "demolition" to the definition of "Project Limits"

5.126 Energy Measurement for Net-Metering Systems
Request: You really need to rewrite 5.126(A)(2)(a)(iii) and (iv). Ditto for 5.126(A)(3)(a)(iii) and (iv). Ditto for 5.126(A)(4)(a) and (b).

5.136 Mitigation Fee for Constrained Areas of the Grid
Please reconsider your response and put into this rule that category I systems will be exempt from a mitigation fee for constrained areas of the grid. I do not see how category I systems will exacerbate grid constraints.

My system is 3 kW. Three other residences are served from the same pole that serves my residence. When I generate excess electricity, that electricity is almost definitely used by those three other residences. So my system is not putting additional electricity into constrained portions of the grid (unless the line serving that pole is constrained.) Excess electricity from any category I system will not go past many residences or businesses before being used by them. (I work with the water analogy of electricity rather than electricity's nature as an electromagnetic wave. Maybe that makes a difference.)

Request: Use this rule to exempt Category I systems from the fee, rather than leaving it to each tariff.

5.137 Energy Storage Facility Electrically Connected to a Net-Metering System.
My response on June 24, 2022 questioned this provision.

The response in the order raises a new question.

The Public Utility Commission responded in part with:

> "*The intent of this section is to prevent customers from charging a battery from the grid (at the retail rate) and then discharging that battery and receiving net-metering compensation (which can be greater than the retail rate).*"

I do not understand how net metering compensation can be greater than the retail rate.

The net metering rate is the smallest of three possibilities, less any adjustors. The three possibilities are the blended residential rate, the electric company's retail residential rate, or a calculation based on the electric company's inclining block residential rate. Because the adjustors are either zero or negative, the net-metering compensation can never be larger than the retail rate. (The only exception might be if a net-metering customer has a time-of-day meter. If that is the case, then there is a problem with the calculation of the compensation for time-of-day meters; and the calculation needs to be adjusted.)

Request. Please explain how net-metering compensation can be greater than the retail rate.

Conclusion
Thank you for taking the time to consider these comments. I hope you find each of them worthy and incorporate them into the next version of this rule.

Sincerely,
Thomas Weiss