94 Harvest Lane, Suite 100
Williston, VT 05495
(802) 872-9600
allearthrenewables.com

January 13, 2023

Holly Anderson, Clerk
Vermont Public Utility Commission
112 State Street, 4th Floor
Montpelier, VT 05602

Re: Case 19-0855-Rule
Proposed revisions to Vermont Public Utility Commission Rule 5.100

Dear Ms. Anderson:

AllEarth Renewables, Inc. ("AER") submits these comments on the draft Rule issued on December 2, 2022, in accordance with the schedule set forth in the Commission's *Order Regarding Further Proposed Revisions to Commission Rule 5.100 and Request for Comments* ("the December 22nd Order") issued that same date.

In comments in this matter earlier this year, AER argued that the next iteration of Rule 5.100 "should offer a simplified 'behind the meter' option that would have the effect of equalizing net metering credits with residential rates on an individual utility basis." [1] The case for such an approach – which in many ways returns to the earliest net metering rule- is even stronger now than it was previously. Inflation, supply issues, power supply costs and other factors are resulting in significant utility rate increase requests in recent months, some in double-digit percentages.[2] As a result, net metering compensation at a fixed two-year amount under a complex biennial process yields an increasing financial disconnect between that compensation and more rapidly rising electric rates than Vermonters have seen in many years, and that disconnect is exacerbated by the application of negative adjustors under a complex and unpredictable system. While AER appreciates the indication in the December 22nd Order that the Commission is continuing to evaluate whether changes to net metering compensation are appropriate,[3] AER respectfully submits that this case provides the timeliest opportunity to revisit this issue, especially since there is no statutory timetable surrounding it.[4]

---

[1] AER comments of May 27, 2022 at 1.

[2] See, e.g., Case No. 22-4868-TF, *Tariff Filing of Vermont Electric Cooperative, Inc. for an 8.19% rate increase to be effective on January 1, 2023*; Case No. 22-5375-TF, *Tariff Filing of Morrisville Water & Light Dep't requesting an overall rate increase in the amount of 11.25% to take effect February 1, 2023*; Case No. 22-4100-TF, *Tariff filing of Washington Electric Cooperative, Inc. for approval of a 14.19% rate increase effective on a service-rendered basis commencing November 1, 2022.*

[3] December 22nd Order at 2.

[4] AER, along with Renewable Energy Vermont, also has asserted in this proceeding that the Rule should no longer contain a production meter requirement, and the Commission's December 22nd draft rejects that argument partly

While AER will not reiterate the various comments it has filed throughout these proceedings, and is appreciative of many facets of the December 2nd draft,[5] comments are warranted in a couple of additional areas.

First, the proposed change to Rule 5.109(D) that would trigger the application of current siting and REC adjustors when an amendment increase capacity "by more than 5% or 10kw, whichever is greater" is unduly small, and likely to discourage the land use efficiencies and other benefits inherent in the expansion of existing net metering systems. If the Commission is resolved to use a bright line numerical standard here, the numbers should be much higher.

Second, the December 2nd Order rejects AER's arguments that there should be a greater link between net metering rate setting proceedings and utility compliance tariffs, and clear standards and procedures as to how net metering information is reflected on customer bills. Achieving the first is simple; the December 2nd Order does not identify any legal basis that would preclude the Commission from simply requiring that compliance tariffs be served on the participants in the biennial update proceeding that led to the need to file those tariffs.[6] Creating some expectation of uniformity around what a net metering customer's bills look like is also well within the Commission's authority, and has no discernible downside.

Thank you for the Commission's consideration of these comments.

AllEarth Renewables, Inc.

By: ***/s/ David Mullett***
David Mullett, General Counsel
AllEarth Renewables, Inc.
94 Harvest Lane, Suite 100
Williston, VT 05495
802-872-9600
dmullett@allearthrenewables.com

This document electronically filed via ePUC

---

on the ground that net metering customers "would avoid any negative adjustors applying to their total production." December 2nd Order at 17. This is a non-issue under return to a simplified system in which, at least for small registration-level systems, net metering compensation directly matches the residential rate charged by that customer's utility and moves automatically with that rate.

[5] Such as extending CPG commissioning time to two years, eliminating the filing of transfer forms when a net metering system is sold with the underlying land, and elimination the Commission approval requirement for multiple net metering systems in a group presently found in Rule 5.100(E).

[6] The December 2nd Order rightly cites 30 V.S.A. §225(a) as the source of tariff notice requirements, even quoting the statute's language that empowers that notice be given to "parties affected by such schedules as the Commission shall direct."