

May 13, 2020

Filed via ePUC

Judith C. Whitney
Clerk of the Commission
Vermont Public Utility Commission
112 State Street
Montpelier, VT 05620-2701

***RE: Case No 20-0789-INV and Case No. 20-1094-RULE:
Comments regarding net metering application procedures***

Dear Commissioners:

On March 27, 2020, in Case No 20-0789, the Commission issued its ORDER WAIVING TWO PROCEDURAL REQUIREMENTS THAT REQUIRE CLOSE PERSONAL CONTACT, which relaxed certain requirements requiring close personal contact in the context of generating and filing application materials and notices pursuant to 30 V.S.A § 248. On April 1, 2020, Green Lantern Development, LLC submitted a Public Comment requesting that the Commission apply to net metering applications under Rule 5.100 similar notice requirements to those required by Rule 5.402. We believe this would conserve resources and enhance the safety of employees in the renewable energy sector and the service providers who support them.

Specifically, as previously stated, Rule 5.100's requirement that net metering applicants mail hard copies of entire Applications for Certificates of Public Good to every abutter and Towns and Planning Commissions, as well as filing through ePUC, is an onerous outlier in the State's administrative structure (both at the PUC and with respect to Act 250 applications) relating to applications for large projects. In our Comment, we recommended that the Commission allow net metering applicants to use procedures designed to limit in-office work, reduce costs and conserve resources in line with the rest of the State's administrative apparatus, and we proposed a structure that would achieve those goals while remaining consistent with the need to present potentially interested parties with necessary information. The Commission took no action in Case No. 20-0789-INV in response to our Comment.

However, on April 30, 2020, the Commission issued Emergency Rule 2.500, effective immediately. *Emergency Rule 2.500 - COVID-19 Emergency Procedures*, Case No. 20-1094-RULE. The purpose of the Emergency Rule ("ER") as stated by the Commission, is "to reduce or eliminate in person contact between members of the public and Commission staff or other members of the public to reduce the risk of exposure to the COVID-19 virus." ER 2.501.

Inexplicably, however, despite the fact that the Commission further eased the requirements under Rule 5.402 regarding the distribution of application materials to abutters and non-ePUC parties in other large project filings, the Commission failed to change the parallel process for net metering applications.

An application for a community-scale net metering project subject to Rule 5.107 typically consists of dozens of electronic documents totaling hundreds of pages. Those documents, maps, engineering drawings, etc., vary widely – some are black and white, some are color, and they are typically a mix of sizes from 8 ½ x 11 to 11 x 17. When filing through ePUC, this process typically takes an hour or more, but uploading these electronic documents is relatively straightforward.

Critically, however, creating and mailing multiple (typically about a dozen) paper copies requires several hours of printing at a high-capacity color laser printer, sorting and collating, sometimes folding and binding, and ultimately stuffing into envelopes. This process is laborious, time-consuming, resource-intensive, and expensive. It is exceedingly difficult to conduct this process anywhere other than an office environment with access to sophisticated, high-speed printing and copying facilities and the other amenities typically available in an office. If multiple applications are being prepared at the same time, this process becomes geometrically more time consuming and complicated and virtually impossible to conduct in a home office environment.

Comparatively, copying all of the electronic files comprising a net metering application onto multiple thumb drives or cds can be performed remotely by a single person in minutes rather than hours. It saves thousands of sheets of paper, electricity, toner and other resources, and eliminates the need for one to travel to and work in an office setting (or worse, a public copying center such as a Staples or Kinko's). Arguably, those electronic documents, most of which are searchable, are also in many ways easier to use than a typical hard copy application comprising a ream of paper.

The Commission's failure to amend the procedures for providing notice to the abutters of net metering projects while concurrently easing the procedures for other Section 248 projects appears to be completely arbitrary.¹ It is also in direct conflict with the Emergency Rule's own stated intent as expressed in ¶ 8 of the Commission's filing:

This emergency rule amends various filing and procedural requirements and provides alternative procedures to reduce or eliminate in-person contact between members of the public and Commission staff or other members of the public to reduce the risk of exposure to the COVID-19 virus.

For the same reasons as set forth above, the Emergency Rule's stated "positive" economic impact resulting from "the reduction of gasoline usage, postage, printing costs, etc." as cited in ¶ 11 of its filing, is also misleading. This is particularly true given the high volume of net metering applications that are typically submitted in the weeks prior to changes in the Commission's compensation structure for net metering projects, which at this time appears likely to occur some

¹ In fact, the Commission has already approved the recommended procedures in a net metering context. Those approved procedures served as a source of information for the procedures that Green Lantern proposed, which are in turn very similar to the revised procedures for Rule 5.402 applications. *See Request of Bullrock Solar, LLC, pursuant to Commission Rule 2.107, for a waiver of certain net-metering service requirements in connection with a proposed 80 kW solar net-metered electric generation facility to be located at 705 Spear Street in South Burlington, Vermont*, Case No 19-1290-PET, Order Granting Partial Waiver of Commission Rule 5.107(E), May 30, 2019.

time in late summer or fall, when COVID-19-related dangers are still possible and sensible safety restrictions likely to still be in effect.

We therefore respectfully restate our request that the Commission address this inconsistency. We would urge the Commission to revise the Emergency Rule to amend Rule 5.106 and Rule 5.107 in a manner that (1) mirrors the revised procedures for Rule 5.402 applications and (2) actually fulfills the protective and resource reduction goals that the Commission's Emergency Rule purports to accomplish.

This position, in favor of easing the wasteful, burdensome and unsafe administrative requirements for net metering applications, was also espoused by Renewable Energy Vermont's comments submitted in this Case No 20-0789-INV on May 12, 2020 and we join them in that regard. We are also submitting this comment in Case No. 10-1094-RULE and are contemplating whether to also file this request formally with the Legislative Committee on Administrative Rules.

Respectfully,

GREEN LANTERN DEVELOPMENT, LLC

A handwritten signature in blue ink, appearing to read "David Carpenter", with a long horizontal flourish extending to the right.

David Carpenter, Esq.
General Counsel