

ORIGINAL

OPEN MEETING ITEM



0000088991

COMMISSIONERS
MIKE GLEASON - Chairman
WILLIAM A. MUNDELL
JEFF HATCH-MILLER
KRISTIN K. MAYES
GARY PIERCE



BRIAN C. McNEIL
Executive Director

ARIZONA CORPORATION COMMISSION

Arizona Corporation Commission

DOCKETED

DATE: SEPTEMBER 29, 2008

DOCKET NO: RE-00000A-07-0608

SEP 29 2008

TO ALL PARTIES:



Enclosed please find the recommendation of Administrative Law Judge Teena Wolfe. The recommendation has been filed in the form of an Opinion and Order on:

NET METERING
(RULEMAKING)

Pursuant to A.A.C. R14-3-110(B), you may file exceptions to the recommendation of the Administrative Law Judge by filing an original and ten (10) copies of the exceptions with the Commission's Docket Control at the address listed below by **4:00** p.m. on or before:

OCTOBER 8, 2008

The enclosed is NOT an order of the Commission, but a recommendation of the Administrative Law Judge to the Commissioners. Consideration of this matter has tentatively been scheduled for the Commission's Working Session and Open Meeting to be held on:

OCTOBER 15, 2008 AND OCTOBER 16, 2008

For more information, you may contact Docket Control at (602) 542-3477 or the Hearing Division at (602) 542-4250. For information about the Open Meeting, contact the Executive Director's Office at (602) 542-3931.

BRIAN C. McNEIL
EXECUTIVE DIRECTOR

ARIZONA CORPORATION COMMISSION
DOCKET CONTROL

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1 **BEFORE THE ARIZONA CORPORATION COMMISSION**

2 COMMISSIONERS

3 MIKE GLEASON - Chairman
4 WILLIAM A. MUNDELL
5 JEFF HATCH-MILLER
6 KRISTIN K. MAYES
7 GARY PIERCE

8 IN THE MATTER OF THE PROPOSED
9 RULEMAKING REGARDING NET METERING.

DOCKET NO. RE-00000A-07-0608

DECISION NO. _____

OPINION AND ORDER

10 DATE OF HEARING: June 5, 2008 (Public Comments)

11 PLACE OF HEARING: Phoenix, Arizona

12 ADMINISTRATIVE LAW JUDGE: Teena Wolfe

13 IN ATTENDANCE: Mike Gleason, Chairman
14 William A. Mundell, Commissioner
15 Kristin K. Mayes, Commissioner

16 APPEARANCES: Mr. Robert Metli, SNELL & WILMER, LLP, on behalf
17 of Arizona Public Service Company;

18 Mr. Thomas D. Alston, on behalf of Solar Alliance;

19 Mr. Kevin T. Fox, KEYS & FOX, LLP, on behalf of
20 Interstate Renewable Energy Council;

21 Mr. Daniel Musgrove, on behalf of the Distributed
22 Energy Association of Arizona; and

23 Mr. Kevin Torrey, Staff Attorney, Legal Division, on
24 behalf of the Utilities Division of the Arizona
25 Corporation Commission.

26 **BY THE COMMISSION:**

27 On April 7, 2005, the Arizona Corporation Commission ("Commission") issued Decision No.
28 67744, which directed the Commission's Utilities Division ("Staff") to schedule workshops to
consider distributed generation interconnection and net metering.

On August 28, 2007, the Commission issued Decision No. 69877. In Decision No. 69877 the
Commission adopted the Public Utility Regulatory Policies Act of 1978 ("PURPA") standard on
net metering.

1 On October 19, 2007, the Commission, at the request of Staff, opened this rulemaking docket.

2 On December 17, 2007, Staff filed a Staff Report in this docket.

3 On March 20, 2008, the Commission issued Decision No. 70194 in this docket. Decision No.
4 70194 ordered Staff to prepare a Notice of Proposed Rulemaking to adopt Net Metering Rules,
5 A.A.C. R14-2-2301 through R14-2-2308 ("Proposed Net Metering Rules") and forward it to the
6 Arizona Secretary of State for publication in the *Arizona Administrative Register*. Decision No.
7 70194 further ordered the Commission's Hearing Division to schedule a public comment proceeding
8 on the proposed rulemaking to be held no earlier than 30 days after publication in the *Arizona*
9 *Administrative Register*, but as soon as practicable thereafter.

10 A public comment hearing was held as scheduled on June 5, 2008. Staff appeared through
11 counsel, and comments were provided by members of the public and interested parties. Written
12 comments received on the Proposed Net Metering Rules prior to the public comment hearing are
13 summarized and addressed in a Summary of Comments and Response, which was prepared in
14 accordance with A.R.S. § 41-1001(14)(b)(iii), and which will be included in the Preamble published
15 with the Notice of Final Rulemaking in the Arizona Administrative Register. The Summary of
16 Comments and Response is attached hereto as Appendix B, and is incorporated in this Decision.

17 * * * * *

18 Having considered the entire record herein and being fully advised in the premises, the
19 Commission finds, concludes, and orders that:

20 **FINDINGS OF FACT**

21 1. On April 7, 2005, the Commission issued Decision No. 67744, which directed Staff to
22 schedule workshops to consider distributed generation interconnection and net metering.

23 2. A workshop on net metering was held on September 7, 2006. Participants in the
24 workshop included representatives from utilities, government agencies, environmental advocacy
25 groups, consumers, advocates for renewable resources, advocates for distributed generation, and
26 renewable resource providers.

27 3. As part of the workshop process, Staff received written comments from parties
28 interested in net metering issues.

1 4. Decision No. 69877 (August 28, 2007) adopted the PURPA standard on net metering
2 to apply to all electric distribution companies in Arizona regulated by the Commission.

3 5. Decision No. 69877 ordered Staff to begin a rulemaking process to draft rules on net
4 metering, and directed that the draft rules address, at a minimum, the following issues: customer
5 sector participation, types of generation resources, project size, total participation, metering,
6 treatment of net excess generation, and responsibility for costs.

7 6. On October 19, 2007, Staff requested that this rulemaking docket on net metering
8 be opened.

9 7. On December 17, 2007, Staff filed a Staff Report that requested written comments
10 from interested parties on Staff's draft proposed Net Metering Rules.

11 8. Between December 31, 2007 and January 24, 2008, thirteen sets of written comments
12 were filed on Staff's December 17, 2007 draft proposed Net Metering Rules. The comments were
13 filed by Victor J. Ong; Western Resource Advocates; SolarForRent; Sierra Club (Grand Canyon
14 Chapter); citizenrē; City of Tucson; Solar Advocates, The Arizona Solar Energy Industries
15 Association, The Solar Alliance, and Vote Solar Initiative; Jon D. Findley; The Interstate Renewable
16 Energy Council ("IREC"); Arizona Public Service Company ("APS"); Tucson Electric Power
17 Company and UNS Electric, Inc. ("TEP" and "UNSE"); The Grand Canyon State Electric
18 Cooperative Association ("GCSECA"); and Ronald Hutcheson.

19 9. On February 1, 2008, Staff filed its revised draft proposed Net Metering Rules. Staff's
20 filing encouraged all interested parties to provide written comments on its revised draft proposed
21 Net Metering Rules.

22 10. Between February 12, 2008, and February 14, 2008, five sets of written comments
23 were filed on Staff's revised draft proposed Net Metering Rules. Those comments were filed by
24 GCSECA, Deluge, Inc., the Interstate Renewable Energy Council, TEP and UNSE, and
25 Solar Advocates.

26 11. On February 25, 2008, Staff filed a Recommended Order for the Commission's
27 consideration, with proposed Net Metering Rules. Staff's proposed Net Metering Rules incorporated
28 comments from interested parties. Staff recommended that the proposed rules forwarded to the

1 Arizona Secretary of State for Notice of Proposed Rulemaking.

2 12. On March 6, 2008, written comments on the Proposed Net Metering Rules were filed
3 by Duncan Valley Electric Cooperative, Inc., Graham County Electric Cooperative, Inc., Mohave
4 Electric Cooperative, Inc., Navopache Electric Cooperative, Inc., Trico Electric Cooperative, Inc.,
5 and Sulphur Springs Valley Electric Cooperative, Inc. (collectively, the "Electric Cooperatives"); The
6 Arizona Solar Energy Industries Association and The Solar Alliance ("Solar Advocates"); APS; and
7 TEP and UNSE.

8 13. The Recommended Order filed by Staff was considered at the Commission's Open
9 Meeting on March 11, 2008, and on March 20, 2008, the Commission issued Decision No. 70194.
10 Decision No. 70194 ordered Staff to prepare a Notice of Proposed Rulemaking to adopt Net Metering
11 Rules, A.A.C. R14-2-2301 through R14-2-2308 ("Proposed Net Metering Rules") and forward it to
12 the Arizona Secretary of State for publication in the *Arizona Administrative Register*. Decision No.
13 70194 further ordered the scheduling of a public comment proceeding on the Proposed Rulemaking
14 to be held no earlier than 30 days after publication in the *Arizona Administrative Register*, but as soon
15 as practicable thereafter.

16 14. On March 28, 2008, a Procedural Order was issued setting an oral proceeding for June
17 5, 2008, to obtain public comments on the Proposed Net Metering Rules, and directing Staff to cause
18 a Notice of Proposed Rulemaking to be published in the *Arizona Administrative Register* no later than
19 April 18, 2008, to inform the public that written comments on the Notice of Proposed Rulemaking
20 would be accepted through June 5, 2008; that written comments on the Notice of Proposed
21 Rulemaking should include a reference to Docket No. RE-00000A-07-0608 and should be submitted
22 to the Commission's Docket Control; and that although written comments would be accepted through
23 June 5, 2008, the Commission requested that interested persons file initial written comments on the
24 proposed rules on or before May 19, 2008, and file any written comments in response to other
25 interested persons' comments on or before May 27, 2008. The Procedural Order further directed
26 Staff to ensure that any written comments submitted to the Utilities Division rather than the
27 Commission's Docket Control be promptly filed with Docket Control; and directed Staff to file, on or
28 before June 2, 2008, Staff's written comments, including any additional recommendations, in

1 response to any comments filed by interested persons.

2 15. On May 19, 2008, written comments on the Proposed Net Metering Rules were filed
3 by APS, IREC, and Solar Advocates.

4 16. On May 20, 2008, the Electric Cooperatives filed written comments on the Proposed
5 Net Metering Rules.

6 17. On May 27, 2008, IREC and APS filed Reply Comments.

7 18. On May 27 and 28, 2008, the Distributed Energy Association of Arizona ("DEAA")
8 filed Reply Comments.

9 19. On May 29, 2008, Solar Advocates filed Reply Comments.

10 20. On May 30, 2008, Staff filed a copy of the Notice of Rulemaking Docket Opening and
11 Notice of Proposed Rulemaking that it submitted to the Arizona Office of Secretary of State and was
12 published by that office in the April 28, 2008, issue of the *Arizona Administrative Register*.

13 21. On June 2, 2008, Staff filed its Staff Report regarding comments made by interested
14 parties on the Proposed Net Metering Rules.

15 22. On June 5, 2008, the Commission held a proceeding to obtain public comments on the
16 Proposed Net Metering Rules, as scheduled. Staff, APS, The Solar Alliance, IREC, and the DEAA
17 appeared and provided public comment on the Proposed Net Metering Rules.

18 23. On July 7, 2008, Arizona Solar Energy Association filed a clarification to public
19 comment made by one of its members at the June 5, 2008, oral proceeding.

20 24. On July 8, 2008, APS filed responses to specific questions that Commissioners raised
21 at the June 5, 2008, proceeding. APS stated in the July 8, 2008, filing that it will not propose a total
22 utility capacity limit in its initial Net Metering Tariff filing, and will not seek to recover in such tariff
23 any specific additional costs at this time. The July 8, 2008, filing further stated that pursuant to
24 Decision No. 69663 (June 28, 2007), APS is continuing to study the actual costs and benefits of
25 renewable distributed generation on the system.

26 25. On July 14, 2008, IREC filed written comments responding to Staff's
27 June 2, 2008, filing.

28 ...

1 26. On September 12, 2008, a letter from Pima County Facilities Management to TEP
2 was docketed.

3 27. A summary of the comments that the Commission received on specific sections of the
4 Proposed Net Metering Rules, including both technical and legal issues, and the Commission's
5 analysis and resolution of those comments are included in the Summary of Comments and Response,
6 which is attached hereto as Appendix B and incorporated herein by reference. Appendix B was
7 prepared in accordance with A.R.S. § 41-1001(14)(d)(iii), and is to be included in the Preamble to be
8 published with the Notice of Final Rulemaking.

9 28. Typographical errors appearing in the text of the Proposed Net Metering Rules in the
10 Notice of Proposed Rulemaking have been corrected. For clarity and ease of interpretation, defined
11 terms have been capitalized wherever they appear throughout the text of the Proposed Net
12 Metering Rules.

13 29. In response to comments received, some clarifying language has been incorporated in
14 some sections of the Proposed Net Metering Rules, as explained in Appendix B, but no substantial
15 changes to the Proposed Net Metering Rules are required.

16 30. The text of the Proposed Net Metering Rules incorporating typographical corrections
17 and clarifying modifications is set forth in Appendix A, attached hereto and incorporated herein by
18 reference. Appendix A shows the clarifying modifications in boldface type.

19 31. No Notice of Supplemental Rulemaking is required.

20 32. Prepared in accordance with A.R.S. § 41-1057, the Economic, Small Business, and
21 Consumer Impact Statement is set forth in Appendix C, attached hereto and incorporated herein
22 by reference.

23 **CONCLUSIONS OF LAW**

24 1. Pursuant to Article XV of the Arizona Constitution and Title 40 of the Arizona
25 Revised Statutes, the Commission has jurisdiction to enact A.A.C. R14-2-2301 through R14-2-2308.

26 2. Notice of the rulemaking and hearing was given in the manner prescribed by law.

27 3. The Proposed Net Metering Rules as set forth in Appendix A contain no substantial
28 changes from the Proposed Net Metering Rules published in the Notice of Proposed Rulemaking.

1 4. Enactment of A.A.C. R14-2-2301 through R14-2-2308 as set forth in Appendix A is in
2 the public interest.

3 5. The Summary of Comments and Response set forth in Appendix B should be adopted.

4 6. The Economic, Small Business, and Consumer Impact Statement set forth in
5 Appendix C should be adopted.

6 **ORDER**

7 IT IS THEREFORE ORDERED that proposed A.A.C. R14-2-2301 through R14-2-2308 as
8 set forth in Appendix A, the Summary of Comments and Response as set forth in Appendix B, and
9 the Economic, Small Business, and Consumer Impact Statement, as set forth in Appendix C, are
10 hereby adopted.

11 IT IS FURTHER ORDERED that the Commission’s Utilities Division shall submit adopted
12 Rules A.A.C. R14-2-2301 through R14-2-2308, as set forth in Appendix A; the Summary of
13 Comments and Response, as set forth in Appendix B; and the Economic, Small Business, and
14 Consumer Impact Statement, as set forth in Appendix C; to the Office of the Attorney General
15 for endorsement.

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IT IS FURTHER ORDERED that the Commission's Utilities Division is authorized to make non-substantive changes in the adopted A.A.C. R14-2-2301 through R14-2-2308, and to the adopted Summary of Comments and Response, in response to comments received from the Attorney General's office during the approval process pursuant to A.R.S. § 41-1044 unless, after notification of those changes, the Commission requires otherwise.

IT IS FURTHER ORDERED that this Decision shall become effective immediately.

BY ORDER OF THE ARIZONA CORPORATION COMMISSION.

CHAIRMAN _____ COMMISSIONER _____

COMMISSIONER _____ COMMISSIONER _____ COMMISSIONER _____

IN WITNESS WHEREOF, I, BRIAN C. McNEIL, Executive Director of the Arizona Corporation Commission, have hereunto set my hand and caused the official seal of the Commission to be affixed at the Capitol, in the City of Phoenix, this ____ day of _____, 2008.

BRIAN C. McNEIL
EXECUTIVE DIRECTOR

DISSENT _____

DISSENT _____

TW:db

1 SERVICE LIST FOR:

RULEMAKING REGARDING NET METERING

2 DOCKET NO.:

RE-00000A-07-0608

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APPENDIX A

TITLE 14. PUBLIC SERVICE CORPORATIONS; CORPORATIONS AND ASSOCIATIONS; SECURITIES REGULATION

CHAPTER 2. CORPORATION COMMISSION

FIXED UTILITIES

ARTICLE 23. NET METERING

Section

R14-2-2301. Applicability

R14-2-2302. Definitions

R14-2-2303. Requirements and Eligibility

R14-2-2304. Metering

R14-2-2305. New or Additional Charges

R14-2-2306. Billing for Net Metering

R14-2-2307. Net Metering Tariff

R14-2-2308. Filing and Reporting Requirements

ARTICLE 23. NET METERING

R14-2-2301. Applicability

These rules govern the treatment of Electric Utility Customers in Arizona who wish to interconnect with the Electric Utility which serves them and engage in Net Metering operation as defined below.

These rules apply to all Electric Utilities, as defined in these rules.

R14-2-2302. Definitions

For purposes of this Article, the following definitions apply unless the context requires otherwise:

1. “Avoided Costs” means the incremental costs to an Electric Utility for electric energy or capacity or both which, but for the purchase from the Net Metering Facility, such utility would generate itself or purchase from another source.

1 2. "Biomass" means any raw or processed plant-derived organic matter available on a
2 renewable basis, including:

3 a. Dedicated energy crops and trees;

4 b. Agricultural food and feed crops;

5 c. Agricultural crop wastes and residues;

6 d. Wood wastes and residues, including:

7 i. Landscape waste,

8 ii. Right-of-way tree trimmings, or

9 iii. Small diameter forest thinnings that are 12 inch in diameter or less;

10 e. Dead and downed forest products;

11 f. Aquatic plants;

12 g. Animal wastes;

13 h. Other vegetative waste materials;

14 i. Non-hazardous plant matter waste material that is segregated from other waste;

15 j. Forest-related resources such as:

16 i. Harvesting and mill residue,

17 ii. Pre-commercial thinnings,

18 iii. Slash, and

19 iv. Brush;

20 k. Miscellaneous waste such as:

21 i. Waste pallets,

22 ii. Crates, and

23 iii. Dunnage; or

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1. Recycled paper fibers that are no longer suitable for recycled paper production,

but not including:

- i. Painted, treated, or pressurized wood,
- ii. Wood contaminated with plastics or metals,
- iii. Tires, or
- iv. Recyclable post-consumer waste paper.

3. "Biogas" means gases that are derived from:

- a. Plant-derived organic matter,
- b. Agricultural food and feed matter,
- c. Wood wastes,
- d. Aquatic plants,
- e. Animal wastes,
- f. Vegetative wastes,
- g. Wastewater treatment facilities using anaerobic digestion, or
- h. Municipal solid waste through:
 - i. A digester process,
 - ii. An oxidation process, or
 - iii. Other gasification process.

4. "Combined Heat and Power" or "CHP" (also known as cogeneration) means a system that generates electricity and useful thermal energy in a single, integrated system **such that the useful power output of the facility plus one-half the useful thermal energy output during any 12-month period must be no less than 42.5 percent of the total energy input of fuel to the facility.**

5. "Commission" means the Arizona Corporation Commission.

- 1 6. "Electric Utility" or "Utility" means an electric distribution company that constructs,
2 operates, and maintains the electrical distribution system for the receipt and delivery of
3 power.
- 4 7. "Electric Utility Customer" or "Customer" means an end-use retail Customer served
5 under a Utility's rate schedule.
- 6 8. "Fuel Cell" means a device that converts the chemical energy of a fuel directly into
7 electricity without intermediate combustion or thermal cycles. For purposes of these
8 Net Metering rules, the source of the chemical reaction must be derived from
9 Renewable Resources.
- 10 9. "Geothermal" means heat from within the earth's surface.
- 11 10. "Hydroelectric" means the kinetic energy derived from moving water.
- 12 11. "Net Metering" means service to an Electric Utility Customer under which electric
13 energy generated by or on behalf of that Electric Utility Customer from a Net Metering
14 Facility and delivered to the Utility's local distribution facilities may be used to offset
15 electric energy provided by the Electric Utility to the Electric Utility Customer during
16 the applicable billing period.
- 17 12. "Net Metering Customer" means any Arizona Customer who chooses to take electric
18 service in the manner described in the definition of Net Metering above, and under the
19 Net Metering tariff, as described in Section R14-2-2307.
- 20 13. "Net Metering Facility" means a facility for the production of electricity that:
21 a. Is operated by or on behalf of a Net Metering Customer and is located on the
22 Net Metering Customer's premises;
23 b. Is intended primarily to provide part or all of the Net Metering Customer's
24 requirements for electricity;
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- c. Uses Renewable Resources, a Fuel Cell, or CHP to generate electricity;
- d. Has a generating capacity less than or equal to 125% of the Net Metering Customer's total connected load, or in the absence of customer load data, capacity less than or equal to the Customer's electric service drop capacity; and
- e. Is interconnected with and can operate in parallel and in phase with an Electric Utility's existing distribution system.

14. "Renewable Resources" means natural resources that can be replenished by natural processes, including:

- a. Biogas,
- b. Biomass,
- c. Geothermal,
- d. Hydroelectric,
- e. Solar, or
- f. Wind.

15. "Solar" means radiation or heat from the Earth's sun that produces electricity from a device or system designed for that purpose.

16. "Wind" means energy derived from wind movement across the earth's surface that produces electricity from a device or system designed for that purpose.

R14-2-2303. Requirements and Eligibility

- A. An Electric Utility shall interconnect with any retail customer with a Net Metering Facility in the Electric Utility's service territory.
- B. Facilities with a generating capability greater than the limit specified in Section R14-2-2302(13)(d) shall require a special contract between the Utility and the Customer.

...

R14-2-2304. Metering

1 The meter that is installed on Net Metering Facilities after the effective date of these rules shall be
 2 capable of registering and accumulating the kilowatt-hours ("kWh") of electricity flowing in both
 3 directions in each billing period.

R14-2-2305. New or Additional Charges

4 Net Metering charges shall be assessed on a nondiscriminatory basis. Any proposed charge that
 5 would increase a Net Metering Customer's costs beyond those of other customers with similar
 6 load characteristics or customers in the same rate class that the Net Metering Customer would
 7 qualify for if not participating in Net Metering shall be filed by the Electric Utility with the
 8 Commission for consideration and approval. The charges shall be fully supported with cost of
 9 service studies and benefit/cost analyses. The Electric Utility shall have the burden of proof on
 10 any proposed charge.

R14-2-2306. Billing for Net Metering

- 11 A. On a monthly basis, the Net Metering Customer shall be billed or credited based upon the rates
 12 applicable under the Customer's currently effective standard rate schedule and any appropriate
 13 rider schedules.
- 14 B. The billing period for Net Metering will be the same as the billing period under the Customer's
 15 applicable standard rate schedule.
- 16 C. If the kWh supplied by the Electric Utility exceed the kWh that are generated by the Net
 17 Metering Facility and delivered back to the Electric Utility during the billing period, the
 18 Customer shall be billed for the net kWh supplied by the Electric Utility in accordance with the
 19 rates and charges under the Customer's standard rate schedule.
- 20 D. If the electricity generated by the Net Metering Customer exceeds the electricity supplied by
 21 the Electric Utility in the billing period, the Customer shall be credited during the next billing
 22

1 period for the excess kWh generated. That is, the excess kWh during the billing period will be
 2 used to reduce the kWh supplied (not kW or kVA demand or customer charges) and billed by
 3 the Electric Utility during the following billing period.

4 E. Customers taking service under time-of-use rates who are to receive credit in a subsequent
 5 billing period for excess kWh generated shall receive such credit during the next billing period
 6 during the on- or off-peak periods corresponding to the on- or off-peak periods in which the
 7 kWh were generated by the Customer.

8
 9 F. Once each calendar year the Electric Utility shall issue a check or billing credit to the Net
 10 Metering Customer for the balance of any credit due in excess of amounts owed by the
 11 Customer to the Electric Utility. The payment for any remaining credits shall be at the Electric
 12 Utility's Avoided Cost. That Avoided Cost shall be clearly identified in the Electric Utility's
 13 Net Metering tariff.

14 **R14-2-2307. Net Metering Tariff**

15
 16 A. Each Electric Utility shall file, for approval by the Commission, a Net Metering tariff within
 17 120 days from the effective date of these rules, including financial information and supporting
 18 data sufficient to allow the Commission to determine the Electric Utility's fair value for the
 19 purposes of evaluating any specific proposed charges. The Commission shall issue a decision
 20 on these filings within 120 days.

21 B. The Net Metering tariff shall specify standard rates for annual purchases of remaining credits
 22 from Net Metering Facilities and may specify total utility capacity limits. If total utility
 23 capacity limits are included in the tariff, such limits must be fully justified.

24
 25 C. Electric utilities may include seasonally and time of day differentiated Avoided Cost rates for
 26 purchases from Net Metering Customers, to the extent that Avoided Costs vary by season and
 27 time of day.

1 **R14-2-2308. Filing and Reporting Requirements**

2 A. Prior to May 1 of each year, each Electric Utility shall file a report listing all existing Net
3 Metering Facilities and the inverter power rating or generator rating as of the end of the
4 previous calendar year.

5 B. Also included in this report shall be, for each existing Net Metering Facility, the monthly
6 amount of energy delivered to and from the Electric Utility and, if available, the monthly peak
7 demand delivered to and from the Electric Utility.

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Appendix B**SUMMARY OF THE COMMENTS MADE REGARDING THE RULE
AND THE AGENCY RESPONSE TO THEM****ARTICLE 23. NET METERING****Comments Received on Proposed Net Metering Rules
Following the Notice of Proposed Rulemaking****R14-2-2302. Definitions****R14-2-2302.4 "Combined Heat and Power or CHP (also known as cogeneration)"**

Issue: APS proposes that this definition be replaced with a new definition of "Renewable Combined Heat and Power or (RCHP)." APS proposes deleting the entire definition of CHP appearing in this Section, and adding the following new definition of RCHP to the Net Metering Rules: "RCHP' or 'Renewable Combined Heat and Power' (also known as cogeneration) means a distributed generation system, fueled by an Eligible Renewable Energy Resource, that produces both electricity and useful renewable process heat. Qualifying RCHP systems shall meet all PURPA efficiency and effective utilization of heat production standards for a Qualifying Facility certification as set forth in 18 C.F.R. § 292.205." APS' proposed new definition is similar to the definition of "Renewable Combined Heat and Power System" that appears in the Commission's Renewable Energy Standard and Tariff ("REST") Rules, A.A.C. R14-2-1801 *et seq.*, at A.A.C. R14-2-1802.B.5. APS recommends this definition change in conjunction with its recommendation to replace "CHP" with "RCHP" in Section 2302.13.c., discussed below.

Distributed Energy Association of Arizona ("DEAA") does not agree with APS' proposal to replace the definition of CHP with a definition of RCHP, because DEAA does not agree that Net Metering should apply solely to promote renewable resources. DEAA argues that Decision

1 No. 67744 (April 7, 2005), which directed the Commission's Utilities Division ("Staff") to
2 schedule workshops to consider issues concerning distributed generation, interconnection and net
3 metering, did not state that distributed generation issues are limited to renewable resources; that
4 the August 24, 2006, announcement of a workshop on net metering did not indicate that net
5 metering should only apply to renewable resources; and that the minutes from the net metering
6 workshop did not state that net metering standards were to be limited to only renewable
7 resources. DEAA also argues that Decision No. 69877 (August 28, 2007), which adopted the
8 Public Regulatory Policies Act of 1978 ("PURPA") standard on net metering, does not limit net
9 metering to only renewable resources. DEAA's position is that all CHP systems meeting PURPA
10 efficiency standards should be included and allowed under the Net Metering Rules.
11

12 Staff disagrees with APS that net metering should be available only to renewable resource
13 facilities. Staff contends that CHP has a greater overall efficiency as compared to other types of
14 generation because CHP uses the waste heat in other processes, and distributed generation using
15 fossil-fueled CHP reduces the amount of fossil fuels used on a Utility's system because its greater
16 efficiency is displacing less-efficient Utility generation.
17

18 **Analysis:** The Net Metering Rules are not intended to apply only to renewable resources. CHP is a
19 valuable generation source because it has a greater overall efficiency as compared to other types
20 of generation due to the fact that CHP uses the waste heat in other processes, and distributed
21 generation using fossil-fueled CHP can reduce the amount of fossil fuels used on a Utility's
22 system because CHP's greater efficiency can displace less-efficient Utility generation. We will
23 therefore not adopt this recommendation by APS to replace the definition of "Combined Heat and
24 Power" with a definition of "Renewable Combined Heat and Power." APS' alternative
25 recommendation, discussed below, would clarify that PURPA-type standards for efficiency will
26 be met by CHP systems qualifying for Net Metering for which any fuel is a non-renewable
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1 resource. As set forth below, we adopt the clarifying language to that effect which Staff proposed
2 for this definition instead of replacing it with RCHP as proposed by APS.

3 **Resolution:** Retain this definition with additional clarifying language regarding CHP efficiency, as
4 discussed below.

5
6 **Issue:** As an alternative to its recommendation to replace the definition of "Combined Heat and
7 Power" with a definition of "Renewable Combined Heat and Power," and its recommendation to
8 replace "CHP" with "RCHP" in Section 2302.13.c, APS proposes that language be added to this
9 definition to specify that CHP facilities must meet the minimum efficiency standards of Qualified
10 Facilities as defined in PURPA. APS argues that non-renewable distributed generation should
11 not be subsidized if it is less efficient than the Utility-owned generation it would replace. APS'
12 alternative recommendation is to add the following sentence to the end of Section 2302.4:
13 "Qualifying CHP systems shall meet all PURPA efficiency and effective utilization of heat
14 production standards for a Qualifying Facility certification as set forth in 18 C.F.R. § 292.205 as
15 promulgated at the time these rules go into effect."

16
17 Duncan Valley Electric Cooperative, Inc., Graham County Electric Cooperative, Inc., Mohave
18 Electric Cooperative, Inc., Navopache Electric Cooperative, Inc., Trico Electric Cooperative, Inc.,
19 and Sulphur Springs Valley Electric Cooperative, Inc. (collectively, the "Electric Cooperatives")
20 are also concerned that the definition of CHP would provide incentives for distributed generation
21 from resources that are not qualified as renewable energy resources. The Electric Cooperatives
22 argue that allowing non-renewable energy distributed generation onto the grid as Net Metering
23 customers could displace renewable energy distributed generation resources, thereby interfering
24 with Utilities' ability to meet their annual distributed renewable energy requirements under the
25 REST Rules. However, the Electric Cooperatives are in agreement with APS that PURPA
26 efficiency and useful heat definitions of a Qualified Facility should apply to qualification for
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1 Net Metering service.

2 DEAA states that it does not agree with the premise of the Electric Cooperatives' arguments
3 for restricting CHP to only renewable resources. DEAA takes the position that all CHP systems
4 meeting PURPA efficiency standards should be included and allowed under the Net Metering
5 Rules. DEAA does, however, agree with APS' alternative recommendation to require CHP
6 systems to meet the efficiency standards of Qualified Facilities as defined under PURPA.
7

8 Staff agrees with APS and DEAA that to ensure the efficiency of a CHP system, PURPA-type
9 standards for efficiency should be met. Staff proposes adding the following clarifying language
10 at the end of this Section: "such that the useful power output of the facility plus one-half the
11 useful thermal energy output during any 12-month period must be no less than 42.5 percent of the
12 total energy input of fuel to the facility."
13

14 **Analysis:** We agree with APS, the Electric Cooperatives, DEAA and Staff that clarifying language
15 should be added to this Section to ensure that PURPA-type standards for efficiency will be met
16 by Net Metering CHP systems. Staff's proposed language best provides the needed clarity,
17 simplicity, and certainty.
18

19 **Resolution:** Add the following language to the end of this Section: "such that the useful power
20 output of the facility plus one-half the useful thermal energy output during any 12-month period
21 must be no less than 42.5 percent of the total energy input of fuel to the facility."
22

23 **R14-2-2302.13** **"Net Metering Facility"**

24 **R14-2-2302.13.c**

25 **Issue:** APS argues that this definition would allow for the subsidization of non-renewable energy
26 such as natural gas or diesel. APS proposes modification of this Section by replacing "CHP" with
27 "RCHP."
28

1 For the same reasons summarized in the discussion of Section 2302.4 above, DEAA does not
2 agree with APS' proposal to replace "CHP" with "RCHP" in this Section.

3 For the same reasons summarized in the discussion of Section 2302.4 above, Staff disagrees
4 with APS and the Electric Cooperatives that Net Metering should be available only to renewable
5 resource facilities, and also opposes APS' proposal to replace "CHP" with "RCHP" in Section
6 2302.13.c.
7

8 **Analysis:** The Net Metering Rules are not intended to apply only to renewable resources. CHP is a
9 valuable generation source because it has a greater overall efficiency as compared to other types
10 of generation due to the fact that CHP uses the waste heat in other processes, and distributed
11 generation using fossil-fueled CHP can reduce the amount of fossil fuels used on a Utility's
12 system because CHP's greater efficiency can displace less-efficient Utility generation. APS'
13 alternative recommendation, discussed above, would clarify that PURPA-type standards for
14 efficiency will be met by CHP systems qualifying for Net Metering for which any fuel is a non-
15 renewable resource. As set forth above, we adopt the clarifying language to that effect which
16 Staff proposed for the definition of Combined Heat and Power, instead of replacing "CHP" with
17 "RCHP" in this Section.
18

19
20 **Resolution:** No change required.

21 **R14-2-2302.13.d**

22
23 **Issue:** The Electric Cooperatives request that "125%" as stated in this Section be deleted and
24 replaced with "100%." The Electric Cooperatives argue that this change is necessary because
25 there will be a need for total distributed generation limits to maintain system reliability, and that
26 allowing systems sized to 125 percent of total connected load appears to provide an incentive for
27 customers to install more distributed generation equipment so that the customer could regularly
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1 sell unused energy to the Utility. The Electric Cooperatives express concern with the potential
2 need to upgrade their distribution systems to meet the 125 percent allowance. The Electric
3 Cooperatives state that they design and size their distribution system based on 100 percent of
4 customers' total connected load, and contend that additional distribution plant investment would
5 be required to meet the 125 percent of total connected load allowance for distributed generation
6 interconnection. The Electric Cooperatives also state a concern with a future need to install
7 energy storage assets to manage the "energy storage" demands imposed by Net Metering
8 Customers, pointing to language in the Staff Report accompanying the original proposed draft
9 Net Metering Rules which notes that customers will use Net Metering for "... essentially storing
10 excess power on the grid. . ." The Electric Cooperatives contend that this comprises a new role
11 for which Utilities' assets are not appropriately suited.
12

13
14 Interstate Renewable Energy Council ("IREC") opposes changing "125%" to "100%." IREC
15 agrees with the Electric Cooperatives that Net Metering Customers should not be provided an
16 incentive to oversize their distributed generation system, but argues that this issue is adequately
17 addressed by Section 2302.13.b, which defines a Net Metering Facility as a facility "intended
18 primarily to provide part or all of the Net Metering Customer's requirements for electricity."
19 IREC interprets this limitation to mean that only systems that are sized to meet a customer's load
20 qualify for Net Metering. IREC argues that Net Metering is intended to compensate distributed
21 generation system owners for electricity provided to a Utility on a regular, net basis, and that if
22 system sizes were limited such that customers with distributed generation systems were unlikely
23 to export energy, there would be no need for Net Metering. IREC states that it fully supports the
24 Commission's decision to require avoided cost payments for annual net excess generation, but
25 that it believes the most appropriate means to address system over-sizing concerns would be to
26 remove avoided cost payments for annual excess or, in the alternative, direct such payments to
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1 low-income assistance programs. IREC contends that limiting system size to a percentage variant
2 of peak demand would not prevent a system from being an annual net exporter and might well
3 have the unintended consequence of preventing Arizonans from sizing on-site renewable
4 generation to meet their on-site needs.

5 Solar Advocates also disagree with the Electric Cooperatives. Solar Advocates argue that the
6 Electric Cooperatives' concern, that distribution system upgrades would be required because
7 distributed generation output could produce flow back into the system at a level greater than 100
8 percent of total connected load, assumes the extraordinarily rare event that 100 percent of
9 customers on given distribution circuit have installed the maximum size system possible under
10 the Net Metering Rules. Solar Advocates point out that the National Electric Code addresses
11 back-feeding distributed generation devices, and limits the amperage of any device feeding back
12 onto the grid to safe levels. Solar Advocates argue that the safety and reliability related
13 limitations built into interconnection standards undercut the Electric Cooperatives' stated
14 concerns.
15

16 Staff also clarifies that the Electric Cooperatives appear to misunderstand the concept of
17 "energy storage" on the grid as discussed in the referenced Staff Report to mean that an
18 investment in energy storage assets is required. Staff explains that no investment in energy
19 storage assets will be required by Net Metering, but that instead, Staff's wording "essentially
20 storing excess power on the grid" in the Staff Report referenced by the Electric Cooperatives
21 simply refers to the fact that with net metering, the grid acts as a "virtual" storage system, by
22 which "stored" power is returned to the customer by Utility generation, not from an actual storage
23 facility, and that no investment in energy storage assets would be required by the Net Metering
24 Rules.
25

26 Staff states that because power is sold to the Utility at avoided cost, it is unlikely that Net
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1 Metering customers would greatly over-size their systems and thus force Utilities to purchase
2 excess power. Staff also points out that generating significantly beyond a Net Metering
3 Customer's requirements for electricity would violate the Net Metering Rules, because a Net
4 Metering Facility is defined in Section 2302.13.b is a facility intended primarily to provide part or
5 all of the Net Metering Customer's requirements for electricity.

6
7 According to Staff, the Electric Cooperatives' concern that Utilities would have to upgrade
8 distribution systems to meet 125 percent of connected load is unfounded. Staff states that
9 distribution systems are designed incorporating the diversity of customer load, i.e., that not all
10 customers will demand maximum power at the same time. Staff states that the same concept of
11 diversity applies in the delivery of power back to the Utility, and contends that the probability that
12 a large number of Net Metering Customers will be located close together and will be generating
13 at their maximum capacity such that the local distribution system cannot handle the influx of
14 power is too small to even consider as a possible event.

15
16 **Analysis:** As explained by Solar Advocates and Staff, the Electric Cooperatives' concern that
17 distribution system upgrades would be required due to distributed generation output producing
18 flow back into the system at a level greater than 100 percent of total connected load is unfounded.
19 The National Electric Code addresses back-feeding distributed generation devices, and limits the
20 amperage of any device feeding back onto the grid to safe levels. A Net Metering Facility is
21 intended primarily to provide part or all of the Net Metering Customer's requirements for
22 electricity, and oversizing a system in order to sell electricity back to the Utility would violate the
23 Net Metering Rules. Additionally, because electricity is sold back to the Utility at the Utility's
24 avoided cost rather than retail, customers would have little incentive to oversize in order to sell
25 back excess generation. As clarified by Staff, implementation of the Net Metering Rules will not
26 require Utility investment in energy storage assets.
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1 **Resolution:** No change required.

2 **Issue:** The Electric Cooperatives request that the words "total connected load" in this Section be
3 replaced with the words "peak demand." They are concerned with the difficulty in estimating
4 total connected load for their customers who do not have demand meters.
5

6 In response to the Electric Cooperatives' concern regarding measurement of total connected
7 load, Solar Advocates argue that this concern would only come into play in the event of a dispute
8 over system size, which Solar Advocates believes would be rare. Solar Advocates argue that
9 measuring total connected load may not be as difficult as the Electric Cooperatives may fear, and
10 that if the data on total connected load is not available, that the customer's electric drop capacity
11 may be used for system sizing, as allowed in Section 2302.13.d. Solar Advocates also argue that
12 peak demand is a number difficult to estimate, and contend that adoption of this word
13 replacement has the potential to exclude over 25 percent of solar distributed generation systems
14 sold in Maricopa County from participation in Net Metering. Solar Advocates bases this figure
15 on a report by one Solar Alliance member company that over 25 percent of the systems it has
16 installed have a capacity exceeding 125 percent of the estimated peak average demand of the
17 home, which is often around 7 to 8 kW.
18

19
20 IREC disagrees with the Electric Cooperatives that lack of demand meters or any difficulty
21 estimating total connected load necessitates a limitation of system size to a percentage of peak
22 demand. IREC also points out that according to the Electric Cooperatives' own written
23 comments, they regularly undertake total connected load estimations in designing and sizing their
24 distribution systems. IREC argues that it is difficult to understand how, in the absence of a
25 demand meter, peak demand would be any easier to measure than total connected load. Like
26 Solar Advocates, IREC interprets Section 2302.13.d to allow Utilities to limit Net Metering
27 eligibility to customers with systems sized below their service drop capacity, in the event that
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1 estimating total connected load proves to be overly involved and difficult.

2 Staff also states that Section 2302.13.d provides that the customer's service drop capacity
3 would be the generating capacity limit in the event connected load determination is difficult.
4 Staff argues that using peak demand as the limit is unacceptable because peak demand can
5 continuously change.
6

7 **Analysis:** The Net Metering Rules already provide an alternative means for determining generating
8 capacity limits in the event that a Utility finds it difficult to determine total connected load. The
9 Electric Cooperatives' proposed wording replacement is therefore not necessary.

10 **Resolution:** No change required.
11

12 **R14-2-2305** **"New or Additional Charges"**

13 **R14-2-2305.A**
14

15 **Issue:** IREC proposes that Section 2305.A be clarified by replacing the words "other customers"
16 with "another Net Metering Customer."

17 DEAA states that it can support IREC's stated recommended modifications to Section 2305.
18

19 Staff believes that a misinterpretation of the meaning of Section 2305.A and Section 2305.B
20 may be possible, and recommends the following new language for a single Section 2305 to
21 replace both Section 2305.A and Section 2305.B: "Net Metering charges shall be assessed on a
22 nondiscriminatory basis. Any proposed charge that would increase a Net Metering Customer's
23 costs beyond those of other customers with similar load characteristics or customers in the same
24 rate class that the Net Metering Customer would qualify for if not participating in Net Metering
25 shall be filed by the Electric Utility with the Commission for consideration and approval. The
26 charges shall be fully supported with cost of service studies and benefit/cost analyses. The
27 Electric Utility shall have the burden of proof on any proposed charge."
28

1 **Analysis:** Staff's proposed language provides clarification of both Section 2305.A and Section
2 2305.B in order to avoid misinterpretation.

3 **Resolution:** Replace both Section 2305.A and 2305.B with the following new Section 2305: "Net
4 Metering charges shall be assessed on a nondiscriminatory basis. Any proposed charge that
5 would increase a Net Metering Customer's costs beyond those of other customers with similar
6 load characteristics or customers in the same rate class that the Net Metering Customer would
7 qualify for if not participating in Net Metering shall be filed by the Electric Utility with the
8 Commission for consideration and approval. The charges shall be fully supported with cost of
9 service studies and benefit/cost analyses. The Electric Utility shall have the burden of proof on
10 any proposed charge."

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13 **R14-2-2305.B**

14 **Issue:** IREC believes that the requirement of Section 2305.B that Net Metering costs be assessed
15 on a nondiscriminatory basis with respect to other customers with similar load characteristics
16 should be clarified with regard to charging Net Metering customers additional fees or charges or
17 imposing equipment or other requirements. IREC proposes the addition of language which
18 currently appears in the REST Rules at R14-2-1801.M, as follows: "The Utility may not charge
19 the customer-generator any additional fees or charges or impose any equipment or other
20 requirements unless the same is imposed on customers in the same rate class that the customer-
21 generator would qualify for if the customer-generator did not have generation equipment." IREC
22 argues that this clarification is necessary to ensure that additional fees are not imposed on Net
23 Metering customers as a whole, which can substantially increase the cost of self-generation and
24 neutralize the benefits of net metering, particularly for small systems.

25
26
27 DEAA states that it can support IREC's stated recommended modifications to Section 2305.
28

1 APS opposes the addition of the language recommended by IREC because it would restrict
2 Utilities' ability to collect costs as allowed by Section 2305.A, when such costs are properly
3 supported by a cost of service study and benefit/cost analysis. APS further opposes the language
4 because APS believes it appears to expand the recovery restriction to include "any equipment or
5 other requirements." APS argues that such restrictions would be directly contrary to the
6 Commission's interconnection rules and APS' current approved tariffs which allow for the
7 recovery of increased costs incurred based upon a customer's specific load requirements or
8 characteristics, even if such costs to serve that customer are greater than the cost to serve a typical
9 customer in the same class. APS argues that the language would restrict APS from charging the
10 additional cost of a bi-directional meter, which is a piece of equipment used only by Net Metering
11 Customers. APS argues that in any event, the language is not needed, because the current
12 language requires the Utility to fully justify such costs and receive Commission approval under
13 Section 2305.A.
14

15
16 As discussed above, Staff recommends new language for a single Section 2305 to replace
17 both Section 2305.A and Section 2305.B.

18 **Analysis:** Staff's proposed language provides clarification of both Section 2305.A and Section
19 2305.B in order to avoid misinterpretation.

20
21 **Resolution:** Replace Section 2305.A and 2305.B with the new Section 2305 language
22 recommended by Staff as discussed above.

23
24 **Issue:** The Arizona Solar Energy Industries Association and The Solar Alliance ("Solar
25 Advocates") recommend that the language of this Section be changed to read as follows: "No
26 Net Metering charges shall be assessed to a Net Metering customer that are not assessed to all
27 customers with similar load characteristics, regardless of whether or not they participate in
28

Net Metering.”

DEAA supports the language proposed by Solar Advocates to clarify the intent and meaning of this Section.

For the same reasons it opposes the language change to this Section proposed by IREC, APS opposes the addition of the language recommended by Solar Advocates.

As discussed above, Staff recommends new language for a single Section 2305 to replace both Section 2305.A and Section 2305.B.

Analysis: Staff’s proposed language provides clarification of both Section 2305.A and Section 2305.B in order to avoid misinterpretation.

Resolution: Replace Section 2305.A and 2305.B with the new Section 2305 language recommended by Staff as discussed above.

R14-2-2306 “Billing for Net Metering”R14-2-2306.E

Issue: The Electric Cooperatives state that they do not support participation in a time-of-use program for Net metering customers because they believe that the costs for such customers would not properly be recovered in the time-of-use rates. The Electric Cooperatives state that should the Commission require offering a time-of-use program to Net Metering customers, such customers will need a separate time-of-use rate class to appropriately reflect the costs of service for Net Metering customers. The Electric Cooperatives state that using existing available technology, the costs could be high, but may decline with implementation of smart metering systems. The Electric Cooperatives suggest no language changes for this Section, but state that their proposed Net Metering tariffs will reflect technology for time-of-use Net Metering at the time the tariffs are presented.

1 Staff responds that if Net Metering is offered to time-of-use customers, and additional costs
2 are incurred, Section 2305 allows Utilities to file for approval of charges to recover additional
3 costs.

4 **Analysis:** The Electric Cooperatives suggest no language changes for this Section. At the time the
5 Commission reviews a proposed Net Metering Tariff, the Commission will determine whether it
6 is appropriate.
7

8 **Resolution:** No change required.

9 **R14-2-2307 "Net Metering Tariff"**

10 **R14-2-2307.B**

11 **Issue:** IREC states that the following language regarding capacity limits should be added to the end
12 of this Section: "and must be consistent with applicable REST goals for renewable distributed
13 generation resources." IREC argues that capacity limits artificially restrict the expansion of on-
14 site renewable generation and curtail the market for new renewable energy distributed generation
15 systems. IREC explains that under the REST Rules, Utilities must obtain 15 percent of their
16 retail electric load from eligible renewable resources by 2025, with 30 percent of this amount
17 coming from renewable distributed generation resources, and that accordingly, Utilities will need
18 to procure 4.5 percent of their electricity supply from renewable distributed generation by 2025.
19 IREC contends that as such, it will be difficult to meet REST distributed generation goals if Net
20 Metering enrollment is capped below 4.5 percent of a Utility's electric supply.
21

22 Solar Advocates also oppose capacity limits in general, and agree with IREC that capacity
23 limits should be set above 4.5 percent at the very least, to avoid hindering compliance with
24 Renewable Energy Standard goals.
25

26 DEAA states that it can support IREC's stated recommended modifications to Section 2307.
27
28

1 APS argues that if CHP eligibility were restricted to renewable applications, and its proposed
2 definition of "RCHP" were adopted (see discussion of Section 2302 above), APS would have less
3 of a concern about linking capacity requirements to the Renewable Energy Standard. APS states
4 that capacity limits would likely become an issue only if non-renewable CHP "crowds out" the
5 available capacity for distributed generation on a Utility's system.

6
7 Staff states that it does not believe the proposed language is necessary, because at the time the
8 Commission reviews a Net Metering tariff, the Commission may determine whether a requested
9 capacity limit is acceptable.

10 **Analysis:** At the time the Commission reviews a Net Metering Tariff, the Commission will
11 determine whether a requested capacity limit is acceptable, based on the facts presented at that
12 time.
13

14 **Resolution:** No change required.

15 **Issue:** Solar Advocates propose the addition of a new Section 2307.D as follows: "To the extent
16 practicable, R14-2-2301 through R14-2-2308, inclusive, shall be implemented consistent with the
17 Renewable Energy Standard and Tariff (R14-2-1801 et seq.)" Solar Advocates alternatively
18 suggests that the same wording could be included in the Decision approving the Net Metering
19 Rules.
20

21 DEAA does not agree with the proposed new Section 2307.D, arguing that it appears to be an
22 effort to link the implementation of the Net Metering Rules and the REST Rules. DEAA argues
23 that the PURPA standard adopted by the Commission in Decision No. 69877 does not limit Net
24 Metering to only renewable resources.
25

26 APS interprets the proposed language as simply stating the principle that all Commission
27 regulations should be interpreted and implemented, to the extent practicable, in a manner that
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1 gives effect to each, and therefore does not oppose this addition to Section 2307.

2 Staff states that it does not believe the language proposed by Solar Advocates is necessary.

3 **Analysis:** The Net Metering Rules are not intended to apply only to renewable resources. Because
4 all Commission regulations should be interpreted and implemented, to the extent practicable, in a
5 manner that gives effect to each, the new Section proposed by Solar Advocates is not necessary.
6

7 **Resolution:** No change required.
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APPENDIX C

ECONOMIC, SMALL BUSINESS, AND CONSUMER IMPACT STATEMENT

A. Economic, small business, and consumer impact summary.

1. Proposed rulemaking.

Proposed permanent Rules R14-2-2301 through -2307 allow any retail customer of a Commission-jurisdictional Electric Utility to construct a renewable resource or Combined Heat and Power (“CHP”) facility and interconnect for the purpose of exchanging electric power and energy with the Electric Utility that normally serves them. Under the proposed rules, Net Metering shall be a service of Arizona electric distribution utilities under a Commission-approved tariff.

2. Brief summary of the economic impact statement.

The public at large would benefit from Net Metering since it would encourage more of the electricity produced in Arizona to be generated from renewable resources and high-efficiency facilities. Electricity produced from renewable resources such as solar, wind, or biomass, or from CHP facilities, allows for lower levels of air emissions, and greater diversity and reliability of the energy supply in Arizona.

The cost to Electric Utilities to comply with the Net Metering Rules will depend on several factors. These factors include the cost of metering and billing Net Metering Customers, and the Electric Utility’s avoided cost of production. Also affecting the Electric Utility’s cost would be the retail rates under which the Net Metering Customer takes service.

Any proposed charge for recovery of additional costs due to compliance with these rules shall be filed by the Electric Utility with the Commission for consideration and approval in compliance with R14-2-2305. The charges shall be fully supported with cost of service studies and benefit/cost analyses. The Electric Utility shall have the burden of proof on any proposed charge.

As stated in R14-2-2307, Electric Utilities will be required to file a tariff specifying standard rates for purchases of energy from Net Metering Facilities.

Utilities may incur additional costs of complying with reporting requirements, and reviewing or inspecting a customer’s Net Metering Facility. The Utilities and their customers may benefit from the reduced load on their local distribution systems and a reduced need for procurement of generation and transmission resources if Net Metering encourages more customer-installed generation.

Customers of Electric Utilities who install Net Metering Facilities will incur an initial cost for the equipment, and then may benefit from the ability to meet their own electricity needs rather than purchase from the local Utility. Electric energy produced beyond customer needs by the Net Metering Facility is credited to the customer, in effect resulting in purchase by the Electric Utility at its avoided cost. Any class of Utility customer may install Net Metering Facilities.

1 Manufacturers, distributors, and installers of eligible Net Metering technologies can benefit
 2 because Net Metering Customers will purchase and install these eligible technologies. Eligible Net
 3 Metering technologies include solar, wind, biomass, biogas, geothermal, hydroelectric, and CHP
 facilities. Employees of the manufacturers, distributors, and installers of eligible technologies will
 benefit through increased job opportunities.

4 **3. Name and address of agency employees to contact regarding this statement.**

5 Jeffrey Pasquinelli, Public Utilities Analyst, and Kevin Torrey, Staff Attorney, at the Arizona
 6 Corporation Commission, 1200 W. Washington St., Phoenix, Arizona 85007.

7 **B. Economic, small business, and consumer impact statement.**

8 **1. Identification of the proposed rulemaking.**

9 The proposed rules would be a new section under Title 14, Chapter 2 – Corporation
 10 Commission Fixed Utilities. Proposed permanent rules R14-2-2301 through -2308 govern the
 11 treatment of Electric Utility Customers in Arizona who wish to interconnect with the Electric Utility
 which serves them and engage in Net Metering operation as defined in the Rules. The Rules apply to
 12 all Electric Utilities, as defined in the Rules.

13 **2. Persons who will be directly affected by, bear the costs of, or directly benefit from the
 14 proposed rulemaking.**

- 15 a. the public at large
- 16 b. consumers of electric service in Arizona
- 17 c. electric public service corporations
- 18 d. Arizona Corporation Commission
- 19 e. manufacturers and installers of renewable energy and CHP power plants in Arizona
 and their employees
- 20 f. public entities, such as schools, cities, counties, and state agencies.

21 **3. Cost-benefit analysis.**

22 **a. Probable costs and benefits to the implementing agency and other agencies
 23 directly affected by the implementation and enforcement of the proposed rulemaking.**

24 To the extent that the implementing agency and other agencies are customers of Electric
 Utilities and install Net Metering Facilities, probable costs would include the costs of the Net
 25 Metering generation equipment. Benefits would include the ability to meet their own needs for
 26 electricity rather than purchase from the Electric Utility.

27 Probable costs to the Commission of the Net Metering Rules would include costs
 28 associated with reviewing reports, processing proposed tariffs and charges, and general overview
 and enforcement of the Net Metering Rules as a whole.

**b. Probable costs and benefits to a political subdivision of this state directly affected
 by the implementation and enforcement of the proposed rulemaking.**

1 To the extent that political subdivisions are customers of Electric Utilities and install Net
2 Metering Facilities, probable costs would include the costs of the Net Metering generation
3 equipment. Benefits would include the ability to meet their own needs for electricity rather than
purchase from the Electric Utility.

4 Local governments may benefit from increased property tax revenues resulting from new
5 Net Metering generation facilities being installed in Arizona. Local governments may also
6 benefit from an increase in employment in the renewable energy business sector.

7 **c. Probable costs and benefits to businesses directly affected by the proposed**
8 **rulemaking, including any anticipated effect on the revenues or payroll expenditure of**
9 **employers who are subject to the proposed rulemaking.**

10 A cost to an Electric Utility would be any costs of complying with the Net Metering
11 Rules. These costs may be recovered through the Electric Utility's rates to customers. Other
12 costs may include penalties that may be imposed for failing to comply with the Net Metering
13 Rules. The anticipated effect on revenues or payroll expenditures of Electric Utilities would
14 likely be minimal.

15 To the extent that other businesses are customers of Electric Utilities and install Net
16 Metering Facilities, probable costs would include the costs of the Net Metering generation
17 equipment. Benefits would include the ability to meet their own needs for electricity rather than
18 purchase from the Electric Utility.

19 **4. Probable impact on private and public employment in businesses, agencies, and political**
20 **subdivisions of this state directly affected by the proposed rulemaking.**

21 Manufacturers and installers of renewable and CHP energy systems in Arizona may hire
22 additional employees. The impact on public employment or Electric Utilities' employment is
23 expected to be minimal.

24 **5. Probable impact of the proposed rulemaking on small businesses.**

25 **a. Identification of the small businesses subject to the proposed rulemaking.**

26 Businesses that are subject to the proposed rules are "Electric Utilities," which are public
27 service corporations that own, operate, and maintain electrical distribution systems in Arizona.
28 Some of these Electric Utilities are small businesses, but others are large regional businesses.

Additional small businesses that could be impacted by the Net Metering Rules are small
business customers of an Electric Utility that choose to become Net Metering Customers.

b. Administrative and other costs required for compliance with the proposed rulemaking.

A cost to small Electric Utilities would be any costs of complying with the Net Metering
Rules that are not recovered through the Utility's rates. Other costs could include penalties that

1 may be levied for noncompliance with the Net Metering Rules.

2 Other small businesses that are customers of Electric Utilities and choose to become Net
3 Metering Customers would need to pay the rates included in the tariff filed pursuant to proposed
4 R14- 2-2307.

5 **c. A description of the methods that the agency may use to reduce the impact on small
6 businesses.**

7 The Commission could consider specific rate designs that may reduce the impact on small
8 businesses when setting rates pursuant to proposed R14- 2-2305 or -2307.

9 **d. Probable cost and benefit to private persons and consumers who are directly affected by
10 the proposed rules.**

11 The public at large would benefit from a Net Metering program that encourages a larger
12 portion of the electricity sold in Arizona to be produced from high efficiency and renewable
13 energy resources. Producing electricity from high efficiency and renewable energy resources has
14 fewer adverse impacts on air, land, and water than producing electricity from conventional
15 energy sources. In addition, most renewable resources rely on either no-cost resources (such as
16 the sun, wind and geothermal heat) or very low-cost resources (e.g., biomass) which are available
17 locally in Arizona and are not subject to supply disruptions, manipulation of market prices, or
18 wild unanticipated fluctuations in price. These features contribute to the reliability of the energy
19 supply that Arizonans will depend upon to meet future energy needs.

20 **6. Probable effect on state revenues.**

21 There may be an increase in state revenues from sales taxes on Net Metering Facility
22 equipment purchases. There may also be increases in income taxes resulting from revenue increases
23 in Arizona manufacture and installation of renewable technologies.

24 **7. Less intrusive or less costly alternative methods of achieving the purpose of the
25 proposed rulemaking.**

26 The Commission is unaware of any alternative methods of achieving the purpose of the
27 proposed rulemaking that would be less intrusive or less costly.

28 **8. If for any reason adequate data are not reasonably available to comply with the
requirements of subsection B of this section the agency shall explain the limitations of the data
and the methods that were employed in the attempt to obtain the data and shall characterize
the probable impacts in qualitative terms.**

The data used to compile the information set forth in subsection B are reasonably adequate for
these purposes.