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BEFORE THE ARIZONA CORPORATION COM.

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COMMISSIONERS
KRISTIN K. MAYES, Chairman
GARY PIERCE
PAUL NEWMAN
SANDRA D. KENNEDY
BOB STUMP

Arizona Corporation Commission

DOCKETED

SEP 10 2010

DOCKETED BY *[Signature]*

ARIZONA CORPORATION COMMISSION

2010 SEP 10 A 9:56

RECEIVED

| | | |
|--------------------------------|---|-------------------------------|
| Viktor Peter Polivka, |) | DOCKET NO. E-01933A-10-0340 |
| |) | |
| Complainant, |) | MOTION TO DISMISS |
| vs. |) | TUCSON ELECTRIC POWER COMPANY |
| |) | MOTION TO DISMISS |
| Tucson Electric Power Company, |) | |
| |) | |
| Respondent |) | |
| _____ |) | |

Hereby Viktor Peter Polivka, Complainant Pro-Se respectfully requests that

The Arizona Corporation Commission dismiss the Tucson Electric Power Company motion to dismiss be dismissed until such time so as the discovery process is fully completed. Furthermore, the Complainant is attaching evidence exhibits that will shed some light on the issues, by presenting additional documentation, that supports Complainant allegations of misinformation, half truths, requirement inconsistencies as well as perjury presented by TEP Counsel in the answers and motion, regarding

The true facts are as follow:

EXHIBIT "A". Department of Services Development (DSD) , Permit Application Requirement Form that clearly requires a " Letter form utility company acknowledging grid-tie PV system" that is being installed. Complainant could not proceed with the permit application process for the grid-tie system due to TEPs

1 failure to repeatedly respond to Complainants request for the required letter for a
2 grid-tie system installation. TEP repetetly ignored the request for the letter for over
3 6 months, hence, Complainant chose the off grid option, which did not require a
4 permit. The decision to go "off grid" was also determined by Complainant, for it
5 was not economically feasible to participate in the Net Metering Program, where the
6 Complainant would be charger "premium rates" of \$0.018 PWh vs. the standard rate
7 of \$0.0049 PWh for any grid current he required to supplement the PV's systems
8 capacity shortages to operate the 4Ton AC unit during summer months when the
9 PVs diminished harvesting efficiency drops by 20% at temperatures over 100F
10 that consequently would of more than doubled the monthly electric bill for the
11 identical Wh consumption rate! The fact that TEP claims that they have no
12 knowledge of the "acknowledgement letter" by DSD requirement, has been a
13 requirement for the past several years that allegedly applies to all applicants for
14 a permit, without exception. However, perhaps TEP has a "special" arrangement
15 with DSD, where some "chosen" applicant may omit this fundamental requirement
16 to obtain a permit? Never the less, Complainant has chosen to peruse the off grid
17 option at this juncture anyway.

18 **EXHIBIT "B"** (copy of email) Despite Complainants decision to "go off grid"
19 TEP still "insisted" that Complainant should go for the "grid-tie" option, with
20 a battery back up system. Complainant kept rejecting this option!

21 **EXHIBIT "C"** Consulting the TEP Guidelines, Complainant needed
22 "clarification" regarding the "Array Azimuth Angle" as this information
23 was provided in "chart" that was quite "unclear". If not in compliance the UFI

1 payment would reduced by pre determined % , hence via phone conversation
2 Claimant was “instructed” that the “required angle” was to be 20 degrees
3 Questioning the “chart” which is drawn to show a range of . 18% to 36%. +/-
4 1 degree. Complainant array system has by then been “installed” at the “natural roof
5 pitch” of 18% so as to minimize or eliminate any possible “wind load” to as close as
6 possible to zero load (0) , thus Complainant had to incur additional expense to
7 comply to TEPs guidelines by elevating the array by 3 degrees due to the
8 “unclear inaccuracy“ of the chart. TEP agent then answered: Our approved installers
9 have been informed of the “revision”, you should of “used” our approved installers!
10 This inaccurate chart has been in the public guidelines since 2008 , without any
11 effort from TEP to “update/revise” the correct information, thus causing extra
12 cost to the self-installer or a deduction of the UFI payment!

13 **EXHIBIT “D”** Off Grid permit requirement, from the onset of the project,
14 TEP kept insisting for a “permit” even for a off grid installation. However, email
15 dated April8, 2010 at last “clarifies” the requirement, when TEP was going to
16 qualify Complainants system for an ” off grid” that indeed does “not require”
17 permit after all--as the DSD application is only for a PV grid-tie system only.

18 **EXHIBIT “E”**(copy email) This refers to TEP’s previous experience in the “past”
19 a customer he/she had the identical “experience” with TEP with a “battery back up”
20 Residential renewable Solar Energy System --only one out of 859 TEP approved
21 systems with a battery back up solar system in TEPs area of service for a UFI.
22 However, since there was no permit required, the individual is not listed in the
23 “public records”, Complainant has not been able to locate him/her to provide a

1 a statement or confirmaton "how/what" was the TEP approval process implemented
2 and how the incentive was paid out, Complainant will file a motion to subpeona
3 this customer, so he/she may share with the ACC in a public forum, TEPs mode of
4 operation, about the incentives dispersal of public funds (TEP has merely the
5 judiciary duty--not ownership of the funds-- to implement the Renewable Energy
6 Incentives without prejudice or individual choices from mandated Tariffs (Taxes) by
7 TEP customers that have an "qualified Compliance Certified Solar System).
8 Complainants system, was rejected "merely due to the battery issue". The alleged
9 "metering" issue is that TEP is seeking to "meter" an "impossibility", by trying to
10 demand metering the battery energy that is a DC current that becomes AC only
11 after passing though the inverter process. TEP is demanding to meter a non existent
12 entity The "proposed" remedy as per TEP assessment of the issue by modifying or
13 moving the batteries from the DC side to the AC side as a solution (TEP expereese)
14 has been addressed by Nicola Tesla in 1886--the inventor of AC current-- as an
15 impossible task, since AC current can not be "stored" in batteries then or even with
16 today technology. All DC to AC inversions have to "pass" through "capacitors" to
17 produce AC current, and this "process" indeed has a "natural loss" from the original
18 input of DC current by 6%-8% depending on ambient temperatures to become
19 "alternating current". The second objection to using barreries is TEPs concern about
20 the "loss" use to "battery aging" is also natural, same as the condition as TEP is
21 experiencing lately during wind storms, when the 50 year plus old wooden
22 "transmission poles" come tumbling down due to "aging" and "rotting" at the base
23 a natural condition and as per TEP statements, are "too expensive" to be replaced by

1 metal poles, for which TEP apparently “forgot“ to set aside (greed) some funds to
2 replace the inevitable consequence of “predictable aging decay!” Batteries do indeed
3 decay over a period of usage, and also need to be replaced. Hence, if indeed the
4 “solution”, as per TEP statement was to merely “relocate the batteries” to the AC side
5 is feasible. Why then did they not “apply” their magic to the “previous” battery
6 system they had the opportunity to prove a valid solution! Perhaps, TEP is merely
7 concerned about the Net Metering Billing revenue, where the direct inverters that are
8 not able to “store” any surplus energy harvested, are “forced” to “re purchase” their
9 surplus energy at a triple cost to supply current to the home during the hours of
10 darkness or overcast conditions. This is the reason Tucson only has “one” approved
11 battery back up solar harvesting system to date...It’s all about incoming evenue!.

12 **EXHIBIT “F”**(copy email) Document addresses the off grid approval as well as
13 that Complainant is eligble for the “incentive pay” after disconnecting from the grid

14 **EXHIBIT “G”** (copy email) Addresses the “disconnect from grid” instruction
15 by TEP representative (Clindsey) However, he did not want to put it in “writing”
16 as promised on April 9, 2010 to assure possible “denial ability”, Complainant sent
17 email, dated April 13,2010 addressing the “ordered” to disconnect, action necessary
18 to initiate the incentive pay process for UFI for off grid. It was never contested.

19 **EXHIBIT “H”** Letter of offer for incentive, monthly electric bills
20 for April, July, August 2010) The electric bill reflect that Complainant was indeed
21 a Tariff paying customer thru April 15, 2010 --at which time he was ‘ordered” to
22 disconnect to enable the UFI pament process-- notice the decreasing monthly
23 consumption due to his implementation the “operasion/dependency” of the Solar

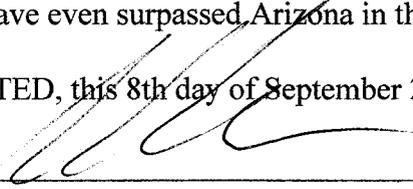
1 system, which he has been "fine tuning" for maximum efficiency for the last 3 months.
2 The only reason there are any Whs used, was due to the TEP Enginner requesting that
3 the system is "operating properly" not feeding any curret back into the grid -this
4 process, required the "inverters" to be put into a full load from grid mode, a condition,
5 which consumed 20Whs in one hour while being tested cost the Complainant" the
6 20Whs metered--otherwise the monthly consumption would have been zero
7 Therefore, Complainant going to be billed for only the "minimum charges" to keep the
8 account active hence forth. Thus the \$9.00 savings per month was not a
9 "incentive" to disconnect from the grid, and have the UFI pay reduced from \$17.000
10 to the subsequently offered \$4.000 UFI. Up to this point the Complainant was
11 assured that the eligibly for off grid UFI was based on the 5000Watt system he has
12 applied for date stamped February 22, 2010. And not until the "offer letter" arrived
13 (unfortunately TEP forgot to date the correspondence, hence to the best of my
14 recollection the letter was received sometime late June 2010) did he realize that he
15 has been "manipulated to "disconnect illegally "so as TEP can realize a windfall
16 profit savings on UFI payout! Perhaps the same "process" TEP used on the "only
17 other battery system owner" in the past. Immediately, Complainant called the Analyst
18 at ACC, and she indeed informed him that the "disconnection order" was illegal, and
19 for him to "reconnect to the grid". At first, TEP could "not find" the Complainants
20 account and then tried to "charge a for re connection fee". This issue was resolved
21 by the interviewing ACC Analyst and the account reinstated June 1, 2010. Hence,
22 this action is merely "coincidental or circumstantial evidence" however, it indeed
23 points to the "motive" unethical or even illegal procedures, and the need for

1 "deniability" as claimed by TEP. The Complainant had nothing to "gain" by
2 disconnecting, since the \$9.00 monthly saving realized by disconnecting would take
3 over 12 years just to "amortize" the saving by losing over \$13,000 in UFI payment.
4 The Complainant may be old and disabled, but certainly is not "retarded"
5 or "demented" yet! Finally, if the monthly electric bill for June and August are
6 examined closer, one can notice the Complainant's electric consumption is "exactly"
7 the same, 440Wh each month and the billing is: \$52.29 & \$52.36 respectively
8 Calling TEP about the .7 cents difference, I was informed that: "this is the computer.
9 and it is only 7 cents! MY 7 cents.... The matter is "the principle" apparently TEP
10 has no accountability to the customer, however, the "only 7 cents" per customer, in
11 a 400K customer base amounts to \$2,800.00 monthly or \$ 33,600.00 annually in
12 overcharges. This is a reflection of TEP's willingness to do anything to "the
13 bottom line", if they can get away with it. The odds of having identical" are bills
14 tremendous, by any means. To be "discovered" the odds are in the millions.
15 Furthermore, the "computer" does not act on its own, it needs human programming
16 input, and certainly this is a reflection on TEP's attitude towards the public!
17 Courts all over our land, have been convicting criminals on "circumstantial evidence"
18 to even impose the death penalty. TEP indeed has very much to answer in this case,
19 and the "evidence exhibits" just cause to proceed with this docketed case..
20 After overcoming all the misinformation and obstacles imposed by TEP for months
21 the Residential Renewable Solar systems self installation was completed
21 on my mobile home, with a metal roof guaranteed for 25 years, rated at 20#psf
22 (the solar arrays load is only 2.7#psf) rated at wind resistance to 133MPH --TEP

1 routinely approves asphalt shingle roof, and demands a 20 year commitment, for a roof
2 that only have a 10year life expectancy. The application for off grid was filed on
3 February 22,2010 with the "completion date" as March 1st, 2010. TEP has not acted on
4 the application for over 3 months, However, after TEP "managed" manipulate the
5 "odds and gain what they viewed as leverage" to process the "incentive" within 2 two
6 weeks to make a offer where they can realize a "profit". Is this also a "coincidence?
7 Complainant only seeks the off grid option and the full incentive as prescribed by the
8 ACC rules. The green energy program was implemented to "reduce" our Country's
9 reliance on fossil fuels and not merely an other avenue to "profiteer" from the
10 incentive. The less than efficient systems approved by TEP, indeed are merely a "cash
11 machine" that exploits conscious citizens interested in the environment, to reduce
12 pollution was well, for the health of our planet. During the last months, this need was
13 indeed obvious, the "power outages" were numerous, mainly by "feed line problems"
14 which indicate TEP does not have enough current to serve the population it serves
15 but the systems TEP has added, do not do what is expected from a Solar system, to
16 provide electric current to the residence, even during "power outages" mainly due to
17 the fact that TEP "refuses" to approve battery back up systems. Which may "reduce"
18 the utilities revenues. This is the main reason, TEP has not been able to enlist more
19 than ½% of customers to sign up for a Renewable Energy System, that requires an
20 investment of over \$30K and still have a sizable monthly electric bill and no power
21 during the outages. Unless this is changed, the Solar Renewable Energy has no future
22 here in Tucson. With the predicted growth of the city, these power outages will not
23 improve and only will become more frequent affecting a larger portion of the

1 population. Battery back up systems are the only hope that will help the "demand" on
2 the available grid current in the area, aside form building a "new" electric generating
3 plant in the region.. Arizona is one of the favorable places in this World for Solar
4 energy harvesting , yet it is not even listed in the top 100 sites that harvests solar
5 energy. Several third world countries have even surpassed Arizona in the effort.

6 RESPECTFULLY SUBMITTED, this 8th day of September 2010

7 BY 
8 Viktor Peter Polivka, Complainant, Pro-SE

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EXHIBIT

“A”

EX "A"

Development Services Department



201 N. Stone Avenue
PO Box 27210
Tucson, Arizona 85726-7210
Tel. (520) 791-5550

RESIDENTIAL PHOTOVOLTAIC TEMPLATE ELECTRICAL ELEMENT

APPLICABILITY

- ◆ Residential photovoltaic systems.
- ◆ Simple systems consisting of photovoltaic arrays, inverter, AC grid-tie.

FUNDAMENTAL REQUIREMENTS

- ◆ Minimum font size of 1/8-inch (all upper case). Reference 2006 International Building Code, 106.1.1.
- ◆ Standardized 11" X 17" sheets.
- ◆ Design per National Electrical Code and local amendments, with special emphasis on Article 690.
- ◆ Letter from utility company acknowledging grid-tie PV system, unless the project SunShare
- ◆ PV Panel Cut Sheets with clear identification of exact equipment selected, clear identification of all design-pertinent information (highlight rated power, rated voltage/voltage at maximum power, rated current/current at maximum power, open circuit voltage, short circuit current, series fuse rating, maximum system voltage), and documentation of listing of equipment
- ◆ Inverter Cut Sheets with clear identification of exact equipment selected, clear identification of all design-pertinent information (highlight nominal output power, input voltage range, maximum input voltage, maximum input current, nominal AC voltage, operating AC voltage range, maximum output current, overcurrent protection, ground fault protection, zero feedback documentation, positive/negative grounding requirements (if applicable), and documentation of listing of equipment
- ◆ Cut sheets for all manufactured devices

EXHIBIT

“B”

4-B

summy days annaualy, so I 'll not need the "grid support "then.. Polivka

- Original Message -----

From: CLindsey@tep.com
To: ppolivka1@cox.net
Cc: BAnderson@tep.com
Sent: Monday, March 22, 2010 7:41 AM
Subject: RE: Solar System

Mr. Polivka,

Don't give up just yet. We are still evaluating your system and the drawings you sent over to us for the metering arrangement. Please bear with me because we should be able to find a place for your system. Unfortunately, I am sick today and won't have the chance to further discuss your situation internally. You should hear from me soon. Thanks.

CHRIS LINDSEY
TUCSON ELECTRIC POWER
ENERGY SERVICES
MAILSTOP DS502
520.918.8304

From: Anderson, Blanka
Sent: Friday, March 19, 2010 11:44 AM
To: Lindsey, Christopher
Subject: FW: Solar System

Chris: See below.

Thanks,

BA

-----Original Message-----

From: Viktor Peter [mailto:ppolivka1@cox.net]
Sent: Friday, March 19, 2010 11:44 AM
To: Anderson, Blanka
Subject: RE: Solar System

Blanka: Just checking as of the status of my application for the incentive for my solar system.. Since I've not heard from anyone lately I assume that the "deal is off", no interest by TEP, since they can not "profit" from my system.. Please let me know, and I'll just put the subject to sleep. I already shut down 66% of the systems capacity to harvest, since for my household use I do not need it.. Thanks, Polivka

8/5/2010

EXHIBIT

“C”

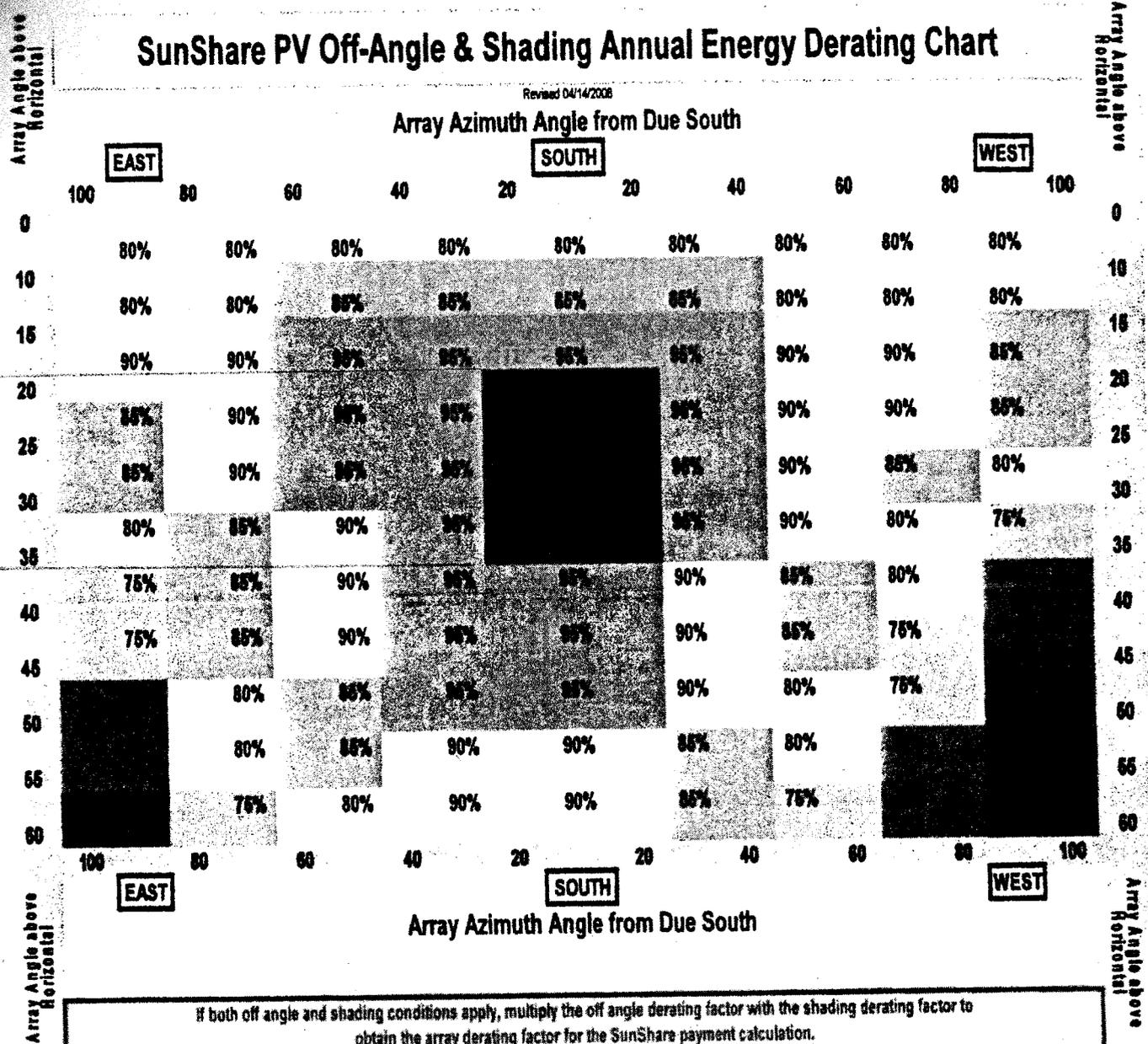
EX R

REVISION 0
ACC APPROVED - 4/10/08

ATTACHMENT B

SunShare PV Off-Angle & Shading Annual Energy Derating Chart

Revised 04/14/2008



If both off angle and shading conditions apply, multiply the off angle derating factor with the shading derating factor to obtain the array derating factor for the SunShare payment calculation.

| | | | | | | | |
|-------------------------------|-----|-----|-----|-----|-----|-----|-----|
| Maximum Morning Shaded Hours | 1 | 0 | 2 | 1 | 2 | 2 | 0 |
| Maximum Evening Shaded Hours | 1 | 2 | 0 | 2 | 1 | 2 | 3 |
| Percentage of Annual Energy = | 85% | 90% | 90% | 85% | 85% | 75% | 75% |

EXHIBIT

“D”

D

Viktor Peter

From: <CLindsey@tep.com>
To: <ppolivka1@cox.net>
Cc: <BAnderson@tep.com>; <GabeTorres@Tep.com>
Sent: Thursday, April 08, 2010 7:25 AM
Subject: RE: Grid connection disconnected

Mr. Polivka,

If you do plan to completely disconnect from the grid as stated below, you would still qualify for the off-grid incentive. As I understand it, we would not require a permit for this application any longer. Please contact customer service to start the disconnect process. Once that is complete, please notify Blanka or myself if you are still interested in participating in the off-grid program. Thank you.

● **CHRIS LINDSEY**
TUCSON ELECTRIC POWER
ENERGY SERVICES
MAILSTOP DS502
520.918.8304

From: Viktor Peter [mailto:ppolivka1@cox.net]
Sent: Wednesday, April 07, 2010 10:25 PM
To: Lindsey, Christopher
Subject: RE: Grid connection disconnected

Chris: as per your last Email, I decide we reached the " point of no return". Although I've not been using any grid power-- I've been on straight invert for the last 25 days, and only coonnected last Friday, for a few hous when you came in for the "inspection" today I phisically removed, the last tie to the "umbilical cord", the 100Amp breaker under the meter, to waterproofed the post, I insolated the disconnected wire and put a lenght of "duct tape" over the opening that was left behind where the braker was mounted.

Hence you may sent over a serevice tech to take the old Wh meter out, and I'll contact TEP to come a take the last meter reading(there are 5Wh registered on the meter, used when you came by to inspect/test.

Thank you for your coperation, but now I'm FREE AT LAST!

Polivka

EXHIBIT "E"

Viktor Peter

From: <CLindsey@tep.com>
To: <ppolivka1@cox.net>
Sent: Wednesday, April 07, 2010 3:27 PM
Subject: RE: Solar System (metering)

Mr. Polivka,

Because your home still ties to the grid, it will require a permit for us to approve your system. We will however be accepting you into the off-grid program because of the challenges in metering. Let Blanka or myself know when you pass the final inspection and we can inspect and approve the system. Thanks.

CHRIS LINDSEY
TUCSON ELECTRIC POWER
ENERGY SERVICES
MAILSTOP DS502
520.918.8304

From: Viktor Peter [mailto:ppolivka1@cox.net]
Sent: Wednesday, April 07, 2010 1:31 PM
To: Lindsey, Christopher
Subject: Re: Solar System (metering)

Chris: Sorry, but because someone else could not find the solution does not mean that it can not be done! Over last week end I worked on the "problem" and I did come up with a way to METER the entire system. The line I isolated that has current running only in ONE DIRECTION, (accessed very easily in my set up) is the line that feeds the house distribution panel -- all current used by my home will have to be metered there -- That line is separate from the GRID TIE IN, thus a true reading can be obtained there. The Grid Tie In line had 2 way traffic, thus that will be controlled/ metered by the Net Meter. Thus if indeed TEP is interested in my system, I can PROVE MY will indeed met your "srequirement". All I need is a conventional meter that is now connected to the grid, metering my house power usage... Everithing is [possible if one decides to make it work, just takes the extras effort.. Polivka

----- Original Message -----

From: CLindsey@tep.com
To: ppolivka1@cox.net
Sent: Wednesday, April 07, 2010 10:46 AM
Subject: RE: Solar System (metering)

Mr. Polivka,

I got your message and tried to call back. After further discussion, the only option we have is to approve this as an off-grid system. There is no way to meter your system for the data we need and this is what we have done for a similar system in the past. Unfortunately, the incentive is less than on-grid and you will still need a permit with the city for us to inspect your system and pay incentive. Give me a call when you can so we can discuss this further. Thank you for your patience with myself throughout this process.

CHRIS LINDSEY
TUCSON ELECTRIC POWER
ENERGY SERVICES
MAILSTOP DS502
520.918.8304

From: Viktor Peter [mailto:ppolivka1@cox.net]

EXHIBIT

“F”

F #

Viktor Peter

From: <CLindsey@tep.com>
To: <ppolivka1@cox.net>
Cc: <BAnderson@tep.com>; <GabeTorres@Tep.com>
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CHRIS LINDSEY
TUCSON ELECTRIC POWER
ENERGY SERVICES
MAILSTOP DS502
520.918.8304

From: Viktor Peter [mailto:ppolivka1@cox.net]
Sent: Wednesday, April 07, 2010 10:25 PM
To: Lindsey, Christopher
Subject: RE: Grid connection disconnected

Chris: as per your last Email, I decide we reached the " point of no return". Although I've not been using any grid power-- I've been on straight invert for the last 25 days, and only coonected last Friday, for a few hous when you came in for the "inspection" today I phisically removed, the last tie to the "umbilical cord", the 100Amp breaker under the meter, to waterproofed the post, I insolated the disconnected wire and put a lenght of "duct tape" over the opening that was left behind where the braker was mounted.

Hence you may sent over a serevice tech to take the old Wh meter out, and I'll contact TEP to come a take the last meter reading(there are 5Wh registered on the meter, used when you came by to inspect/test.

Thank you for your coperation, but now I'm FREE AT LAST!

Polivka

smell here, and I'll search for the answer, what the TEP GO GREEN Program is all about, is it to reduce oil consumption in the production of energy, or merely it refers to the Color of the GREEN DOLLAR that goes in the TEP Bank Accounts?

I'll accept your decision, to deny my system, and also the fact that I was "ordered" to disconnect from the grid by TEP, since I was only approved for a OFF GRID SYSTEM! (I did as soon as I was informed of the facts, and disconnected on 04/13/2010 @ 4:00PM, but the official TEP disconnect was made on 04/15/2010, where the meter indicated I only used 10Wh since the last billing period—I expect the "full incentives" I'm allowed by law, and if precedence indicates, that, as a matter of Policy you do not "pay incentives" to "self install individuals" without bias, \$ per your website, out of 139 solar systems, 50% were "self installed", therefore, If I find out the "noone was ever given the incentive, I'll be satisfied. But if indeed, you did pay incentives for self installation—as the application indicates— I also want what I'm due....That is why I love my country, where, individual are afforded the same right equally, without exception!..

Hope to hear from you soon, so as to put this matter to rest, and move on to the next chapter of my life... Thanks,

Viktor Peter Polivka

EXHIBIT "G"

Viktor Peter

From: <BAnderson@tep.com>
To: <ppolivka1@cox.net>
Cc: <CLindsey@tep.com>
Sent: Friday, April 16, 2010 2:33 PM
Subject: RE: Disconnection from the Grid

Viktor: I understand that has been an experience for you and I certainly apologize. I've been in and out of training all week and could not sit down and address your e-mail. I know that you and our engineer Chris spoke at length about the different options open to you - Off-Grid/On-Grid and the ramifications thereof. As the system was installed and then the utility was contacted, it has made the road more difficult in addition to the fact that this is a battery back up system. Certainly not impossible roadblocks mind you, but we do have to follow our ACC approved program.

We have no intention in any way of penalizing you for the installation of your system as you are aware self installation is an option. We have an will continue to work with you in regards to your incentive payment. I'll work with Chris to send you a certified letter next week outlining the incentive payment and ask that you agree in writing. Our payment system has been in upgrade mode, so I've not been able to process payments and upon agreement between all will pay your incentive.

Thank you,

Blanka

-----Original Message-----

From: Viktor Peter [mailto:ppolivka1@cox.net]
Sent: Friday, April 16, 2010 11:28 AM
To: Anderson, Blanka
Subject: RE: Disconnection from the Grid

Blanka:

As per your Email dated 04/13/2001, I you were going to send me in writing the "fin al" decison of whay i was denied a Grid Tie acceptance application. Toiday is now the 04/16/2001, and still jno answer.

I NEED, ANM AM ENTILED BY LAW, EVERITHING IN WRITING, WHY MY APPLICATION WAS DENIED FOR A GRID TIE INCENTIVE!

Also, now that a decision by TEP was made, I also would ewquest that you "return" my signed application for Grid Tie, stating why it waqs denied! Furthermore, I with the application, I also enclosed several Xantrex Manual, Certificate oif Compliance etc.. I would greatly appreciate if you would sen them back to me --I'ts mine propriety and since now you no longer need it, I like it back -By the way, TEP has that information/manual that they received when they purchased a Xantrex inverter and conroller for your "study" of the equipmet.

I'll no longer debate the "issues" with TEP, but I(did contact the " Federal Authoriores" that oversee the Renewable Energy Program", and according to them, there are not legaly mandeted restriction of "Battery Systems", "Mobile Homes "or the" Age of the applicant" - that is something the local utility is imposwing, without Federal Sancions. The ""Tarif" that is attached to EACH customers electric bill, is "collected" from all electricity consumers to create a fund for the "icentivres: for the public to go Solar...I was infromed. and they will like to review my system to see if it was "denied" as perscribed by Law...

According to my "estimates", TEP collects between 4 to 5 Million Dollars annually for the "renewable energy fund", yet apparently only 139 homes have been enlisted in the incentive program, wher e TEP only spend on the average of \$200.00 annually, thus there seemms to be an accountig "flaw" somewhere of milliomns of dollars -where is it, or how it was used, is off great interest to the "authorities as well the public..But that is an other issue, and you my rerad about my "progres" on my we site, as soon as I publish it-- Something

8/5/2010

Viktor Peter

From: <CLindsey@tep.com>
To: <ppolivka1@cox.net>
Cc: <BAnderson@tep.com>; <GabeTorres@Tep.com>
Sent: Thursday, April 08, 2010 7:25 AM
Subject: RE: Grid connection disconnected

Mr. Polivka,

If you do plan to completely disconnect from the grid as stated below, you would still qualify for the off-grid incentive. As I understand it, we would not require a permit for this application any longer. Please contact customer service to start the disconnect process. Once that is complete, please notify Blanka or myself if you are still interested in participating in the off-grid program. Thank you.

CHRIS LINDSEY
TUCSON ELECTRIC POWER
ENERGY SERVICES
MAILSTOP DS502
520.918.8304

From: Viktor Peter [mailto:ppolivka1@cox.net]
Sent: Wednesday, April 07, 2010 10:25 PM
To: Lindsey, Christopher
Subject: RE: Grid connection disconnected

Chris: as per your last Email, I decide we reached the " point of no return". Although I've not been using any grid power-- I've been on straight invert for the last 25 days, and only coonected last Friday, for a few hous when you came in for the "inspection" today I phisically removed, the last tie to the "umbilical cord", the 100Amp breaker under the meter, to waterproofed the post, I insolated the disconnected wire and put a lenght of "duct tape" over the opening that was left behind where the braker was mounted.

Hence you may sent over a serevice tech to take the old Wh meter out, and I'll contact TEP to come a take the last meter reading(there are 5Wh registered on the meter, used when you came by to inspect/test.

Thank you for your coperation, but now I'm FREE AT LAST!

Polivka

EXHIBIT "H"

J

Dear Mr. Polivka:

Tucson Electric Power Company (TEP) is in receipt of both the On-Grid and Off-Grid Residential Solar Applications for 4675 S. Harrison Road, Tucson, AZ, dated stamped February 22, 2010.

As you are aware, the referenced system was installed prior to utility review and approval. Additionally the system is a battery back-up which does not meet TEP's requirements as outlined on page 1-10 of the Renewable Energy Credit Purchase Program (see attachment) which specifically states, "Storage Batteries are not allowed as part of the Customer System unless the inverter is a separate component and TEP can locate the Solar Meter at the inverter's output. If configured otherwise, battery losses will adversely reflect in the annual AC metered energy output. Customer's solar energy generation and energy storage system must meet the requirements of 2 and 3 of this Attachment A."

After discussion between myself and our department engineer, Chris Lindsey, a site visit was conducted to determine that the system would not back feed into the TEP grid during an outage. A department decision was made to offer the compromise of allowing your system to be considered "off-grid" because requirements 2 and 3 referenced above were met wherein allowing us some leeway to pay an incentive based on considering this to be an off-grid system.

It is understood that your service from TEP is now totally disconnected. Referenced on Page 1-11 under *Additional requirements for Off-Grid Systems*, "The maximum Solar Electric array size for customers currently paying into the REST tariff shall not exceed 4,000 Wac. For customers not currently paying into the REST tariff, systems shall not exceed 2,000 Wac." Your system exceeds the 2,000 Wac requirement.

Taking into consideration the size of your system – inenting up to 2857 Wdc of a self installed system, TEP is able to pay an incentive of \$4,000.

If you'll respond via e-mail in agreement to this incentive, I would be more than happy to process an incentive for you

Blanka Anderson
REST/Residential Coordinator



Final Bill

Account: 4110417652
 Bill Date: 4-15-2010
 Customer Name: POLIVKA, VIKTOR P
 Service Address: 4675 S HARRISON RD, 82
 TUCSON AZ 85730-4537

| Previous Balance | - Payments/Credits | + Charges/Debits | = Current Balance |
|------------------|--------------------|------------------|-------------------|
| 15.31 | 15.31 | 9.71 | 9.71 |

| DUE DATE | AMOUNT DUE |
|-----------|------------|
| 4-27-2010 | \$9.71 |

Payment: \$15.31 on 04/07/2010 - Thank You!

R-01 - Residential (Closed Service No. 4110417710)

Electric Charges for Period 03-31 - 04-12

DELIVERY SERVICES

Customer Charge 7.00
 Winter - 1st 300 kWh 20 @ \$0.047309 0.95

POWER SUPPLY CHARGES

Winter - kWh 20 @ \$0.025698 0.51
 PPFAC - kWh 20 @ \$0.00

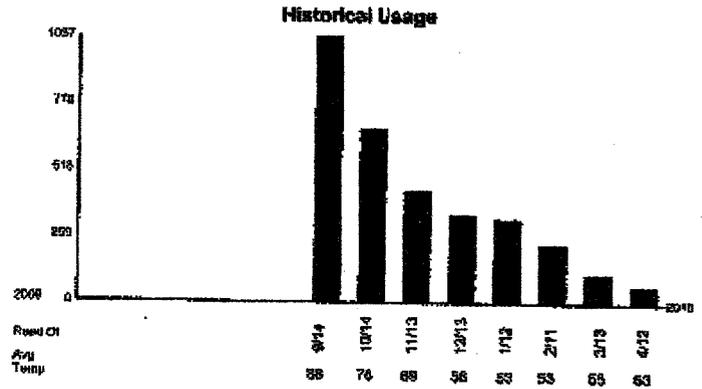
GREEN ENERGY CHARGES

Renewable Energy Standard Tariff 0.17
 DSM Surcharge - kWh 20 @ \$0.000831 0.02

TAXES AND ASSESSMENTS

ACC Assessment 0.01
 City Franchise Fee 0.19
 State Sales Tax 0.50
 County Sales Tax 0.04
 City Sales Tax 0.17
 City Public Utility Tax 0.15

Total Electric Service Charges 9.71



| Meter | Unit of Measure | Next Read Date | Current Read Date | Prior Read Date | Days | Current Reading | - Prior Reading | = Reading Difference | x Multiplier | = Usage |
|-----------|-----------------|----------------|-------------------|-----------------|------|-----------------|-----------------|----------------------|--------------|---------|
| XH-331582 | KWH | 4-28 | 4-12 | 3-30 | 13 | 8110 | 8108 | 2 | 10 | 20 |



A UniSource Energy Company

Account: 4110417652
 Bill Date: 7-30-2010
 Customer Name: POLIVKA, VIKTOR P
 Service Address: 4675 S HARRISON RD, 82
 TUCSON AZ 85730-4537

| Previous Balance | - Payments/Credits | + Charges/Debits | = Current Balance |
|------------------|--------------------|------------------|-------------------|
| 28.43 | 28.43 | 52.29 | 52.29 |

| DUE DATE | AMOUNT DUE |
|-----------|------------|
| 8-11-2010 | \$52.29 |

@ net metering this would be \$110.84

Payment: \$28.43 on 07/08/2010 - Thank You!

R-01 - Residential (Service No. 4110417234)

Electric Charges for Period 06-30 - 07-29

DELIVERY SERVICES

Customer Charge 7.00
 Summer - 1st 500 kWh 440 @ \$0.046925 20.65

POWER SUPPLY CHARGES

Summer - kWh 440 @ \$0.033198 14.61
 PPFAC - kWh 440 @ \$0.00

GREEN ENERGY CHARGES

Renewable Energy Standard Tariff 3.20
 DSM Surcharge - kWh 440 @ \$0.001249 0.55

\$79.2

*NOTES:
 MODE: GEDS JAP / 1000 SIMO 29/7
 AV. TEM 106 F - 7TON AC 29/7
 DAILY COST \$1.743
 AC SETTING @ 78 F 29/7*

TAXES AND ASSESSMENTS

ACC Assessment 0.08
 RUCO Assessment 0.02
 City Franchise Fee 1.04
 State Sales Tax 3.17
 County Sales Tax 0.24
 City Sales Tax 0.92
 City Public Utility Tax 0.81

Total Electric Service Charges 52.29

| Meter | Unit of Measure | Next Read Date | Current Read Date | Prior Read Date | Days | Current Reading | - Prior Reading | = Reading Difference | x Multiplier | = Usage |
|-----------|-----------------|----------------|-------------------|-----------------|------|-----------------|-----------------|----------------------|--------------|---------|
| XH-331582 | KWH | 8-30 | 7-29 | 6-29 | 30 | 8174 | 8130 | 44 | 10 | 440 |



Account: 4110417652
 Bill Date: 8-31-2010
 Customer Name: POLIVKA, VIKTOR P
 Service Address: 4675 S HARRISON RD, 82
 TUCSON AZ 85730-4537

| Previous Balance | - Payments/Credits | + Charges/Debits | = Current Balance |
|------------------|--------------------|------------------|-------------------|
| 52.29 | 52.29 | 52.36 | 52.36 |

| DUE DATE | AMOUNT DUE |
|-----------|------------|
| 9-13-2010 | \$52.36 |

Payment: \$52.29 on 08/05/2010 - Thank You!

R-01 - Residential (Service No. 4110417234)

Electric Charges for Period 07-30 - 08-30

DELIVERY SERVICES

Customer Charge 7.00
 Summer - 1st 500 kWh 440 @ \$0.046925 20.65

POWER SUPPLY CHARGES

Summer - kWh 440 @ \$0.033198 14.61
 PPFAC - kWh 440 @ \$0.00

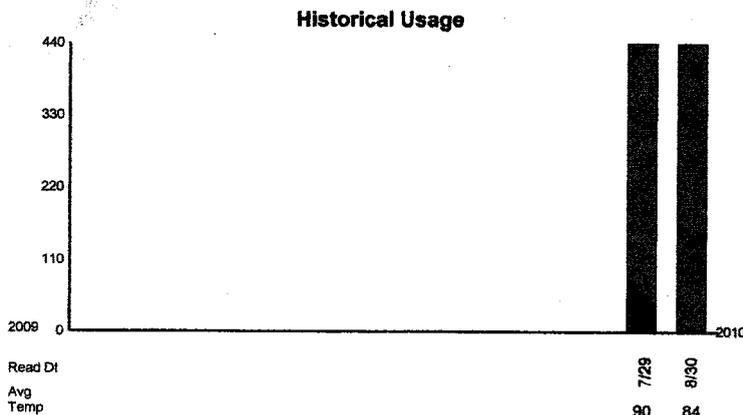
GREEN ENERGY CHARGES

Renewable Energy Standard Tariff 3.20
 DSM Surcharge - kWh 440 @ \$0.001249 0.55

TAXES AND ASSESSMENTS

ACC Assessment 0.15
 RUCO Assessment 0.02
 City Franchise Fee 1.04
 State Sales Tax 3.17
 County Sales Tax 0.24
 City Sales Tax 0.92
 City Public Utility Tax 0.81

Total Electric Service Charges 52.36



| Meter | Unit of Measure | Next Read Date | Current Read Date | Prior Read Date | Days | Current Reading | - Prior Reading | = Reading Difference | x Multiplier | = Usage |
|-----------|-----------------|----------------|-------------------|-----------------|------|-----------------|-----------------|----------------------|--------------|---------|
| XH-331582 | KWH | 9-30 | 8-30 | 7-29 | 32 | 8218 | 8174 | 44 | 10 | 440 |

009 rate x 400k = \$28,000 Monthly?

“NOTES”

Chief

From: "Chief" <ppolivka1@cox.net>
To: <kmayes@azcc.gov>
Cc: <ppolivka1@cox.net>
Sent: Tuesday, August 17, 2010 8:10 PM
Subject: RE:Your correspondance to TEP, dated July 30,2010
Ref: 10-0340

Dear Chairman Mayes:

During my formal complaint file search (E-01933A-10-0340), I came across your correspondence to TEP -- Mr. Ray Heyman-- which I found very informative, mainly since my "complaint against TEP", is indeed due to TEP not approving Residential Solar System, base on TEP not accepting accepting/approving fully operational --within code and top of the line components that are universal Compliance Certified battery backup residential solar system. TEP alleges that a battery system, quote: "disrupts their metering system?" I was seeking a Off Grid approval as a tarif paying customer, and entitled to a fullylupfront incentive payment, yet was only offered a \$4,000.00 incentive instead the \$17,136.00 that my system as per application was eligible for. Hence, I refused the \$4K offer and filed a formal complaint!

Addressing you correspondance, you indded are 100% correct, that the current conditions --TEP Catch 22--the utility is not or will not be able to meet the mandate of 22% energy savings by the year 2020. The curren systems TEP is approving is merely the "direct" no battery systems, which at its best can only save a small portion of the madate without the usage of battery storage. However, the batteries are not realy the problem, for TEP is protecting their bottom line. With the Net Metering they impose to their customer who have installed a Renewable Energy Sytem in their homes, indeed are consuming "less current" during daylight, but as the sSun stops providing "light to harvest" the system TEP approves then needs to "retrive the earned credits (if any)" they accumulated during the Sun light hours, and then "relay" completely on the Gid Current which the Net Metering Program then "charges" the customer the "premium rate of \$0.018 per Wh" -- instead the regular rate of \$0.049 Hence, the consumer is then "penilized"for having the adocity of having a Solar syatem. Perhaps this is why TEP has only managed to "convince" merely 639 homeowners to go Solar over the past 10 years since the program was implemented (these past 10 years, TEP has "collected" over \$50M in Tariffs and payed out by customers, aprox merely \$1M total in incentives for the 10 year period for residential solar systems. One can question where is the rest of the money?). Furthermore, the direct systems TEP approves is merely a "toy"-- averge sytem size is 3,000watts as per TEP data-- where the customer spends aprox \$30K in a system, that at best "saves the customer \$612.00 average annaully" off the electric bill also a published TEP data stright of TEP's website--- at this rate, the system will not be amortized in a lifetime, if ever.

You mention in your letter that TEP should "investigate" the "new technology batteries" being developed. Yes the "curent" baterry 100 year old technology is indeed a "issue" in the battery systems, but the "new technology" is not for a residential application, for economically is a "deal breaker". I use and have used for the past 20 years regularly available 6Vdc Golf Car batteries (have tried the new stuff) but can not justify the cost. The new batteries are OK, and are used only when the unit/battery bank weight is an issue. One Golf Cart lead acid battery retails at \$160.00 for a 75Wh capacity, in comparacence to a "new tech" unit for anywhere between \$400.00 to \$500.00 per copy, which in a standart 24 to 36 per barrety bank is a sizable "cost difference", yet the Wh storage capacity is the same as a lead acid-- lead acid bank is \$3840.00/\$5760.00 vs. "new tech" is \$12,000.00/\$18,000.00 for thye batteries, yet the "life" expectancyof the batteries is the same, 4-5 years, thus for the money, one can purchase over 3x more lead acid batteries....Hence, until the cost of the "new tech batteries comes down in price, no residential customer will ever use them, since the "weight" is not a issue in a residential appication. I use 24 batteries (450Wh storage), that berely get me through the night although I've a 5,040Watt harvesting PV system, which is one of the "largest" residential Systems in Tucson (just ran out of funds to "complete" the fullsystem, which was designed for a 10,000Watt harvesting capacity and needed 36 batteries (675 Wh) according to my "regular electric consumption" in my home of aprox 1000SF with a 4 ton AC unit during the summer months.

For further details, you may consult my "formal complaint" files, I do fully address and explain this issue.

8/18/2010

How TEP has been "able" to justify and meet the "annual quota" as per ACC mandate for 2010 is beyond me. 689 residential Solar systems--that is but .069% of customers for \$50M+ collected in Tariffs thus far--in the TEP area of service in no way can even approach this "need", unless they are "using" some "very creative" accounting system to pull the blinds over the ACC's eyes. The need to have at least 10,000+ residences needed to satisfy this "Goal" ACC has set for 2020, and only a "battery storage system" is capable for this task.

Finnlay, I've been "running" my system since March 2010 (6 months plus, the electric bill are attached to my complaint file, I even was completely disconnected from TEP for 2 months (May/June)-- this was TEP demand for paying the full incentive), but since I was not paid the full amount due, I reconnected to the grid in July, since my system is not capable to give me the full current to support my 4Ton AC Unit 24/7 -- I require AC due to my medical condition-- as it is indicated on my electric bill, I still have a substantial decrease of electric consumption from the Grid (200Wh for July & 440Wh for this August at above average temps, see TEP bills. This "condition/demand could off been "completely eliminated, if TEP paid what was due (I did not accept the \$4K offer). With the incentive I would have purchased --already ordered, but cancelled-- the additional 12 PV units and 12 batteries required to "fully" support my AC units demand. Furthermore, as an example of the "Net Metering Program", you may consult my "last electric bill for August", where the 440Wh cost me \$52.29, but if I were "participating" in the Net Metering Program", the same electric bill would have been \$110.84 for the 440Wh due to the "imposed" penalty rate TEP charges to the "Renewable Energy Customers". That is why TEP can not "enlist" any more customers to participate in the program - one I complete the system --if the cash ever comes my way--I can "completely eliminate the monthly electric bill" altogether and only pay the "minimum" fee to keep the account "open", circa \$10.00 monthly, even if I do not use 1 Wh.....

In closing, batteries indeed need to be "updated" in the near future, but at this time, TEP is the "biggest and only" obstacle to the Renewable Energy Program. The "excuse" is, TEP need to "meter" the current that is "lost" in the batteries, which is not possible, since that energy is non-existent as usable current, it is not "measurable" until the demand inverts the DC current from the PV's to usable AC current in the home! My system runs at a 95% plus efficiency, and during the "cooler months, I am capable to harvest 45,000 Watts daily, and my consumption is merely 15,000 to 18,000 to run my entire household, but as the ambient temperature exceeds 90F the PV's "loose" (all PV's do that at higher temps) I loose 10% to 15% harvesting capability, hence I do not have enough harvested current to run the AC 24/7-- the AC unit alone requires 45,000 Watts input (I'm capable to run the AC only 50% of the time without Grid support)--, hence additional PV's & batteries are needed to support the AC & normal household consumption as well as charge the batteries for the hours of darkness. The daily harvesting hence will be at least 60,000 Watts once the entire system is completed as designed, and eliminate the "electric bill" for 98% of the year. For 9 months currently (as the system is now), I only need 33% of the harvested current to run the entire residence, w electric drier, washer and dish washer)--the rest decipates in "heat" or I shut down 66% of the system --that is electricity that "could be feed to the grid, but TEP does not "want" it", the summer months I would not have as much "surplus current", but I would not "use" any grid current, even perhaps have 5% to 10% over my "needs". The last parting words I had from the TEP engineer, who came to inspect the system 04/09/2010, quote: TEP is not in the business to purchase electricity, we "sell it for a profit, since we are a "mono [opoly, and WE MAKE THE RULES! Perhaps this explains the latest major "power outages" Tucson experienced this month --10K plus customers for several hours, due to a "feed line shortages!".

I also invite the ACC to come by, and inspect my "system" at your convenience, and you can see first hand a fully "operating battery back up solar system" that does not impose any "problem to the Grid" - this is used all over the World, and the inverters 3 inverters I use are manufactured by the TOP company--Xantrex, formerly Trace-- that has a worldwide reputation for "dependability and endurance" under ALL conditions I've been using Solar Power since 1986 and for 11 years I lived 30 miles from the nearest utility pole, but those days there were no "incentives" so I never had the "experience with a utility". Now they "collect and mandatory Tariff" that gets lost in the "books" and after a few months they "forget" where these funds came from and assert "proprietary" right to the money to spend as they see fit-- This has nothing to do with "conservation" but merely "free GREEN cash".....Oddly, the new HQ building TEP is building in Tucson, has the price tag of \$50M -by coincidence that same amount that should be in the "Renewable Energy fund" collected from the "customers" over the last 10 years?

Hope to hear from you in the near future, cordially yours, Viktor Peter Polivka