

STATE OF INDIANA
INDIANA UTILITY REGULATORY COMMISSION

TRANSCRIPT OF TECHNICAL CONFERENCE REGARDING THE
SHORT-TERM IMPLEMENTATION OF INDIANA CODE
CHAPTER 8-1-40, ALSO KNOWN AS SENATE ENROLLED ACT 309

Technical Conference continued to be heard, to adjournment, on July 20, 2017 at 3:25 P.M. (EDT) in Hearing Room 222 of the PNC Center, Indianapolis, Indiana before Chairman James A. Atterholt, Commissioner James F. Huston, Commissioner Angela Rapp Weber, and Commissioner David E. Ziegner

Reporter: Amy L. Tokash

Pages: B-1 to B-74

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2 July 20, 2017
3 3:25 P.M. (EDT)

4

5 CHAIRMAN ATTERHOLT: We'll go back on the record.
6 Ms. Heline?

7 MS. HELINE: Yes. I believe Mr. Rushenberg from
8 the Indiana Energy Association was next.

9 After him, it will be Bob Johnson.

10 MR. RUSHENBERG: Sure, thank you. Couple things.

11 I appreciate Ms. Wheeler's comments; I know we
12 haven't gotten to that. She was referring to some of the
13 things I think that we'll cover in C on the agenda, which
14 is impact of repair, replacement, or upgrade of net
15 metering facilities, and I think we can address that when
16 we get to that point, but she raises some issues that we
17 would like to address when we get to that point on the
18 agenda.

19 With regards to the -- we talked a lot about the
20 interconnection rule and the missing of dates and taking
21 months or weeks or whatever it may be. I do want to point
22 out that the rule itself does allow an avenue for
23 installers/customers to address this, and it's -- actually,
24 it's on Page 26 of 38, Line 10. It's 170 IAC 4-4.3-12;
25 that's the customer complaints section. So there's an

1 avenue in the rule that has been a rule that remains in the
2 rule to allow customers to file a complaint if a utility
3 has, you know, blown a deadline in that interconnection
4 rule, so there is an avenue already in existence that has
5 been in existence for years.

6 CHAIRMAN ATTERHOLT: Mr. Maassel, just real --
7 Sorry to interrupt, but on that point, and maybe your
8 expert witness from Vectren can address this, but I think
9 Mr. Olson raised some points about how does one document
10 that so that complaints can be more effectively submitted
11 to the Commission, and how would that be -- how would the
12 evidence be gathered to formulate that complaint?

13 MR. RUSHENBERG: Well, I mean, I can give my
14 opinion on it or Mark, however, but I think we have -- I
15 mean, he's already presented some in terms of emails, I
16 mean, just like any other evidence whether it's written
17 testimony or emails, any kind of documentation just like
18 any other evidence would be gathered in any other
19 proceeding.

20 CHAIRMAN ATTERHOLT: We do interpret -- we do
21 envision that as the avenue here at the Commission. That's
22 why Kenya is here; she heads our Consumer Affairs Division.

23 We do envision that being the adjudication
24 process for these complaints. We hope they're limited, but
25 I do think it is -- I mean, there's been a lot of, you

1 know, offers of goodwill in terms of the utilities
2 absorbing any burdens that are -- that the utilities are
3 responsible for, but it will be important to kind of figure
4 out how to document that so customers and installers can
5 be -- have some assurance that they're going -- that that's
6 going to be -- they're going to be able to submit that to
7 us, if not to you all. Hopefully, they'll be able to
8 address it with the utility directly, but if they need to
9 come to us, we will want to figure out how best to document
10 that so they can do that in good faith.

11 MR. MAASSEL: Well, like you, we would certainly
12 encourage any installer or any customer to work directly
13 with the utility to try and resolve issues as quickly as
14 possible.

15 Realistically, the documents we're talking about,
16 as Mr. Rushenberg points out, are emails, which means that
17 they will be in the customer's possession or the installer.
18 If the customer is having that individual file the
19 paperwork as well as the utility, we should both have the
20 same emails.

21 CHAIRMAN ATTERHOLT: Mr. Olson, do you have a
22 comment on that because that is something we want to -- we
23 want to be sensitive here because we're going to hear those
24 complaints, and we want to be -- make sure that we can
25 adjudicate them appropriately.

1 MR. OLSON: Yeah, I guess I would have two
2 comments.

3 No. 1, would that timeline stop when a complaint
4 is filed would be first, and, secondly, I appreciate your
5 desire or hope, rather, that the complaints are limited,
6 and I would suggest -- rather we would suggest that
7 complaints could be limited if the idea that an application
8 being submitted and time stamped by a customer to a utility
9 represented that December 31, 2017 timeline because if that
10 application is incomplete or incorrect or there's errors or
11 omissions, that's the fault of the customer, and so if
12 there are any problems there, it would fall on the customer
13 versus a timeline like that which is open to delays, you
14 know, and other methods by the utilities or others that may
15 cause a delay in that timeline.

16 If you want to limit the complaints and put some
17 onus and some responsibility on customers, then the
18 December 31, 2017 timeline with respect to an application
19 being submitted by a customer would without question limit
20 the number of complaints.

21 CHAIRMAN ATTERHOLT: So just to be clear, you
22 even agree that the rule does sort of lay out the timeline
23 that's before us, and what you are saying is from a
24 practical standpoint to eliminate complaints, don't follow
25 the rule but use the December 31st deadline just to allay

1 any doubts.

2 Is that what -- I'm just trying to understand
3 your point.

4 MR. OLSON: The point is a December 31, 2017
5 timeline brings certainty to customers, consistency
6 statewide, will significantly limit the amount of
7 complaints that the Commission and the utilities will have
8 to deal with, and achieve what you hope.

9 By having these kind of what are arbitrary
10 timelines, from our perspective anyway, in terms of
11 applications submitted ten business days, every one of
12 those are open to some sort of, you know, delay for one
13 reason or another and can be extended, as the Vectren
14 individual articulated, for one reason or another. So
15 delays will be caused not by the customer but by other
16 factors, and there are going to be a lot of folks out there
17 under those timelines that are going to be pretty unhappy
18 come the end of the year.

19 So under that timeline, I think there will be an
20 avalanche of complaints and unhappy folks, and so I think
21 that's what we're hoping to achieve out of this process is
22 to at least have the Commission bring some protection and
23 assurance to customers that this is how the playing field
24 is going to look moving forward; we'll give you until
25 December 31st to get your application in. If you got

1 something wrong on there, that's your fault. It does not
2 give the utilities or others an opportunity to bring delay
3 to that process, and that brings certainty for customers
4 which they deserve with a bill that was, you know,
5 controversial in its right, but I think the spirit of the
6 bill was, hey, everybody's got until the end of the year to
7 get into the game, and so I think with the bill that became
8 effective July 1st and, you know, December 31st, that's a
9 pretty tight timeline, and, you know, customers and
10 consumers are looking for a friend right now.

11 CHAIRMAN ATTERHOLT: So you -- do you agree that
12 that is the timeline, though, that's stipulated by the
13 Commission's rule? You're just saying it should be waived
14 for the following reasons that you just stated.

15 MR. OLSON: I would agree that -- yes, I would
16 agree with that --

17 CHAIRMAN ATTERHOLT: Okay. I'm just trying to
18 understand your point. Thank you.

19 MR. OLSON: -- but I would also note that
20 installs, participating, and other things within Senate
21 Bill 309 are undefined and somewhat vague.

22 COMMISSIONER WEBER: I -- just to make sure --
23 one question for clarification.

24 If my understanding is correct from Mr. Maassel
25 and the IEA, if you get your application submitted before

1 December 31st regardless of what happens and regardless of
2 when they're able to finally approve it, you are
3 grandfathered in. Is that your understanding -- Yeah, yes.

4 I'm sorry; I meant -- well, I meant before
5 December 31st; if you submit that application, you're
6 grandfathered in for that date, the December 31st date.

7 Is that your understanding of what they're
8 saying?

9 MR. OLSON: Could you ask that --

10 COMMISSIONER WEBER: Do you want me to repeat
11 that?

12 MR. OLSON: Yeah.

13 COMMISSIONER WEBER: Yeah. So my understanding
14 is that if you submit an application, and for whatever
15 happens during the timeline before December -- this
16 December 31st deadline, as long as your application is
17 submitted before December 31st, you're grandfathered in.

18 Is that your understanding?

19 MR. OLSON: Yes.

20 COMMISSIONER WEBER: Okay. Does that response
21 from the utilities or that -- what the utility is saying
22 they -- how they intend to handle it, does that satisfy
23 you, because you've -- I know you've raised some other
24 concerns about consumer complaints.

25 MR. OLSON: No, that --

1 COMMISSIONER WEBER: So -- Okay.

2 MR. OLSON: No, that does not satisfy me because
3 what we frequently hear from the utilities at 200 West
4 Washington Street or the PNC Center does not match what
5 folks like this are hearing from their utility contacts out
6 in the field, and so, no, that does not bring us any
7 comfort at all to hear what we're hearing today
8 necessarily.

9 We're looking to the Commission -- I think
10 customers are looking to the Commission to provide that
11 certainty, that protection and that guidance, and we would
12 love to limit the amount of complaints that are filed, and
13 again, I'll reiterate that we believe that December 31st
14 application deadline, assuming that application is
15 approved, that that brings the best protections and
16 certainty for customers because if there's a mistake on
17 that application, then that responsibility falls on the
18 customer.

19 Again, I'll point out, too, that we're looking at
20 wintertime, too, with weather -- huge weather
21 complications. What if this is 1978 or 2004 again where we
22 get enormous amounts of snow and things are shut down?

23 You know, we came here in good faith, as we told
24 you, Mr. Chairman, when we first met you that we have
25 concerns about what it's going to look like out there, and

1 we would like to see some sort of process put in place that
2 brings some certainty and protection to customers.

3 COMMISSIONER WEBER: I think I might be missing
4 something, so I am going to ask one more question, and you
5 can help me understand, Mr. Olson.

6 So even if you submit your application before the
7 December 31, 2017 deadline and you're considered
8 grandfathered in by the utilities, that's not enough
9 certainty.

10 I might -- I think I might be missing something
11 in your argument or your concern.

12 MR. OLSON: I guess I am not fully -- I guess I
13 am not understanding your question.

14 MS. HELINE: Mr. Hardin?

15 MR. HARDIN: I apologize; there's the second part
16 of this, the approved application and a complete and
17 installed system to get the net metering for 30 years.

18 COMMISSIONER WEBER: Are you talking about the
19 installation piece?

20 MR. HARDIN: Correct.

21 COMMISSIONER WEBER: Yes, I under -- yes, I'm
22 with you on that.

23 MR. HARDIN: So what he's saying is that if the
24 application is in and complete and submitted by
25 October 19th and approved by December 31st, yes, that's

1 approved, but the other part of this is the installation
2 portion where the system has to be, as defined, all net
3 metering equipment installed and ready for use.

4 COMMISSIONER WEBER: Okay, that's what I'm
5 missing.

6 So you're saying that if there's a consumer
7 complaint at any point in this process, does it toll the
8 installation deadline; is that correct?

9 MR. OLSON: Correct.

10 MR. HARDIN: Correct --

11 COMMISSIONER WEBER: Got it, okay. That's what I
12 was missing.

13 MR. HARDIN: -- and if I may make somewhat of a
14 suggestion into the standard of this and make it more black
15 and white for customers, installers, and utilities to
16 understand, some years ago when IP&L introduced the
17 150-megawatt feed-in tariff projects, customers could
18 submit an application; they were received in order, and if
19 approved in order by a certain deadline, then there was no
20 time limit on the installation for that.

21 Our company owns nine of those sites today that's
22 still underneath that feed-in tariff, and as it stands
23 today under that feed-in tariff, there's one project that's
24 out there that's approved to be installed; it's not, but it
25 could still be installed under that feed-in tariff. There

1 was not a limit on the installation to that, and that would
2 give clarity to everybody that if we were to submit an
3 application and submit a design project that meets
4 interconnection, then customers can make this investment
5 and not have to worry about an installation date, where, as
6 stated before, coming up at the end of a year where Mother
7 Nature can be an aspect that is out of our control to
8 install these projects.

9 Again, we have a significant customer base that
10 is going to make an investment on systems that are 1
11 megawatt. These are million dollar investments that
12 they're not going to move ahead on until we have an
13 approved interconnection application through the utility,
14 and that's going to -- if the interconnection application
15 process is delayed for any reasons, that's going to make
16 the installation portion of this more difficult for
17 everybody's customers in this room.

18 COMMISSIONER WEBER: So with respect to
19 installation -- and I think what you're maybe arguing for
20 if I could maybe repeat what I think you're saying is that
21 there has to be -- you think there shouldn't be sort of a
22 deadline on installation as long as you have an order, for
23 example. That you -- like you have a facility that still
24 isn't installed; is that right? So you think there
25 shouldn't be a deadline because I think we're limited by

1 the statute; is that correct?

2 MR. HARDIN: That's correct. That's what I'm
3 saying is that if we could have a process where customers
4 can have a viable application that's been properly designed
5 for IEEE 1547 using products that are all properly UL
6 listed, if that's an approved application, then an
7 extension to the installation portion of this would bring
8 clarity for everyone.

9 COMMISSIONER WEBER: Do you think the statute
10 allows for an extension of the installation portion?

11 MR. HARDIN: No, ma'am.

12 COMMISSIONER WEBER: Okay.

13 MS. HELINE: The next person that's up to comment
14 is Bob Johnson.

15 MR. JOHNSON: Thank you, Your Honors, and I will
16 be frank; many of the points I had hoped to raise were just
17 raised, but let me speak to you as the attorney for a
18 customer group that appeared before this Commission in
19 Cause No. 44344. That was the Morton Solar complaint, and
20 some of you remember that, I know, but that was the last
21 time a group of customers, I believe, were directly in
22 front of this Commission and were disadvantaged by the
23 Commission's -- or --

24 In any event, what I think is necessary for
25 customers and what I hope the Commission would consider is

1 giving a bright-line certainty to the customers who are out
2 in Indiana today ready to install, thinking about
3 installing, and ready to make a financial commitment but
4 who are uncertain of whether that capital is going to be at
5 risk because of the implementation process here.

6 So I would urge you to -- from that perspective
7 that two things are vitally important: One, there is a
8 bright line for customers as to what has to be done by what
9 date. Certainly, the definition of installs is
10 problematic; I suspect the definition of installs may be
11 litigated down the road because it is a -- gray, to say the
12 least in some perspective. Customers need to know what
13 they need to do by X date.

14 Secondly, they want -- need to know what relief
15 is available from this Commission in case that does not
16 happen by X date.

17 I expect and appreciate the process of the
18 Consumer Affairs Division, but I suggest that the
19 Commission may want to elevate this and understand that
20 complaints that come before it with respect to the
21 implementation of SEA 309 are going to be highly technical,
22 highly complex, and in need of prompt resolution. The
23 Morton Solar case took a number of months to resolve; that
24 kind of situation here probably kills customer
25 participation in the process.

1 So I encourage you to put some definition through
2 the ability that you have, whether it be a GAO or however
3 you interpret guidance, so that customers know what they
4 have to do by December 31st to take advantage of the
5 statute and so that they know if there is a disagreement,
6 that they've got a process that is prompt and efficient to
7 resolving those.

8 Thank you.

9 CHAIRMAN ATTERHOLT: Appreciate that, Bob. Just
10 appreciate that there's also -- there's some debate about
11 installation, but this timeline, October 19th, you don't
12 think that gives some additional clarity and direction in
13 terms of when you have to have your application in?

14 MR. JOHNSON: Your Honor, if October 19th was the
15 correct date, I would agree that it gives clarity. I'm
16 not -- I don't believe it's necessarily the correct date
17 because it all is triggered upon installation and what a
18 customer has to do to install.

19 Is that defined by the IEA member, or is that
20 defined by the customer taking certain cognitive, objective
21 steps?

22 CHAIRMAN ATTERHOLT: Okay, thank you.

23 MS. HELINE: And the next person we had up to
24 comment is Darrell Boggess.

25 MR. BOGGESS: My name is Darrell Boggess,

1 D-a-r-r-e-l-l B-o-g-g-e-s-s. I'm speaking to you as a
2 solar owner for seven years with a pleasantly
3 satisfactorily operating interconnected net metered solar
4 system on my home, but it's seven years old. My panels
5 produce -- they're rated for 240 watts. I can now buy
6 330-watt panels for less than half what I paid seven years
7 ago.

8 I'm expecting to upgrade my system, and after
9 being here for an hour today, I'm expecting to have mine
10 installed before October just in case, but my comment to
11 you is as a retired industrial process engineer, I'm
12 looking at this from a process flow point of view. We have
13 a fairly clearly defined paper process; I think most people
14 understand that.

15 I think most of us recognize it can have
16 discontinuities; there can be papers misplaced; things
17 happen, but there's a parallel, or could be in series, a
18 physical process, the installation. As the owner, they
19 have to arrange financing; they sign a contract with the
20 company; they pay a deposit; the company orders the
21 materials; the materials arrive; the job gets on their
22 schedule; they complete most residential jobs weather
23 permitting in one or two or three days.

24 So a typical solar company may have one crew. On
25 a clear day in the summer, a clear week, they might

1 complete three or four or five jobs in a week. I don't
2 think that's likely in November and December. If history
3 serves as a guide, you can expect some snow, cloudy days,
4 rain, sleet. I drove through rain and sleet today to get
5 here in July, so it happens.

6 My suggestion to provide some clarity on the
7 install issue, which is easily defined -- the materials are
8 in place, they're connected; they're capable of operating,
9 but who knows that? How is it documented? When and to
10 whom? I would suggest for clarity if there were an
11 expectation for the solar company, the installer who has
12 knowledge of what's happening from boots on the roof that
13 day, they have some process to document to the utility
14 company that the installation was complete at 2:00 this
15 afternoon for the record or the future reference as
16 evidence this is a stake in the ground; it's finished.
17 That's one essential element in the process which I think
18 is not clearly identified; who is responsible to report it
19 when and to whom?

20 I think that would help.

21 MS. HELINE: Thank you.

22 Are there -- and I know some of these issues are
23 interrelated, especially when we got -- talk about
24 participating, and then it's already been brought up about
25 the impact of repair, replacement, or upgrading the net

1 metering facility, but in order of our agenda, let's go to
2 participating as far as what does it mean when -- for a
3 customer is participating [verbatim], and we had comments
4 on that from Bose, McKinney & Evans and -- as well as what
5 I'll call the Joint Commenters group, and if either of them
6 would like to provide some comment first about what they
7 think that should be, and then we'll go to the Indiana
8 Energy Association.

9 MR. OLSON: I won't take up any more of the --

10 MS. HELINE: Mr. Olson?

11 MR. OLSON: Yeah. I won't take up any more of
12 the Commission's time, and I'll reiterate our position that
13 customers participating, from our perspective, when they
14 have submitted their application have done everything that
15 they can on their end.

16 MS. HELINE: Okay. Ms. Wheeler, did you want to
17 speak?

18 MS. KERN WHEELER: I would agree with Mr. Olson
19 that participation ought to be triggered by applications.
20 That makes sense; it's a clear, bright line separate from
21 the install issue.

22 MS. HELINE: Okay, and Mr. Maassel or Mr.
23 Rushenberg?

24 MR. RUSHENBERG: Yes, thank you.

25 I know it was discussed a lot so far and was

1 touched upon earlier in terms of clear, bright-line rules,
2 and in the bill, the law, Senate Enrolled Act 309, it talks
3 about the installation needing to be done by December 30 --
4 December 31 of 2017 and also the participating in. So
5 those are the two key milestones that must be achieved by
6 that December 31, 2017 date.

7 A customer, in our view, will be participating in
8 the net metering program, the net metering tariff, if it
9 has installed the net metering equipment, as we've already
10 discussed, and if it's consistent with the interconnection
11 rules, the customer has (A) submitted to the utility a
12 complete application for interconnection, (2) received from
13 the utility notice that its application is complete, (3)
14 received notice from the utility that the application meets
15 the required interconnection criteria outlined in the rule,
16 (4) received from the utility an executable interconnection
17 agreement, and (5) returned to the utility an executed
18 interconnection agreement.

19 As we know from the timeline that was posted
20 earlier, there's 45 days -- 45 business days built into the
21 interconnection rule. With regards to that, Senate
22 Enrolled Act 309 also addresses the interconnection rule,
23 and the Commission's ability with regards to that, there's
24 actually a -- It's on Page 8 of 38 beginning at Line 26 all
25 the way down to Line 43. It says that after June the 30th

1 of 2017, the Commission's rules and standards as set
2 forth in the -- forth in the net metering rule and also the
3 interconnection rule remain in effect and apply to net
4 metering under both the net metering tariff and then also
5 the distributed generation tariff, which would begin the
6 later of -- or the earlier of the 1.5 percent summer peak
7 load cap or the -- July 1 of 2022.

8 Point being is that the timeline here is pretty
9 much set in stone under -- not only has it been in effect
10 for 11 years since 2006, it's also pretty much set in stone
11 by Senate Enrolled Act 309 in terms of not being able to --
12 remaining in effect and not being able to be changed for
13 purposes of the interconnection and the timeline that we're
14 talking about here.

15 So that's our response; again, the two key
16 milestones, the installed by December 31 and also the
17 participating in the tariff, and I listed those five steps
18 that we think participating in requires from our
19 perspective.

20 MS. HELINE: Mr. Olson?

21 MR. OLSON: Yeah, I just wanted to respond to
22 Mr. Rushenberg as far as 45 days set in stone.

23 I would note what is missing from the timeline up
24 there is that those are within ten business days, within 15
25 business days, within ten business days. That would be the

1 maximum, so that is not a requirement of the rule
2 necessarily as far as there's 45 days set in stone; there's
3 your timeline. That's a within; that's a maximum, so I
4 wanted to point that out.

5 MR. RUSHENBERG: And I agree with that, by the
6 way. That is the maximum.

7 MR. OLSON: So somebody could have an application
8 approved -- you know, submitting it well after October 19th
9 and still be within Commission rules.

10 MS. HELINE: Okay, thank you.

11 Ms. Wheeler?

12 MS. KERN WHEELER: I apologize; I still feel like
13 I'm hearing two different things about what is
14 grandfathered in here, one from IEA's comments and one
15 following the line of reasoning from Commissioner Weber,
16 and I apologize; it's late in the day; it's a very warm
17 room, but I am not feeling like I'm hearing the same thing.

18 What I thought Commissioner Weber said was if you
19 submit your application prior to December 31st, you're
20 grandfathered in, which I realize is a separate issue from
21 installation. That didn't seem to be reflected to me
22 either in earlier comments prior to break or in the
23 comments from Tim just now.

24 So could we maybe revisit that, please?

25 MR. MAASSEL: Yeah, let me jump in --

1 MS. HELINE: Mr. Maassel?

2 MR. MAASSEL: -- if you don't mind simply because
3 the Commission may have to make a decision on this, and I
4 don't want to leave the Commissioner in a position where
5 she's trying to opine on something she may actually have to
6 rule on at some point in time.

7 What we, the IEA, are suggesting to you is how we
8 interpret and understand Senate Enrolled Act 309, the law
9 of Indiana, and the interconnection rule and the interplay
10 between those two.

11 Senate Bill 309 requires two things in order to
12 be grandfathered at the end of this year for a 30-year
13 period. Those two things are that the system has to be
14 installed, and the customer has to be participating in the
15 net metering program of that particular utility.

16 To meet the second of those, the participating
17 in, you have to go through the application process, the
18 complete process, including and ultimately resulting in the
19 utility sending you an interconnection agreement, your
20 signing it and sending it back.

21 At that point, from a utility's standpoint -- Now
22 I don't know what the Commission may do with this. From a
23 utility's standpoint, we believe that you are now
24 participating because at any point in that process, you may
25 decide not to sign the interconnection agreement for some

1 reason; I don't know what it might be. That's fair; you
2 still are not participating in the program.

3 So, hence, we walk through the entire process;
4 the General Assembly envisioned that; the General Assembly
5 specifically, as they moved that law forward, revised the
6 date for this cutoff when you're grandfathered for 30 years
7 from behind us at this point in time to December 31st to
8 allow for some opportunity for people to complete systems
9 that are already in place and underway, and that -- so what
10 we're describing is exactly how we view what the General
11 Assembly has set before us in the laws.

12 Now, I should also mention this does not mean --
13 if you miss December 31st this year, it does not mean
14 you're not eligible for net metering. The net metering
15 program continues until 2022. The thing that changes is
16 the length of time that you are grandfathered, but the
17 pricing regime set out in net metering will continue into
18 next year, and if the numbers that were discussed among the
19 members of the General Assembly are accurate, that is
20 sufficient time for a customer to recover the cost of their
21 investment in a system.

22 MS. KERN WHEELER: Thank you for that
23 clarification, Mr. Maassel.

24 MS. HELINE: Mr. Hardin?

25 MR. HARDIN: Again, thank you for the

1 clarification that you gave there, but I do want to comment
2 in regards to not completing the system as he stated and
3 still getting a net metering benefit which is capped at 15
4 years instead of 30, and in the cases of several of our
5 clients, that would be a loss of revenue investment over
6 the term of building their system or investing in their
7 system in the millions of dollars, the difference between
8 net metering for 30 years versus 15 years.

9 So, again, clarity on the system would be very
10 helpful for everyone if it's in regards to application
11 being submitted and approved and then if the system can be
12 installed that -- again, it protects the customers from --
13 who are investing and making decisions through their
14 budgeting process that they haven't been able to venture
15 down to this point because Senate Bill 309 has created so
16 much unclarity in the market that folks now that are
17 wanting -- or customers now that are wanting to make this
18 investment, we're creating a backlog at the end of the year
19 to try to get these in and installed, and we have to go
20 down and can't be -- in my opinion, for the protection of
21 customers can't be on a parallel path of installing a
22 system prior to having an application approved even at --
23 systems that are rated 10kW, 50k -- 15kW, the utility grid
24 has to be evaluated in every case, and there could be
25 significant upgrades that are required by the utility for

1 proper protection of a system that could ultimately detour
2 a customer from making the investment of installing a solar
3 system. So any Level 2 solar installation absolutely
4 should not be installed prior to an application being
5 submitted, reviewed, and approved by the utility.

6 So, again, clarity on that timeline and an
7 approval process for the application portion would help
8 everyone tremendously.

9 MS. HELINE: Thank you.

10 Mr. Burkholder, and then we really do need to get
11 to the next one because I know that will answer
12 hopefully -- at least have some dialogue on some of the
13 questions that Ms. Wheeler raised earlier.

14 Mr. Burkholder?

15 MR. BURKHOLDER: Thanks.

16 I would like to have -- Let me give you an
17 example of all the customers on Indiana. Everyone thinks
18 December 31st is a deadline. Everyone is thinking -- I'm
19 talking all residential customers is thinking if they tell
20 us to go ahead on December 15th, they're still in because
21 of all of the -- If that's not the case, we need to have a
22 public date announced so everybody is clear on it.

23 The way this is reading, I take it as the
24 deadline is actually December 6th as there is ten days
25 application -- to send the application; there's 15 days for

1 approval; that's 25 days back from December 31st. If the
2 customer hasn't been approved prior to December, even if
3 it's in -- if the system is installed in November and
4 December 6th files the application, and then ten days the
5 application is complete and the facility is approved, is
6 there and can we ask the utility company to give us a net
7 metering agreement in the same time that the facility is
8 approved to help out all of these customers?

9 MR. MAASSEL: You know, if I might, the answer is
10 of course you can ask the utility company for that. Again,
11 I strongly encourage anyone that's in this realm to talk
12 with the utility company and to raise questions as they may
13 be.

14 As Mr. Olson pointed out, the timeline that's on
15 the screen before us is kind of the maximum that's outlined
16 in the interconnection rule, and as Mr. Hardin pointed out,
17 a lot of these timelines -- I guess Ms. Wheeler as well. A
18 lot of these timelines are entered to ensure the safety,
19 the reliability, and the power quality of the electric
20 system, and they're valuable that we assure that those
21 pieces are there frankly whether it's a Level 1, a Level 2,
22 or a Level 3 review. So there are -- while these are kind
23 of the maximum timelines, there's no guarantee of how it
24 will happen.

25 As Mr. Fulton pointed out, if, in fact, there's a

1 significant number of applications that come in to a
2 particular utility at some particular point in time, it may
3 simply be very difficult, if not impossible, to process all
4 of them in a timely fashion. That's where the timelines
5 behind us on the screen or in front of us on the screen are
6 so important because once we get beyond these timelines,
7 the utilities will understand that any stretching beyond
8 what is set out in the rule is something we do not use as a
9 reason why the customer cannot be net metered for 30 years
10 going to 2047, but if we get an enormous number of
11 applications coming in, it may simply put us in a spot that
12 we do need to use the time frames that are set forth in the
13 IURC rule and use them fully.

14 MS. HELINE: Okay.

15 I would like to move on to the impact of repair,
16 replacement, or upgrade of net metering facility.

17 In the Joint Commenters' comments, they asked --
18 they referred to some sections that -- where a customer
19 shall continue to be served under the terms and conditions
20 of the net metering tariff until the tariff expires or when
21 the customer removes from the customer's premises or
22 replaces the net metering facility.

23 I think it would be helpful if IEA could briefly
24 talk about what they think that means because I think that
25 would answer some of the questions that Ms. Wheeler

1 presented earlier, and then we'll take some questions on
2 that.

3 I realize that we are technically at our 4:00
4 time frame, but we kind of realized that we'd be talking
5 longer than 4:00, so -- but realize that we do want to be
6 conscientious of people's time, so if -- Mr. Maassel or Mr.
7 Rushenberg, if you could --

8 MR. RUSHENBERG: Thank you.

9 If there are repairs to the net metering
10 equipment, you're still grandfathered; that's point one.

11 With regards to the replacement of net metering
12 equipment facilities due to damage or normal wear and tear,
13 again, that will be considered a repair, still
14 grandfathered, but so long as -- and this is key for all of
15 this -- so long as the capacity -- the nameplate capacity
16 remains the same size.

17 So, for example, if you have a 4kW system --
18 solar system on your home, maybe you decide to put on the
19 Tesla shingles; this, I guess, would fall into the upgrade
20 part of this question. So long as the Tesla shingles, the
21 upgrade, remains 4kW, you're still grandfathered.

22 Now, anything above the 4kW -- Let's say you
23 add -- through a repair, a replacement, an upgrade process,
24 let's say you add 1 or 2kW to your current grandfathered
25 original system. That extra 1 or 2kW would not be

1 grandfathered under the 30 years; it would be whatever the
2 current paradigm is in place at that point in time.

3 So if it's after December 31, 2017, you add 1 or
4 2, then it would be -- that 1 or 2 additional would be
5 grandfathered until 2032.

6 If it's after July 1 of 2022, then you would have
7 the distributed generation crediting system, which is the
8 wholesale plus 25 applied just to that 1 or 2 additional kW
9 that you added.

10 MS. HELINE: Ms. Arnold?

11 MS. ARNOLD: Laura Arnold, IndianaDG.

12 Let me make you aware that we have had responses
13 via utility customers of -- one who is in the room and
14 other utility installers that at least two of the IEA
15 members have indicated that a customer would not lose their
16 net metering status if PV modules are added to their
17 existing net metering facility provided they are not adding
18 to their net metering facility such that it exceeds the
19 maximum AC output from the inverter listed on the
20 interconnection agreement, and I have documentation to
21 indicate that that is the position, and certainly one of
22 the emails came from a utility person seated in the room
23 today, so I would suggest the IEA discuss this issue
24 further with its own members.

25 I also heard earlier this week that another

1 utility has also indicated that that was their position,
2 and that came from another solar installer, so I don't know
3 if you understood what I said, but there are people in the
4 room, the utility people, that do understand what I just
5 said.

6 MS. HELINE: Laura, could I ask a clarifying
7 question?

8 So what you're saying is that they could change
9 the other equipment as long as it stayed within what was
10 allowed by that inverter that was -- the original inverter
11 that was attached.

12 MS. ARNOLD: Right. A central inverter would
13 have a maximum output, AC output, and people are being told
14 today or they've been told recently -- nodded head over
15 there with a solar installer -- or solar customer because
16 they have this in writing -- that it's okay to add PV
17 panels as long as they're not exceeding the AC output of
18 the inverter that's listed on the agreement.

19 Now, that's kind of a technical response, but
20 this is where the problem is where apparently policy people
21 are not talking to the people who are in the field giving
22 this kind of direction to installers and customers; this
23 continues to be a problem.

24 MS. HELINE: Thank you.

25 Mr. Burkholder first and then Mr. Rushenberg.

1 MR. BURKHOLDER: Just to clarify everyone in the
2 room, if you have a -- example, a 10-kilowatt AC solar
3 inverter and you put 50-kilowatt DC on there, that inverter
4 cannot put out more than its AC rating.

5 The term is labeled nameplate capacity and does
6 not specify DC or AC; it should be AC rating. You could
7 put a million panels on one inverter; it will not exceed
8 its nameplate capacity output, but we need to stay with AC.

9 MS. HELINE: Mr. Rushenberg?

10 MR. RUSHENBERG: Again, I'm not as articulate,
11 but I agree with -- we agree, the Association, with I think
12 what Laura said; I mean, that's the intent certainly.

13 In other words, if you have been grandfathered
14 for that amount of what you generate and if you upgrade to
15 new technology, so long as you're staying within that
16 amount -- I gave the example of the 4kW -- then that
17 grandfathering continues on.

18 We also agree with the comment with regards to
19 the AC as well.

20 MS. HELINE: Thank you.

21 Mr. Hardin and then Ms. Wheeler.

22 MR. HARDIN: I guess I have just one question
23 with regards to that because we have had customers that
24 have asked the question in regards to we install a 250kW
25 system now, but we have building expansion plans in the

1 next three years of our budget that would -- where we would
2 want to add an additional 250 or 300kW system, how would
3 that affect our net metering going forward if we get our
4 system in by the end of 2017, but a new system is wanted in
5 2018 or 2019? These two systems would be fed -- metered by
6 the utility at the same metering point.

7 How does the utility differentiate the two
8 different generation sources for which one they get net
9 metering for 30 years and then subtract what's going to be
10 wholesale or Rider 50 rates if it's all done through the
11 same metering point?

12 MS. HELINE: Ms. Wheeler?

13 MS. KERN WHEELER: Thank you, and I just realized
14 170 IAC was in here after some earlier comments, and I
15 appreciate you putting it in the packet because it's
16 extremely helpful, but to the point of the inverter rating,
17 if you look on Page 18, which is 170 IAC 4-4.3-6, and I'm
18 looking at (d), which is line -- starts at Line 16 on Page
19 18, it states that "If the generator or electric source
20 being utilized with the equipment package is consistent
21 with the testing and listing performed by the nationally
22 recognized testing and certification laboratory -- which is
23 the inverter rating these folks are talking about, which is
24 UL certified -- the equipment package shall be deemed
25 certified, and the utility shall not require further design

1 review, testing, or additional certification of the listed
2 equipment package.", which gets to my earlier point of: It
3 doesn't matter how much is flowing through that inverter as
4 long as -- why would the utility care as long as for safety
5 and reliability purposes, it's not being exceeded, which it
6 can't be exceeded technically.

7 So changing in and out a panel, which would
8 impact how much is flowing through, shouldn't be of the
9 utility's concern and, in my opinion, shouldn't affect the
10 definition of install.

11 MS. HELINE: Well, and if I may, I think what Mr.
12 Rushenberg said earlier after hearing those comments is
13 that I think they're actually in agreement that the
14 inverter that's installed, that inverter has its rating and
15 what its output is, and that's what the utility is going
16 by, and whatever you put behind that inverter, if you speak
17 [verbatim] -- as long as the output is the same, the
18 utility doesn't see that as a change that would affect your
19 grandfathering.

20 It's only if you are going to change that out --
21 what's coming out onto the utility's system, and that's
22 just because, again, they looked at that interconnection
23 point based on what you had applied for initially, and if
24 it's going to increase substantially or be different in
25 some significant way, they need to know about that, and

1 then that might affect the grandfathering.

2 Am I -- Is that clear? Is that what --

3 MR. RUSHENBERG: Correct.

4 MS. HELINE: Am I clarifying what you --

5 MR. RUSHENBERG: You --

6 MS. HELINE: -- said a second --

7 MR. RUSHENBERG: Yes, we would agree with that.

8 MS. HELINE: Mr. Maassel?

9 MR. MAASSEL: Thank you.

10 I'm sorry; I'm not trying to prolong this, but
11 you -- he asked a very good question again, and Mr.
12 Rushenberg touched on it.

13 If you have a customer that's building a
14 facility -- I'm sorry, has built a facility and is looking
15 to install a net metering facility yet this year and then
16 they're going to do an expansion in two to three years, how
17 does that play out?

18 In our mind, the answer is the portion that's
19 installed this year is eligible for net metering underneath
20 this year's program; in other words, we'd grandfather it
21 through 2047.

22 The new addition would not be; it would be
23 eligible under whatever that program is that's in place at
24 that point in time. You suggested 2018 or '19, in which
25 case it would be grandfathered through 2032.

1 The -- in all cases, of course I'm going to
2 remind everyone that you would need to submit to the
3 utility company a new application because, once again,
4 we'll need to go through the review process of the
5 electrical demands placed on our system for safety,
6 reliability, and power quality reasons.

7 I will also just mention that there are actually
8 two requirements in Senate Enrolled Act 309. They are
9 reflective of what's currently in the net metering rule,
10 and those two requirements are that to be net metered, you
11 cannot be larger than 1 megawatt, but you also cannot
12 exceed your average annual consumption, and the rule has
13 slightly different phrasing for the same basic concept.

14 So to go in and try to deliberately oversize the
15 unit is something the utility will be reviewing because
16 there's these two criteria to make you eligible for net
17 metering. Again, they're in the statute as well as the
18 current IURC rule.

19 MS. HELINE: Okay, thank you.

20 If there --

21 CHAIRMAN ATTERHOLT: I think Mr. Hardin also
22 asked how would you meter it.

23 Would you have a separate meter? How would you
24 handle that?

25 MR. MAASSEL: Yeah, I'll tell you, it's a

1 marvelous question, and what we're talking about, of
2 course, is installations that could potentially be under a
3 pricing regime from now until 2047.

4 As the Commission is fully aware, the utilities
5 are looking at and beginning to install what's kind of
6 generically called smart metering, very sophisticated kinds
7 of meters that have remarkable capabilities for what
8 they're able to do.

9 As that technology is installed and as that
10 technology unfolds, the answer of the metering may become a
11 lot clearer than what it might be today.

12 We're trying to simply articulate today to
13 everyone in the room and listening on the webcast how we
14 look at this, and we're looking at it based on what the
15 statute provides by way of guidance.

16 If there's a metering issue, again, you need to
17 talk with the utility; how they may handle it in the near
18 term would be different than how they might handle it in
19 the future. They certainly have that flexibility and
20 recognize that metering may or may not be able to really
21 easily and cost effectively do it today.

22 That does not necessarily mean that in the future
23 when we do, in fact, have improved technology, it may not
24 make sense to go to what we're describing today as our
25 basic position.

1 MS. HELINE: Okay.

2 With that, I'm not seeing any additional hands on
3 that particular point, so let's go on to the meaning of
4 successor in interest.

5 I just note for the record that Black's Law --
6 the Black's Law Dictionary definition of successor in
7 interest is one who follows another in ownership or control
8 of property.

9 I realize that there's some -- a lot more
10 questions around that, and these are questions -- questions
11 were raised by the -- what I'll call the Joint Commenters
12 group, so I don't know if you want to express those
13 questions further or what you think needs to be
14 clarified -- would be helpful to be clarified.

15 MR. OLSON: Well, I think that we believe that a
16 successor in interest would be anybody that would move into
17 that property and take over the electric bill for purposes
18 of this chapter which would include a renter, but we also
19 have concerns about how it will be documented; that net
20 metering is available at a property until either 2047 or
21 2032, and so, you know, it's our position that, you know,
22 documentation shall be conveyed and recorded on that
23 property available to realtors or leasing agents or other
24 things that that property had solar, had wind, or other
25 technologies and was eligible for net metering until a date

1 certain.

2 How will people know that that is in place?

3 MS. HELINE: Okay, so what you're suggesting is
4 that there would be -- need to be some kind of
5 documentation that gets recorded the same that you would
6 with any other property interest that you want to make sure
7 it gets passed along.

8 MR. OLSON: Correct, but I would also note for
9 purposes of interpreting that with respect to the law,
10 Senate Bill 309, we would also -- we would think it would
11 also be tied to the utility bill as well, so if a property
12 was rented or became a rental or something like that, that
13 the net metering would be available to whomever was paying
14 the utility bill.

15 MS. HELINE: Any other comments or questions on
16 that issue? Okay.

17 We will -- again, we're looking at what we need
18 clarified, so this can --

19 MR. OLSON: That sounded unanimous.

20 MS. HELINE: Yes, I know. Silence is golden.

21 Okay, so the next one is nameplate capacity, and
22 this was raised by the comments from Bose, McKinney &
23 Evans.

24 Ms. Wheeler, I didn't know whether you wanted to
25 speak to that first, or --

1 MS. KERN WHEELER: Thank you.

2 I think it was already addressed with the
3 comments about AC versus DC and the recommendation that it
4 be AC.

5 My only comment is whatever it is, we just need
6 clarity so that we can plan accordingly.

7 MS. HELINE: Mr. Rushenberg, do you want to
8 comment?

9 MR. RUSHENBERG: We just want to point out that
10 nameplate capacity is already defined in the
11 interconnection rules, and we defer to and support that
12 definition.

13 MS. HELINE: Okay. Any other comments on
14 nameplate capacity?

15 Mr. Hardin?

16 MR. HARDIN: I will state real quickly that I
17 believe the utility has been clear in that definition of
18 being AC rating, not DC rating.

19 MS. HELINE: Okay, thank you.

20 Any other questions or comments on nameplate
21 capacity?

22 Then the next subject matter is the 1 megawatt
23 cap, whether that's per meter or per customer basis, and
24 this was raised in the comments by the Joint Commenters.

25 MR. OLSON: Well, we asked that question because

1 there's different interpretations out there.

2 Most utilities believe that that 1 megawatt cap
3 is a per meter cap, but there is one utility in particular
4 who views that as a 1 megawatt cap on a customer; for
5 example, a school campus that may have multiple meters or a
6 business that may have multiple meters, that that 1
7 megawatt cap would apply to that customer rather than that
8 meter, and we believe that the 1 megawatt cap should be a
9 per meter cap and not a per customer cap.

10 MS. HELINE: Any other comments?

11 MR. OLSON: As the majority of utilities agree
12 with.

13 MS. HELINE: Okay.

14 MR. RUSHENBERG: Well, we would disagree with
15 that.

16 MS. HELINE: Did you -- I'm sorry.

17 MR. RUSHENBERG: Oh, I'm sorry.

18 MS. HELINE: Mr. Rushenberg, did you have a
19 comment?

20 MR. RUSHENBERG: Yes, we --

21 MS. HELINE: Okay.

22 MR. RUSHENBERG: -- disagree with that, and
23 there's a couple of different --

24 MS. HELINE: You need to talk into your
25 microphone just a little bit more.

1 MR. RUSHENBERG: We believe it to be per customer
2 and not per meter. That's the position of the Association
3 certainly, and there's several references; I'll just touch
4 upon two for the sake of time.

5 Under Senate Enrolled Act 309, Indiana Code 8 --
6 This is on Page 4 of 38, Line 11. It's the definition of
7 distributed generation. It talks about the customer's
8 average annual consumption of electricity on the premises;
9 it defines premises as a single tract of land on which a
10 customer consumes electricity for residential, business, or
11 other purposes. That is on Page 5 of 38 on Line 7, the
12 definition of premises.

13 So you have those two definitions within Senate
14 Enrolled Act 309, and then also in the net metering rule,
15 170 -- which is on Page 10 of 38, the definition of the net
16 metering customer, Line 30 down to 36, again it refers to,
17 under the definition of net metering customer, a customer
18 in good standing used to offset all or part of the net
19 metering customer's own annual electricity requirements.

20 A lot of references to customer there, and,
21 therefore, we believe that it's a per customer basis.

22 MS. HELINE: Mr. Olson?

23 MR. OLSON: Well, first, I would point out that
24 if you look at Page 4, Lines 21 through 23, that the
25 definition of distributed generation, first of all, does

1 not include net metering facilities, and, secondly, I would
2 point out that with Senate Enrolled Act 340 with respect to
3 the opt-out, we believe the opt-out was a 1 megawatt per
4 meter, not 1 megawatt per property, so consistency -- there
5 would be some precedent there and some consistency with
6 respect to -- the 1 megawatt opt-out on the DSM tariff was
7 a per meter 1 megawatt, and again, the majority of the
8 utilities do interpret it as 1 megawatt per meter, not 1
9 megawatt per customer.

10 MS. HELINE: Okay, thank you. Any --

11 MR. OLSON: Trying not to name names.

12 MS. HELINE: Okay. Any other comments?

13 MR. RUSHENBERG: I would be more than happy to
14 point out other references to customer, but for sake of
15 time, I won't, but it's within the definitions of again --
16 Senate Enrolled Act 309 clearly references to customer, not
17 meter, but I just want to point that out for the record.

18 MS. HELINE: Thank you, Mr. Rushenberg.

19 CHAIRMAN ATTERHOLT: If I could just -- for
20 clarification, Mr. Olson seems to have some examples where
21 maybe some of your members do by customer, some by meter.

22 Is it your position that they would have the
23 flexibility to do either, but you're saying that they're
24 only required to do by customer?

25 How would you address that, assuming that's the

1 case?

2 MR. RUSHENBERG: In terms of flexibility for the
3 utility, I think we do have flexibility under the net
4 metering rule and also under the new law under certain
5 circumstances, but in terms of the interpretation as an
6 industry viewpoint, we certainly believe based on the
7 adoption of Senate Enrolled Act 309 that it's certainly a
8 per customer basis.

9 In terms of what individual utilities may have
10 done in the past with regards to a particular customer or
11 two, I can't address that because I just don't know.

12 COMMISSIONER ZIEGNER: Well, just to be clear,
13 what about going forward if individually utilities decide
14 that --

15 MR. MAASSEL: Let me maybe just give a couple
16 examples as Mr. Olson didn't perhaps -- you know, from
17 there, you can -- if I'm missing the target, you can point
18 me in the right direction.

19 So two examples come to mind. Let's go to the
20 school facility that he referenced, and let me just assume
21 for a moment that while it's a single building at this
22 point, it was actually built and there were several
23 additions to it, and you have four separate meters there.
24 The four separate meters total up to some number, whatever
25 it is.

1 That school would be able on their property --
2 they could install and own a system up to the total of the
3 four meters, their average consumption for that entire
4 building. They could put in one solar or one windmill to
5 serve that entire building, and that would be appropriate
6 because it's a single customer premise.

7 The second example would go the other way. What
8 happens if you as an individual own five retail outfits and
9 they're in five separate towns all in a single utility
10 company's service territory but five separate communities?
11 There, you would not be able to accumulate that usage among
12 those five meters. You would go to each individual store
13 and say what's the use on this particular premise? I can
14 install a facility there that meets the net metering rules
15 and be able to net meter but at the size specific to that
16 particular store as opposed to trying to accumulate the
17 meters.

18 Yeah, I agree. The normal rules for net metering
19 still apply. It cannot be over 1 megawatt, cannot be above
20 your average annual consumption. Good point.

21 MS. HELINE: Mr. Hardin?

22 MR. MAASSEL: Did that help? I'm sorry.

23 MR. HARDIN: Just to clarify, in the case of a
24 customer that has five premises under the same utility's
25 service territory, that would be up to 1 megawatt per

1 premise, per metered premise; correct?

2 MR. MAASSEL: Yeah, and of course, ultimately it
3 would be -- and I apologize. Is it okay if I answer?

4 MS. HELINE: Yes.

5 MR. MAASSEL: I'm sorry.

6 The answer from my viewpoint, from our viewpoint
7 as the Association, would be, yes, they could go to each of
8 those individual sites. They would have to, again, meet
9 all of the rules necessary to be a net metering customer
10 for that site, you know, again, so five different times in
11 your example, and I should point out that they would need
12 to be talking with their utility repeatedly because there
13 is the overall issue of the 1.5 percent cap and the timing
14 on those various issues, so again, you should be
15 communicating with your utility constantly.

16 MR. HARDIN: And just for further clarification,
17 in the case of a school facility, as you mentioned, that
18 may have four metered points on their premise and they can
19 install a 1 megawatt system, would that system be expected
20 to have a primary connection and the four metered accounts
21 be aggregated together for billing, or would that be the
22 system broken up into four separate systems and secondarily
23 connected to the school system?

24 When I say primary connected, I mean connecting
25 on the utility side, and when I say secondary connected, I

1 mean connecting on the customer's equipment.

2 MR. MAASSEL: So you would want to talk directly
3 with the individual utility about some of the billing
4 questions and so on.

5 I can tell you that, no, this does not allow a
6 customer to use the utility's system. To the extent that
7 you are going to try and generate electricity and put it up
8 on to our wires and move it over to a different facility
9 even if it's around the corner somewhere, that the rule --
10 I'm sorry, the law, Senate Bill 309, specifically limits
11 that; that is not a possibility.

12 So to use your terminology, it would have to be
13 secondary; it would have to be wired on the customer's
14 premise for their facility -- their net metering facility
15 to serve whatever buildings or other things they may have.

16 MR. HARDIN: Just to clarify, in the case of a
17 couple of our -- or a few of our installations, we do have
18 systems that are installed where the customer has primary
19 connections with multiple accounts that are aggregated
20 together to be metered at that one connection point, so it
21 is --

22 MR. MAASSEL: That's a fair comment.

23 Again, what has changed between whenever those
24 systems were installed and what we're talking about today
25 is the enactment of Senate Enrolled Act 309 which gave us a

1 blueprint, a direction, for how we should be working on a
2 going-forward basis, so our view is from reading that act
3 along with the interconnection and net metering rule you've
4 just heard me articulate.

5 MS. HELINE: Are there any additional comments
6 regarding the 1 megawatt cap?

7 Okay, let's move on to the calculation for
8 average annual consumption.

9 This was also raised in the Bose, McKinney &
10 Evans comments, and, Ms. Wheeler, did you want to provide
11 some comments on that?

12 MS. KERN WHEELER: Sure.

13 I think the main issue around that is what is the
14 12-month period that we're talking about for purposes of
15 calculating average annual consumption. Is it the 12
16 months prior to the application date? Is it some other
17 period of time?

18 Is the customer ever going to be caught in a
19 situation where their future average annual consumption
20 changes, not necessarily because they changed their system
21 at all, but perhaps usage by the customer changed or other
22 circumstances caused the change like weather, and is the
23 customer then going to be in violation of those provisions
24 because at a future point, their average annual consumption
25 changed and then exceeded a threshold they didn't exceed at

1 the time that the equipment was installed and the
2 application was approved and the interconnection agreement
3 was signed.

4 MS. HELINE: So just to clarify so I can
5 understand your question, you're asking so that -- what's
6 the 12-month period that the annual average consumption is
7 determined, and if that's a one-time determination before
8 you install your equipment, or is that some kind of ongoing
9 determination?

10 MS. KERN WHEELER: Yes.

11 MS. HELINE: Mr. Rushenberg, do you have a
12 response for that?

13 MR. RUSHENBERG: Yes.

14 Our view is the -- it would be the 12 months of
15 historic annual electricity usage prior to the installation
16 of the net metering equipment, so it would be that prior 12
17 months prior to the installation of the net metering
18 equipment. That would how -- that's how you would
19 determine what the average annual consumption is.

20 MR. MAASSEL: Well, and let me add just to answer
21 Ms. Wheeler's comment that, no, this is a one and done kind
22 of thing because you will have installed your net metering
23 system at that point in time. We're not going to go back
24 and tell you you have to take out half of your system
25 because your load dropped.

1 Incidentally, it is important, as Ms. Wheeler
2 pointed out, that there may be something that's gone on; it
3 may have been an usually cool summer where the average
4 annual consumption might have been less than it is.

5 Frankly, from a utility standpoint, we will be
6 talking with the customer about, gee, did you just install
7 energy efficiency, so it might be an unusually high
8 consumption, and that's the value of going through that
9 immediate 12 months with -- in discussion with your
10 utility.

11 So to your comment, if you're looking at a period
12 where it's an unusually cool summer or something else that
13 you see going on, again, I strongly encourage you to go
14 talk to your utility and just say what is it? How do we
15 handle it in this specific situation?

16 Generically, on a high and wide basis, it will be
17 the 12 months immediately preceding.

18 MR. THOMAS: And if I could just say, the net
19 metering rule in its base is premised upon the customer
20 sizing themselves so that they don't have excess generation
21 past an annual basis; right?

22 So, I mean, it's in the customer interest not to
23 oversize themselves because they have no ability to
24 monetize their excess. It's just going to keep rolling
25 over until they burn it off; right?

1 So, I mean, I think it's fair to look at what
2 your nominal usage is as a customer whenever you are
3 deciding what size system you're going to make, and that's
4 one of the things your developer should be helping you do.

5 MS. HELINE: And then we have a comment from Mr.
6 Boggess.

7 MR. BOGGESS: Darrell Boggess again,
8 B-o-g-g-e-s-s.

9 I was not expecting to speak more than once
10 today, but I have overlooked this part of SEA 309; it has a
11 personal impact on me, so I have an issue with this.

12 As I told you, my solar array has been operating
13 quite satisfactorily for several years. I didn't tell you
14 that before I put it in, I checked my history of our house
15 that we've lived in since 1977, and I was surprised. For
16 the two previous years, the total for 12 months, first 12,
17 second 12, were almost identical. It was very close to
18 7,000 kilowatt hours each year, and it was within about
19 100; I couldn't believe it.

20 That was the ceiling for how much solar I could
21 put in; I didn't want to over-produce, but at that time, it
22 was expensive, so I didn't put in that much. We put in
23 enough for about half, which is all I could afford to pay
24 at the time, but soon after, we did a few other things. We
25 put in about three feet of insulation in the attic instead

1 of a few inches; we adjusted our thermostat so it's warmer
2 in the summer and don't use the air conditioner so much.
3 It makes a big difference, walk around with a tank top and
4 shorts barefoot in the house; I can tolerate it. So we
5 really surprised ourselves.

6 We also upgraded an ancient refrigerator that we
7 discovered was consuming almost 2,000 of our 7,000 in the
8 kitchen. We went shopping at Lowe's and bought an Energy
9 Star that was on sale and a few other things like that. We
10 had another refrigerator in the garage that was mostly
11 empty. We kept it for Thanksgiving and Christmas, but then
12 my daughter decided -- she's got a bigger dining table, so
13 we'll eat with her, put the food in her fridge, so I put
14 our fridge in her garage, and now her kids keep it full
15 most of the time; no problem. She pays the electric bill;
16 we don't.

17 So within six months of getting our solar system,
18 we had effectively balanced our house, and ever since, if
19 you look at the history of our house, the last 12 months,
20 the previous 12 -- the 12 months before that, we don't have
21 any -- we produce everything we need, which is about half
22 of what we used to use a few years ago.

23 So that brings me to the present; the reason I
24 want to upgrade my system is not because there's anything
25 wrong with it. I want to get an electric plug-in car,

1 which will, depending on how many miles we drive -- and we
2 have two cars, so I could drive the electric or the drive
3 the other one depending on the range, and we live outside
4 Indy, so if I want to come here and I want to get back
5 home, I might drive the other car, but if I put in the
6 application to increase my size for the car I haven't
7 bought yet and somebody looks at my history and says I
8 don't have any history and the application is denied, that
9 means the car dealer just lost a customer. That has a
10 direct, immediate impact on my lifestyle.

11 I'm looking at sizing my system going forward 12
12 months, not backwards, so I think that's a factor. I have
13 friends who are in the same situation. Indianapolis is
14 noted nationally for supporting electric vehicles. Indiana
15 is noted nationally, believe it or not, for the high ratio
16 of solar energy produced per capita partly because of the
17 solar farms right here in Marion County.

18 So if we want to continue that reputation, if we
19 think back, the reason we're here is because of the net
20 metering rule. Why do we have a net metering rule? It's
21 an incentive to encourage people to use more renewable
22 energy; that's why we have it.

23 The Commission had hearings around the state
24 several years ago to come up with the current rule, which I
25 think was pretty effective, and since then, we have now

1 accomplished -- we have succeeded by increasing renewable
2 energy in the State of Indiana with net metering. We're
3 close to one-tenth of 1 percent of the peak load for the
4 previous year. If that's a measure of success, I think we
5 have a way to go, and if electric cars are in the future,
6 we need to figure out how to accommodate that, and looking
7 at the history of my electric consumption for the last 12
8 months doesn't get us there. We need a different way of
9 looking at it.

10 MS. HELINE: Thank you.

11 Mr. Maassel?

12 MR. MAASSEL: I would actually agree with that.

13 As I was discussing in response to Ms. Wheeler's
14 question, that's where a discussion with the utility is
15 important.

16 There's no question that the immediately
17 preceding 12 months may not be reflective of what the
18 future will hold. That is the discussion that needs to
19 occur.

20 What I'd like to just repeat is sort of the
21 normal approach; the way that's probably going to work in,
22 I don't know, 80 or 90 percent of the time, we'll take the
23 immediately preceding 12 months and look at that to
24 determine the average annual. Again, if there's something
25 going on, please talk to the utility.

1 MS. HELINE: Thank you.

2 Any other comments on average annual consumption?

3 Moving on to the impact of battery storage, this
4 was a comment made by Rectify Solar, Phil Teague, and
5 basically he said he -- and I'm just going to read it.

6 It says "I would understand if the Commission
7 deems that batteries if installed without a solar system
8 would not qualify for net metering. However with the
9 batteries being installed as part of a solar system, I
10 believe that grid tie solar plus storage should be included
11 for net metering for both DC and AC coupled solar systems."

12 I don't know if anyone wants to comment on that
13 particular question.

14 Ms. Arnold?

15 MS. ARNOLD: Yes, Laura Arnold, IndianaDG.

16 Phil Teague is one of my business members, and he
17 had shared with me an email exchange that he had received
18 from one of the members of the IEA, and he was
19 flabbergasted, I guess, because we have other solar
20 installer members who are installing battery back-up
21 systems with their solar systems with other utilities, so
22 we never even contemplated that that was a problem or an
23 issue, and I think the only other thing that Mr. Teague and
24 I discussed is that there is discretion on the part of the
25 Commission if you think that it does not qualify, and I

1 understand an energy storage system by itself without a
2 renewable energy system you could say, no, does not qualify
3 under the definition of the technologies for net metering,
4 but when it's clearly associated with a solar system, we
5 think it's very clear that, yes, an energy storage system
6 with a solar system should qualify for net metering.

7 This has only been a problem so far with -- that
8 I'm aware of, and, generally, when there are problems,
9 people pick up the phone and they call Laura, so it has not
10 been a huge problem, but it is an increasing issue as more
11 and more people look to energy storage. People who want to
12 or have on order those new Teslas and they want to have a
13 power wall and all this kind of stuff and they want to have
14 a solar system to charge their new electric vehicle, it's
15 one that we think should be clarified by the Commission.

16 MS. HELINE: Thank you.

17 Any other comments on that?

18 Mr. Rushenberg?

19 MR. RUSHENBERG: Thank you.

20 I'll agree with Ms. Arnold to a certain extent
21 that on their own, battery storage systems do not qualify
22 for net metering. They do not generate electricity;
23 they're not listed in the Indiana Code as a qualifying
24 technology.

25 The second part, net metering system with a

1 battery is fine so long as it is used for back-up only.

2 That's the position of the Association.

3 MS. HELINE: Can you clarify the -- What do you
4 mean so long as it's used for back-up only?

5 MR. RUSHENBERG: Well, so long as it's used as
6 a -- similar to what a back-up generator would be used,
7 similar situation. In terms of the use of the battery
8 system, it's very similar.

9 MS. HELINE: Okay. You caused a lot of hands to
10 raise.

11 Mr. Hardin and Mr. Burkholder?

12 MR. HARDIN: I guess in that regard where a
13 battery storage system is coupled with solar, how does that
14 apply to anti-islanding not being able to be used as a
15 back-up facility if there should be an outage on the grid?

16 MS. HELINE: Mr. Hardin, did you want them to
17 reply before Mr. Burkholder comments?

18 MR. HARDIN: Yeah, I'm sorry. That was a
19 question for clarity where you said it was used for
20 back-up, but if it's coupled with solar, solar cannot be
21 used as a back-up system. Coupled with the battery, they
22 would be tied together.

23 MR. MAASSEL: They would, absolutely, so the
24 question really was -- that we started with was would, in
25 effect -- little different slant on it. If we installed

1 solar array and then we installed a battery system at the
2 same time, would installing that battery system somehow
3 disqualify you from being a net metering facility and being
4 able to take advantage of net metering.

5 The answer from the Association's viewpoint is
6 no. Even though you have added a battery to your solar
7 panels, that is net metering.

8 When you have an islanding situation; in other
9 words, an outage where the utility's grid is not providing
10 power to that facility at all, and you -- if it's solar,
11 for example, in the middle of the day, you will continue to
12 generate electricity; the battery is sitting there. That
13 is an islanded facility; it's not taking anything from the
14 utility. That's okay. That is still not going to impact
15 the net metering. That's the importance of those
16 disconnects, which is -- or the automatic disconnect. It's
17 kind of inherent in the inverter because you want that
18 isolated from the utility system so you don't endanger
19 anyone that's on the utility side of that wire.

20 So hopefully that gets to the point. The point
21 is not that you may use it in an islanding situation;
22 that's exactly when you want that back-up. It would be
23 very similar, I suppose, to the battery you might install
24 on your sump pump. In the normal course of the year, it's
25 going to be taking electricity from the utility to keep the

1 battery charged. If there's a utility outage, then it will
2 run the sump pump, and you'll discharge the battery. Same
3 basic notion here.

4 MS. HELINE: Okay.

5 Mr. Burkholder?

6 MR. BURKHOLDER: So I guess I'm not clear.

7 If -- as long as we have a solar and a battery
8 back-up system, it is in net metering, and they're
9 grandfathered as long as they're in this year; is that
10 correct?

11 MR. MAASSEL: Yes, unless for some reason you
12 size the battery vastly more than what the solar array is.

13 MS. HELINE: Would your concern be that then
14 they'd be pulling electricity off the system into the
15 battery?

16 MR. MAASSEL: Well, once again, you get into the
17 reliability and the safety of the system because now you're
18 changing electrically what's going on, so if you submit the
19 system and it has the net metering facility with the
20 battery as a back-up, it should all be fine.

21 MS. HELINE: So your normal connection of solar
22 and battery would be okay --

23 MR. MAASSEL: Would be fine.

24 MS. HELINE: -- is what you're saying.

25 MR. MAASSEL: Would be fine.

1 MR. THOMAS: And if I could suggest, I think
2 we're a little bit ahead of ourselves on this particular
3 question.

4 As long as you're in net metering and you're not
5 in a time of use rate, you don't have the ability for the
6 battery to help you out, if you will, to kind of not gain
7 the system but utilize the system.

8 Once you get into a time of use rate where your
9 battery can serve to take off the low energy cost from the
10 grid and then put it back on when it's in the high energy
11 cost period, that's when we'll have to address this
12 whenever time of use rates come into play really.

13 MS. HELINE: Thank you.

14 Any other comments on the battery storage
15 question? Okay.

16 I guess we need to take a break to switch out the
17 paper. It will be a very brief break because we're
18 almost -- I think we're almost through, so --

19 CHAIRMAN ATTERHOLT: How much do you have left,
20 Amy? How much paper do you have left?

21 MS. HELINE: We are back on the record.

22 So I didn't see any more questions on battery
23 storage, and so let's go to the next one which is
24 complaints to the IURC Consumer Affairs Division.

25 This was a question asked on the Bose, McKinney &

1 Evans comments about whether the Consumer Affairs Division
2 intends to continue to take consumer complaints regarding
3 net metering, and I think the answer to that is yes.

4 We understand, and I did hear, Mr. Olson, the
5 comments you made earlier about the need for, you know,
6 a -- maybe a faster process to final determination of those
7 kinds of things, and that's something I'm sure the
8 Commission will take under consideration, but at this point
9 in time, what is in the net metering rule and in the
10 interconnection rule is that the appropriate place for
11 those complaints is first to Consumer Affairs.

12 Ms. Washburn?

13 MS. WASHBURN: Thank you. Jennifer Washburn,
14 counsel for CAC.

15 Just two brief points that I wanted to reiterate,
16 one that I think Mr. Olson already raised with regard to
17 how the Commission ends up interpreting the grandfathering
18 provisions and whether or not this or any timeline is going
19 to be stalled while a customer is going through that
20 complaint process, and then I also just want to mention the
21 enormous cost and resources that it takes a customer should
22 it arise to a docketed proceeding and how the Commission
23 might try to accommodate some concerns about customer
24 resources, especially as they're trying to navigate this
25 brave new world of 309.

1 CHAIRMAN ATTERHOLT: I think that's a very -- if
2 I could just say briefly, that's a very good point,
3 Jennifer.

4 It's never our intention to require a customer to
5 have an attorney to come before the Commission. I've been
6 meaning to get together with Counselor Fine at some point
7 to -- I know they don't take positions in these type of
8 complaints, but they may be able to provide some legal
9 assistance procedurally just to help citizens along so they
10 don't have to incur the cost of an attorney.

11 It's certainly not our goal to require them to
12 have to hire -- sorry; sorry to the attorneys in the room,
13 but I don't want to have to have them hire an attorney to
14 come before the Commission, and I see your point is well
15 taken on that front.

16 MS. WASHBURN: Thank you, Chairman, and they're
17 definitely disadvantaged with not having an attorney, yes.
18 Thank you.

19 MS. HELINE: Thank you.

20 Any other questions or comments regarding the
21 consumer complaint process?

22 MR. RUSHENBERG: Real quick --

23 MS. HELINE: Mr. Rushenberg?

24 MR. RUSHENBERG: -- it's our view that complaints
25 about the utilities, whether it's the timeline or any of

1 the rules that we've been discussing here, would go to the
2 Commission, and complaints about installers would then go
3 to the Attorney General's office.

4 I do want to miss -- stress the point -- and
5 Mr. Maassel's been hitting this. Obviously, if there's any
6 issues with any individual utility, we emphasize and stress
7 that any customer should certainly work with their utility;
8 that should be the first call they make.

9 MS. HELINE: Thank you.

10 I have both of you raising your hand; is Mr.
11 Olson or Ms. Washburn going first?

12 MR. OLSON: When we're in here, I will defer to
13 Ms. Washburn.

14 MS. WASHBURN: Thanks, boss.

15 I would just reiterate again that if they're
16 starting a complaint process -- and, you know, I can
17 certainly understand the desire for the utility and the
18 Commission and others to work with the utility. Again, at
19 what point does that toll the process, even if they are
20 trying to resolve that informally, considering how critical
21 the finances will change at the end of the year?

22 MS. HELINE: Mr. Olson, did you have something
23 additional?

24 MR. OLSON: Yeah, I just wanted to note Mr.
25 Rushenberg did mention Section 23 of the bill for reasons

1 unknown to me, I guess, and so does that mean that the
2 Indiana Energy Association and member utilities believe
3 that Section 23 of the bill applies to current net metering
4 customers and solar installers out in the field, and, if
5 so, then I think that should propel a second discussion
6 with the AG's office and the IURC.

7 As we noted in our comments, we said we're not
8 sure that Section 23 does apply to net metering customers,
9 and, therefore, you know, we didn't expect it to be
10 mentioned today, but it just was, so I guess I was -- we're
11 curious about the Commission's position on that, and then I
12 would also say that both our joint comments and also I
13 believe Kris -- Bose's comments as well spoke to the
14 capacity and the set-asides that were in Senate Bill 309
15 both with respect to residential customers and biomass, and
16 that's of great concern for many, many reasons, and I think
17 that's a relevant topic that I guess we'd like to get some
18 idea and guidance on as to what the Commission is thinking
19 before we leave today because that's a big deal, so --

20 MS. HELINE: First, I'll let -- if Mr. Maassel or
21 Mr. Rushenberg -- considering you guys brought it up, if
22 you want to respond to Mr. Olson's question --

23 MR. MAASSEL: Mr. Olson asked what the IEA's
24 position is on Section 23.

25 I recognize as well that this is really not a

1 topic for today, and again, I can't speak to what the IURC
2 may or may not believe, but the IEA's view of the world is
3 the Attorney General should read the statute and make the
4 determination the Attorney General believes appropriate and
5 then proceed down that path, but I can't begin to predict
6 which way they're going to go. They are aware of the
7 statute; obviously, they're in attendance today and will
8 make the determination that the office believes to be
9 appropriate.

10 MS. HELINE: Okay, Mr. Burkholder?

11 MR. BURKHOLDER: So as far as filing complaints,
12 I do have a question.

13 Going back to my very first comment on this 73
14 days between Point A to Point B of interconnection, who
15 does that -- where does the customer go to file its
16 complaint?

17 We have talked to the utility; we've been told
18 we're in training, they're busy, they're on vacation,
19 there's trees down. The list is endless, which is why the
20 73 days -- so what's the next step in filing a complaint?
21 We've tried to talk to the engineer; we talked to the board
22 of engineers. What's the next step?

23 MS. HELINE: Well, under our Consumer Affairs
24 Division rules, I mean, you just have to attempt to have
25 resolved it with the utility, and once the customer has

1 attempted to resolve it with the utility and it is still
2 unresolved, then you can contact our Consumer Affairs
3 Division.

4 That contact can be made via phone; there's an
5 800 number that's toll free, or on line, there's a process
6 to submit a complaint on line. If you need more
7 information on that, we can definitely provide that, and I
8 see Laura waving at me that she'll tell you where to -- how
9 to find that information, too.

10 So there's definitely a process to do that. That
11 will be assigned to a Consumer Affairs' complaint analyst,
12 and they'll then contact the utility. They have separate
13 contact people, and then it will proceed from there, but
14 there is a process; it's on our website. We have an 800
15 number. We have ways that you can -- that they can call,
16 and it should happen -- I would say if they miss that
17 deadline and you contact them once and they don't respond,
18 then this is -- according to our rules, that's the next
19 place that you can go, okay, and then I know -- I'm
20 suddenly seeing a lot of hands going up, and we have nine
21 minutes left.

22 I think -- Mr. Olson and then Mr. Johnson.

23 MR. OLSON: Just two quick comments.

24 First of all, you said if you attempt to resolve
25 it with the utility; however, I would harken back to the

1 comments we've made about the timeline that's on there, and
2 does a complaint stop that time clock? Day 11, from my
3 perspective, is the time to file a complaint, and so
4 attempting to resolve it with the utility could take a long
5 time, especially when you have to call folks out of state,
6 and --

7 MS. HELINE: Well, and you have to -- Kerwin --
8 Mr. Olson, with all due respect, you have to actually read
9 our Consumer Affairs Division rules. It says you have
10 to -- have to contact the utility. It doesn't say it has
11 to be resolved, but you have to go through the process.
12 You have to --

13 MR. OLSON: I --

14 MS. HELINE: -- have contacted the utility
15 first --

16 MR. OLSON: I understand that, and --

17 MS. HELINE: -- and so that contact can be a
18 five-minute contact. It doesn't have to -- we're not
19 talking about a two-week contact.

20 MR. OLSON: I understand.

21 The other thing I just wanted to point out real
22 quick on Section 23, Section 23 does not say anything about
23 regulating solar installers; it's supposed to be a customer
24 bill of rights. I just wanted to point that out.

25 MS. HELINE: Thank you.

1 Mr. Johnson?

2 MR. JOHNSON: My concern with respect to this is
3 less with an end use customer and more with an installer;
4 to be clear that nothing requiring resort to the Consumer
5 Affairs Division in a first instance, that should not be
6 taken to apply to an installer who might have a legitimate
7 business to business dispute, and I say that because I
8 believe that's where problems are more likely to arise than
9 at the customer level because of who will have the
10 resources to bring the complaint.

11 Secondly, while the Consumer Affairs Division can
12 be helpful in dealing with individual customer complaints,
13 probably on a business to business dispute, that needs to
14 go directly to the Commission, and I would not want that to
15 be used as an additional hurdle that an installer would
16 have to meet or take again causing the clock to run further
17 before it ultimately would get to the Commission to resolve
18 that complaint.

19 So to the extent the Commission is issuing any
20 guidance in this regard, I hope it would distinguish
21 customers between individual customers and installers or
22 commercial customers who may not be a customer in the
23 electric utility sense but could be perceived as part of
24 the customer group of the utility.

25 MS. HELINE: Thank you.

1 Are there any more comments regarding the
2 Consumer Affairs Division complaint process?

3 With that, are there any additional questions or
4 comments?

5 Mr. Maassel raised his hand.

6 MR. MAASSEL: I would simply like to address the
7 topic that was raised today of this idea of perhaps staying
8 the process, if you will, if there's a complaint filed.

9 Let me suggest that, again, looking at the
10 timeline that's before the Commission, the utility
11 commitment is that if the customer is meeting their
12 requirements underneath of -- the interconnection rule and
13 for some reason, the utility takes longer than what's
14 allowed underneath that rule, in Mr. Olson's example Day
15 11, the answer is now there's a day extension, if you will,
16 in terms of whether you're going to be able to net meter
17 under the current program that's in place through the end
18 of this year.

19 I'm not sure I see the need for a stay given the
20 fact that utilities are not going to try and somehow keep
21 customers from net metering. If there is a delay on our
22 side, we absorb the impact of that delay, not the
23 customers.

24 MS. HELINE: Ms. Wheeler?

25 MS. KERN WHEELER: Thank you.

1 In closing, I would like to note that while I
2 recognize there's very little, if nothing, the Commission
3 can do about the December 31st deadline in Senate Bill 309,
4 there are many things that the Commission could do that I'm
5 sure you're probably already considering in your own minds
6 to help customers and utilities clarify what's in this
7 process. As we've been talking today, I made a few notes
8 on what those things could be.

9 You certainly in your discretion on an emergency
10 rule basis could shorten this timeline that we're looking
11 at right now to shorter than 45 days.

12 You could require that portions of the things
13 that are required under these rules be done simultaneously
14 on a parallel basis, which I believe Mr. Maassel indicated
15 at least some of the utilities are already doing or have
16 done in the past when it's appropriate.

17 You could require that all communications with
18 customers happen via e-mail; that helps the documentation
19 process and concerns that have been raised today and also
20 could help if you're shortening the time frame to speed
21 this up. It sounds like most of the time, that does occur.

22 You certainly could -- I recall -- and I don't
23 remember whose comment it was, but I recall one of the
24 solar installers saying that often they were not copied,
25 that the utility is only communicating with its customer

1 and not communicating at all with the solar installer; you
2 certainly could require them to do so or change their
3 application so that that contact information is available
4 to them.

5 I'll also note that the time frame for providing
6 the interconnection agreement could be shortened. Those
7 interconnection agreements aren't subject really to any
8 negotiation; they're part of the utility's tariff; they're
9 on file. Is it possible that that could be shortened?

10 You also could create a rocket docket both for
11 Consumer Affairs Division complaints similar to other
12 rocket docket proceedings that the Commission already has
13 or by formal complaints filed by solar installers or groups
14 of customers or other interested parties.

15 You certainly could address the issue of whether
16 these timelines are stayed, stalled, or whatever and what
17 effect those complaints have on the timeline that you set.

18 So I appreciate the opportunity to just present
19 those ideas as they popped into my head as we were talking
20 today.

21 MS. HELINE: Thank you.

22 Any other additional -- any additional questions
23 or comments?

24 MR. RUSHENBERG: Yeah, one last one.

25 Under Senate --

1 MS. HELINE: Last one, Mr. Rushenberg. I'm going
2 to --

3 MR. RUSHENBERG: I know; I can't --

4 MS. HELINE: -- hold you to your word.

5 MR. RUSHENBERG: I can't help myself.

6 Senate Enrolled Act 309 greatly restricts,
7 rightly or wrongly, but it does right there in black and
8 white, Page 8 of 38, Line 26 on down, Indiana Code
9 8-1-40-21 in terms of the rulemaking ability under the --
10 of the Commission under this bill with regards to net
11 metering and interconnection rule. I don't believe the
12 deadline can be changed as listed in the interconnection
13 rule. We certainly don't believe that.

14 There are some things you can change with regards
15 to the 1.5 percent and some other things, the biomass and
16 some other things that are addressed in there, which are
17 clearly laid out here, but certainly not the timeline.

18 MR. MAASSEL: I think Ms. Wheeler herself pointed
19 out that the timelines were set because there are safety
20 implications to some of these systems, and so getting
21 things installed, especially if we begin to see a large
22 number of either new applications or complex applications,
23 is going to really pressure the utilities in order of their
24 ability to meet those obligations to ensure the safety, the
25 reliability, and the power quality of the system.

1 So I think there are -- beyond the General
2 Assembly guidance, I think there are some very important
3 issues that are inherent in that rule.

4 MS. HELINE: Thank you, Mr. Maassel.

5 Ms. Washburn?

6 MS. WASHBURN: Thank you. Jennifer Washburn.

7 I did want to note again for everybody's
8 reference to please take a look again at the consumer
9 complaint, 44344, where the exchange of paperwork and
10 documentations, agreements going back and forth, that was
11 discussed ad nauseam about just trying to shorten those
12 timelines and the ways by which that could be done within
13 the context of the rule.

14 MS. HELINE: Thank you.

15 Any additional questions or comments?

16 Ms. Arnold and then Mr. Hardin.

17 MS. ARNOLD: This isn't a real comment; it is a
18 procedural question.

19 Is the Commission receptive to receiving further
20 written comments based on the discussion today, or is that
21 encouraged or discouraged for any particular reason as to
22 how you believe the Commission intends to resolve this
23 matter?

24 CHAIRMAN ATTERHOLT: Based upon our conversations
25 with everyone today and previous conversations with many

1 installers, many various groups, many of the folks in this
2 room, it seems imperative that the Commission give some
3 direction quickly, so the longer we leave this open for
4 comments, the longer that process goes.

5 So I am torn because certainly we would welcome
6 additional input, but at the same time, we're trying to get
7 some direction out as soon as possible so people can have a
8 sense of the timeline so they can mark it appropriately and
9 then plan appropriately.

10 So that's a -- sort of a political answer, I
11 guess, in the sense that, yes, they're welcome, but at some
12 point was -- we begin to render a decision; it's -- we're
13 going to have to do it sooner rather than later in order to
14 give the appropriate direction.

15 MS. ARNOLD: There are some people I know that
16 are watching on line because they've sent me messages, and
17 we've been trying to live stream ourselves on Facebook so
18 that people can see or hear this that were not able to be
19 here today because they're up on a roof. You know, they're
20 actually working, so they may have questions or want us to
21 clarify as a group, and I just wanted to make sure that we
22 aren't doing anything that's viewed as being inappropriate.

23 CHAIRMAN ATTERHOLT: That's fair, and you were
24 kind enough to bring in some of your members the other day,
25 and we had a great conversation with them, and their

1 points, again, were also well taken, so I guess the answer
2 to your question is yes, but in order to expedite this
3 process and get some direction out as soon as possible,
4 which seems to be the will of everyone in this room, we
5 will try to balance both of those dynamics.

6 MS. HELINE: Mr. Hardin?

7 MR. HARDIN: I just wanted to -- I appreciate a
8 comment made here a second ago in regards to the quality
9 and safety of the systems, and again, while we emphasize
10 that we'd like to see the focus of this being on the
11 interconnection application being approved by December 31st
12 and less focus on the installation due to safety reasons
13 and quality of design and proper review process done by
14 both engineering parties and the utility to ensure that
15 systems are being installed that don't compromise the
16 integrity of the grid but also are good systems that are
17 out for the customers because, again, we're back-loading
18 the end of the year where there's going to be a lot of
19 constraints put on these systems being installed and
20 installers like us being pushed to meet this December 31st
21 deadline on both paths.

22 MS. HELINE: Thank you, and then I think this
23 will be in your file, but we asked -- actually asked the
24 Indiana Energy Association to put together with their
25 members contact information so that people who are

1 interested in this know who they should be contacting at
2 the utilities. I would ask them to go ahead and pass that
3 out, pass out the contact information. We'll also post
4 that on line.

5 Also, the presentation that you saw today, we
6 will post on line; that should happen -- give us to early
7 next week, but that will happen as soon as possible.

8 Anything further, Mr. Chairman?

9 CHAIRMAN ATTERHOLT: I would just like to thank
10 everybody for their time and input today.

11 The Commission will take under advisement the
12 statute, the Commission's rule, and everything we've heard
13 today, and then we'll be hopefully providing some guidance
14 within the next few weeks that will be instructive and
15 hopefully helpful at least to give some certainty and
16 clarity. I'm sure we won't have 100 percent agreement
17 based upon the conversations we've had today from everyone
18 in the room, but hopefully it will give us some positive
19 guidance and some direction going forward.

20 Again, thanks for everybody's time; good to have
21 everyone here. Hope you have a safe drive home. Thank
22 you.

23 We are hereby now adjourned.

24

25

(HEARING ADJOURNED)

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