



Pennsylvania Public Utility Commission  
400 North Street  
Commonwealth Keystone Building, 2nd Floor  
Harrisburg, Pennsylvania 17120

May 2, 2015

Docket Number: L-2014-2404361

In the recent Advance Notice of Final Rulemaking, the PUC attempts to constrain the size of renewable energy systems by enforcing size limitations based on a percentage of onsite load. The PUC is suggesting that instead of a 110% limit, that a 200% limit might be more appropriate. However, the Commission is missing the point since renewable energy system size limits are defined clearly in the Alternative Energy Portfolio Standards (AEPS) Act. Pennsylvania law does not allow a regulatory body like the PUC to stray from legislative intent. The controls listed below exist so that a regulatory body may not skirt the intent of the PA General Assembly.

**1 Pa. Cons. Stat. § 1921. Legislative intent controls.**

(a) Object and scope of construction of statutes.—The object of all interpretation and construction of statutes is to ascertain and effectuate the intention of the General Assembly. Every statute shall be construed, if possible, to give effect to all its provisions.

(b) Unambiguous words control construction.--When the words of a statute are clear and free from all ambiguity, the letter of it is not to be disregarded under the pretext of pursuing its spirit.

Limits on renewable energy system sizes are defined clearly (and unambiguously) in the following section of the AEPS Act. The PUC need go no further to understand legislative intent.

**Customer-generator**—A nonutility owner or operator of a net metered distributed generation system with a nameplate capacity of not greater than 50 kilowatts if installed at a residential service or not larger than 3,000 kilowatts at other customer service locations, except for customers whose systems are above 3 megawatts and up to 5 megawatts who make their systems available to operate in parallel with the electric utility during grid emergencies as defined by the regional transmission organization or where a microgrid is in place for the primary or secondary purpose of maintaining critical infrastructure, such as homeland security assignments, emergency services facilities, hospitals, traffic signals, wastewater treatment plants or telecommunications facilities, provided that technical rules for operating generators interconnected with facilities of an EDC, electric cooperative or municipal electric system have been promulgated by the institute of electrical and electronic engineers and the Commission.

The PUC is not empowered to write new legislation. They may only promulgate regulations based on statutes, which are written by our elected officials. If the PUC feels strongly that system sizes should be limited, they must work through the PA General Assembly and request that the statute be changed. This current proposal (at any percentage they might suggest) is in conflict with the AEPS Act and cannot be allowed.

Regards,

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President  
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