

1299 HARRISBURG PIKE | PO BOX 4425 | LANCASTER, PA 17604
PHONE: 717-397-9968 | FAX: 717-397-9973

www.lcswma.org

TO: SEC

RECEIVED
16 OCT 25 PM 1:11
CHAIRMAN'S OFFICE

October 24, 2016

Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17120
Attn.: Commissioners

RE: Implementation of the Alternative Energy Portfolio Standards Act of 2004
Pa. PUC Docket No. L-2014-2404361)
Independent Regulatory Review Commission ("IRRC") No. 3061

Dear Commissioners:

As a participant in the Commonwealth's AEPS and net metering program through our landfill gas-to-energy project in Conestoga, PA, we remain very concerned as previously expressed to the PAPUC and IRRC with the final revised ruling passed by the PAPUC on June 9, 2016 and now just slightly revised after comments from the attorney general's office provided on October 5, 2016. We also wanted to bring to your attention an October 14, 2016 PA Commonwealth Court ruling the provides guidance to the legality of these proposed changes.

In fact, the recent court ruling specifically says the AEPS Act gives the PUC authority to "establish 'technical and net metering interconnection rules', but it does not give the PUC power to act beyond this narrow authorization." Changes proposed to the definition of utility, customer-generator and the review process being brought under PAPUC oversight for greater than 500 kW systems are clearly not legal under the court's ruling.

Based on the IRRC's comments (and twice disapproval) and several of the commissioner's comments to the statutory authority to make the proposed changes, and in light of the October 14, 2016 Pa Commonwealth Court's ruling from Sunrise Energy, LLC v. First Energy Corp. and West Penn Power Co., No. 1282 C.D. 205 (Oct. 14, 2016), Opinion by President Judge Leavitt

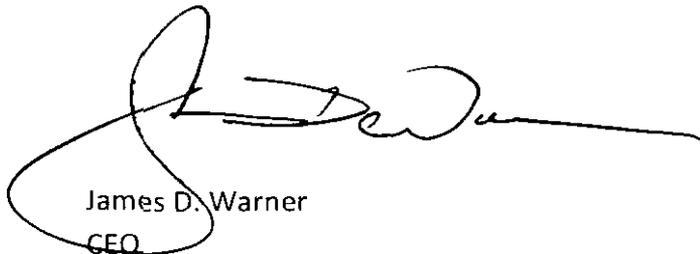
(joined by Simpson, Brobson, McCullough, Covey and Wojcik), Dissenting Opinion by Cohn Jublirer, we ask the commissioners to disapprove of these proposed changes.

We appreciate the PAPUC's oversight and assistance in so many areas as it pertains to implementing public utility regulations. We are unclear and concerned about why the PAPUC has persisted to pass these proposed punitive rules on net metering (which is designed to promote renewable energy development in a stagnant market) and significantly slow or bring the development small scale renewable energy projects to a halt.

The outcome of your review of this proposed changes to the AEPS is very important to maintaining that mandate of supporting the growth of renewable energy in the Commonwealth.

Thanks for your consideration of our comments.

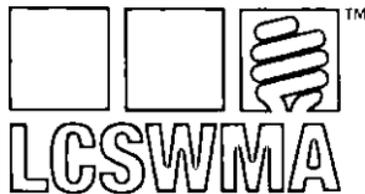
Respectfully Submitted,

A handwritten signature in black ink, appearing to read "James D. Warner". The signature is fluid and cursive, with a large loop at the beginning and a long horizontal stroke extending to the right.

James D. Warner
CEO

CC:

Independent Regulatory Review Commission by email to irrc@irrc.state.pa.us



1299 HARRISBURG PIKE
PO BOX 4425
LANCASTER, PA 17604

www.lcswma.org

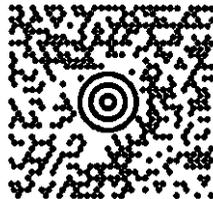
Attn.: Commissioners
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17120

ups FOR UPS SHIPPING ONLY

FROM:
LANCASTER COUNTY SOLID WASTE
(717) 397-9968
1299 HARRISBURG AVE
LANCASTER PA 17603

1 LBS

1 OF 1



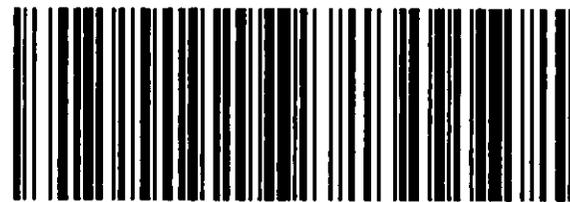
PA 171 9-20



SHIP TO:
COMMISSIONERS
PA PUBLIC UTILITY COMMISSION (PUC)
400 NORTH STREET
HARRISBURG PA 17120

UPS GROUND

TRACKING #: 1Z 41W 669 03 6152 5499



BILLING: P/P



CMPC

To: PUC LAW BUREAU

Agency PUC

Floor:

External Carrier: UPS GROUND

10/25/2016 10:37:34 AM

4 10/2016



1Z41W6690361525499