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File #: 140072

November 8, 2016

***VIA ELECTRONIC FILING***

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street, 2nd Floor North  
P.O. Box 3265  
Harrisburg, PA 17105-3265

**Re: Petition of PPL Electric Utilities Corporation for a Declaratory Order to Resolve Uncertainty Regarding Whether the Alternative Energy System Proposed by EPP Renewable Energy, LLC is Eligible to Receive Net Metering Public Utility Service from PPL Electric Utilities Corporation Pursuant to the Pennsylvania Public Utility Code, the Alternative Energy Portfolio Standards Act, Regulations and Orders Promulgated by the Pennsylvania Public Utility Commission, and PPL Electric Utilities Corporation's Pennsylvania Public Utility Commission-Approved Tariff for Electric Service - Docket No. P-2016-**

Dear Secretary Chiavetta:

Enclosed for filing is the Petition of PPL Electric Utilities Corporation for the above-referenced proceeding. Copies will be provided as indicated on the Certificate of Service.

Respectfully submitted,

Christopher T. Wright

CTW/jl  
Enclosures

cc: Certificate of Service

## CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing has been served upon the following persons, in the manner indicated, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant).

### VIA FIRST CLASS MAIL

Office of Consumer Advocate  
555 Walnut Street  
Forum Place, 5th Floor  
Harrisburg, PA 17101-1923

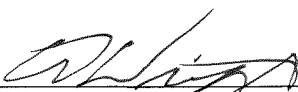
Office of Small Business, Advocate  
300 North Second Street, Suite 202  
Harrisburg, PA 17101

Bureau of Investigation &, Enforcement  
Commonwealth Keystone Building  
400 North Street, 2nd Floor West  
PO Box 3265  
Harrisburg, PA 17105-3265

EPP Renewable Energy, LLC  
Attn: Steven A. Gabriella, Chief Operating Officer  
1605 North Cedar Crest Blvd., Suite 509  
Allentown, PA 18104

Energy Power Partners  
2716 Ocean Park Blvd., Suite 3080  
Santa Monica, CA 90405

Date: November 8, 2016

  
\_\_\_\_\_  
Christopher T. Wright

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Petition of PPL Electric Utilities :  
Corporation for a Declaratory Order to :  
Resolve Uncertainty Regarding Whether the : Docket No. P-2016-\_\_\_\_\_  
Alternative Energy System Proposed by :  
EPP Renewable Energy, LLC is Eligible to :  
Receive Net Metering Public Utility Service :  
from PPL Electric Utilities Corporation :  
Pursuant to the Pennsylvania Public Utility :  
Code, the Alternative Energy Portfolio :  
Standards Act, Regulations and Orders :  
Promulgated by the Pennsylvania Public :  
Utility Commission, and PPL Electric :  
Utilities Corporation’s Pennsylvania Public :  
Utility Commission-Approved Tariff for :  
Electric Service :

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**PETITION OF  
PPL ELECTRIC UTILITIES CORPORATION**

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TO THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

PPL Electric Utilities Corporation (“PPL Electric”) hereby petitions the Pennsylvania Public Utility Commission (“Commission”), pursuant to 66 Pa.C.S. § 331(f) and 52 Pa. Code § 5.42, and respectfully requests that the Commission issue a declaratory order to resolve uncertainty regarding whether the alternative energy system proposed by EPP Renewable Energy, LLC (“EPP”) is eligible receive net metering public utility service from PPL Electric pursuant to the Pennsylvania Public Utility Code, 66 Pa.C.S. §§ 101, et seq., the Alternative Energy Portfolio Standards Act (“AEPS Act”), 73 P.S. §§ 1648.1 – 1648.8, regulations and orders promulgated by the Commission, and PPL Electric’s Commission-approved tariff for electric service. EPP submitted an Interconnection and Net Metering Application

(“Application”) requesting net metering for a proposed 4,600 kilowatt (“kW”) biomass generator at a landfill in Wayne Township, Clinton County, Pennsylvania. Based on the information provided in the Application, PPL Electric determined that EPP’s proposed biomass generator lacks independent load and would violate the Commission’s “Third Party 110% Rule.”<sup>1</sup> PPL Electric therefore denied EPP’s request for net metering for these two independent reasons. EPP disagrees with PPL Electric’s determination and contends that it is eligible for net metering.

PPL Electric herein seeks a declaratory order to resolve the uncertainty regarding whether the 4,600 kW biomass generator proposed by EPP is eligible to receive net metering service from PPL Electric pursuant to the Public Utility Code, AEPS Act, Commission regulations and orders, and PPL Electric’s Commission-approved tariff. In support thereof, PPL Electric states as follows:

## **I. INTRODUCTION AND BACKGROUND**

1. This Petition is filed by PPL Electric, a public utility that provides public utility services in Pennsylvania subject to the regulatory jurisdiction of the Commission.

2. PPL Electric furnishes electric service to approximately 1.4 million customers throughout its certificated service territory, which includes all or portions of twenty-nine counties and encompasses approximately 10,000 square miles in eastern and central Pennsylvania.

3. PPL Electric’s address is PPL Electric Utilities Corporation, Two North Ninth Street, Allentown, Pennsylvania 18101.

4. PPL Electric’s Attorneys are:

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<sup>1</sup> See *Net Metering - Use of Third Party Operators*, Docket No. M-2011-2249441 (Order entered Mar. 29, 2012).

Kimberly A. Klock (I.D. #89716)  
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PPL Electric's attorneys are authorized to receive all notices, filings, and communications regarding this Petition.

5. On June 29, 2016, EPP submitted an Application requesting net metering for a proposed 4,600 kW biomass generator at a landfill in Wayne Township, Clinton County, Pennsylvania. The proposed biomass generator will be owned and operated by EPP. Based on the information provided in the Application, the proposed biomass generator would not have any independent load but, rather, would be interconnected with the Wayne Township landfill. A true and correct copy of EPP's Application is provided as **Appendix A** to this Petition.

6. The Wayne Township landfill is a retail electric customer of PPL Electric. The Wayne Township landfill is owned and operated by Clinton County, and Clinton County is the account holder for the retail electric service provided to the Wayne Township landfill. The existing load at the Wayne Township landfill for the 12-month period ending June 2016 is minimal (21,700 kilowatt-hours "kWh") or an average of load of approximately 1,900 kWh per month.

7. On October 7, 2016, PPL Electric denied EPP's request for net metering for two separate reasons: (i) EPP's proposed biomass generator lacks independent load, and (ii) EPP's proposed biomass generator violates the Commission's Third Party 110% Rule. However, PPL Electric advised EPP that it may still interconnect its proposed biomass generator to PPL

Electric's system without qualifying for net metering by seeking approval through the PJM Interconnection LLC ("PJM") generation interconnection process. A true and correct copy of PPL Electric's October 7, 2016 denial is provided as **Appendix B** to this Petition.

8. In a letter dated October 11, 2016, EPP advised that it disagreed with PPL Electric's determination that the proposed biomass generator is not eligible for net metering. EPP also provided additional details on why it believed the proposed biomass generator is eligible for net metering. A true and correct copy of EPP's October 11, 2016 letter is provided as **Appendix C** to this Petition.

9. On November 8, 2016, PPL Electric issued a final notice that the proposed biomass generator does not qualify for net metering, and that EPP's request for net metering was denied. PPL Electric advised that, to the extent EPP disagreed with the denial of net metering, EPP may follow the Commission's dispute resolution process set forth in 52 Pa. Code § 75.51. PPL Electric again advised that EPP may still interconnect with PPL Electric's system without qualifying for net metering. A true and correct copy of PPL Electric's November 8, 2016 denial is provided as **Appendix D** to this Petition.

10. EPP disagrees with PPL Electric's determination and contends that it is eligible for net metering. PPL Electric herein seeks a declaratory order to resolve the uncertainty and confirm that the biomass generator proposed in EPP's Application does not qualify for net metering under the Public Utility Code, AEPS Act, Commission regulations and orders, and PPL Electric's Commission-approved tariff.

## II. LEGAL STANDARD

### A. STANDARD FOR DECLARATORY ORDER

11. Section 331(f) of the Code, 66 Pa.C.S. § 331(f), and the Commission's regulations at 52 Pa. Code § 5.42 provide that the Commission may issue a declaratory order to terminate an actual controversy or to remove uncertainty.

12. Declaratory judgment is a means to declare rights, status, and other legal relations. *See* 42 Pa.C.S. §§ 7532, 7533. Declaratory judgment "is to be liberally applied to afford relief from uncertainty and insecurity." *Township of Derry v. Pa. Dep't of Labor & Industry*, 593 Pa. 480, 485, 932 A.2d 56, 59 (2007) (citing 42 Pa. C.S. § 7541(a)).

13. In order to establish a claim for declaratory relief, a petitioner "must allege an interest by the party seeking relief which is direct, substantial and present ... and must demonstrate the existence of an actual controversy related to the invasion or threatened invasion of one's legal rights." *Council 13, AFSCME v. Cmwlth.*, 954 A.2d 706, 716 (Pa. Cmwlth. 2008) (quotation omitted). Stated otherwise, "declaratory judgment must not be employed to determine rights in anticipation of events which may never occur or for consideration of moot cases or as a medium for the rendition of an advisory opinion which may prove to be purely academic." *Id.* (quoting *Gulnac v. South Butler County School District*, 526 Pa. 483, 488, 587 A.2d 699, 701 (1991)).

14. As explained above, PPL Electric and EPP have been unable to agree on whether EPP's proposed 4,600 kW biomass generator is eligible for net metering under the Commission's net metering regulations and orders adopted pursuant to the express statutory authority granted by Sections 5 and 7 of the AEPS Act, 73 P.S. §§ 1648.5, 1648.7.

15. Given the parties' dispute and the uncertainty regarding whether EPP's proposed biomass generator is eligible to participate in net metering, PPL Electric submits that it has an

immediate, substantial, and direct interest in the resolution of this question regarding whether the biomass generator proposed in EPP's Application is eligible to participate in net metering.

16. PPL Electric also notes that the *Final Rulemaking Order* adopted a procedure for Commission review of all customer-generators with a nameplate capacity of 500 kW or greater. See *Final Rulemaking Order*, pp. 96, 100, Annex A, pp. 10-11. PPL Electric submits that this Petition, requesting the Commission to determine whether EPP's proposed 4,600 kW biomass generator is eligible for net metering, is consistent with the Commission review process adopted in the *Final Rulemaking Order*.

**B. COMMISSION AUTHORITY OVER NET METERING PUBLIC UTILITY SERVICE**

17. PPL Electric is a "public utility" and an "electric distribution company" ("EDC") as defined in Sections 102 and 2803 of the Pennsylvania Public Utility Code, 66 Pa.C.S. §§ 102, 2803, and is subject to the Commission's regulatory jurisdiction under the Public Utility Code.

18. By enacting the Public Utility Code and creating the Commission, the General Assembly sought to establish statewide standardization of all facets of operation of public utilities under the governance of the Commission. *City of Philadelphia v. Philadelphia Electric Co.*, 504 Pa. 312, 473 A.2d 997 (1984).<sup>2</sup> Section 501 of the Public Utility Code gives the Commission very broad authority to enforce the Public Utility Code, to supervise public utilities doing business in Pennsylvania, and to promulgate regulations as may be necessary to perform these duties. 66 Pa.C.S. §501. Indeed, the Supreme Court of Pennsylvania has confirmed the Commission as sole regulator of public utilities. *County of Chester v. Philadelphia Electric Company*, 420 Pa. 422, 425-26, 218 A.2d 331, 333 (1966) ("the Legislature has vested in the

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<sup>2</sup> The Public Utility Code is intended to be the supreme law of the Commonwealth in the regulation and supervision of public utilities. *Newtown Twp. v. Phila. Elec. Co.*, 594 A.2d 834 (Pa. Cmwlth. 1991).

[Commission] exclusive authority over the complex and technical service and engineering questions arising in the location, construction and maintenance of all public utilities facilities’).

19. The Commission’s broad jurisdiction under the Public Utility Code covers matters including rates, service, rules of service, hazards to public safety due to the use of utility facilities, installation of utility facilities, and location of utility facilities. *Id.* The Public Utility Code broadly defines “rates” and “ service” to include:

“Rate.” -- Every individual ... charge ... or other compensation whatsoever of any public utility ... made, demanded, or received for any service within this part, offered, rendered, or furnished by such public utility ... whether in currency, legal tender, or evidence thereof, in kind, in services or in any other medium or manner whatsoever, and whether received directly or indirectly, and any rules, regulations, practices, classifications or contracts affecting any such compensation, [or] charge....

\* \* \*

“Service.” -- Used in its broadest and most inclusive sense, includes any and all acts done, rendered, or performed, and any and all things furnished or supplied, and any and all facilities used, furnished, or supplied by public utilities ... in the performance of their duties under this part to their patrons, employees, other public utilities, and the public, as well as the interchange of facilities between two or more of them...

66 Pa.C.S. § 102.

20. Further, pursuant to Section 701 of the Public Utility Code, the Commission is empowered to adjudicate disputes regarding any act or thing done or omitted to be done by any public utility in violation, or claimed violation, of any law which the Commission has jurisdiction to administer, or of any regulation or order issued by the Commission. 66 Pa.C.S. § 701. *See also Lansdale Borough v. Philadelphia Electric Company*, 403 Pa. 647, 650, 170 A.2d 565, 567 (1961) (“the courts will not originally adjudicate matters within the jurisdiction of the

[Commission]. Initial jurisdiction in matters concerning the relationship between public utilities and the public is in the [Commission] -- not in the courts.”).

21. The AEPS Act became effective February 28, 2005 and supplements the Public Utility Code. The AEPS Act includes, among other things, two key mandates: greater reliance on alternative energy sources in serving Pennsylvania’s retail electric customers, and the opportunity for qualifying public utility customer-generators to interconnect and net meter small alternative energy systems.

22. The Pennsylvania General Assembly expressly charged the Commission to carry out the responsibilities delineated within the AEPS Act. 73 P.S. §§ 1648.7. Section 5 of the AEPS Act expressly directs the Commission to “develop technical and net metering interconnection rules for customer-generators” and “develop Statewide technical and net metering rules for customer-generators.” 73 P.S. § 1648.5 (emphasis added).

23. Consistent with the requirements of the AEPS Act and Section 501 of the Public Utility Code, the Commission adopted both interconnection regulations at 52 Pa. Code §§ 75.21-75.51 and net metering regulations at 52 Pa. Code §§ 75.11-15. *See Final Rulemaking re Alternative Energy Portfolio Standards*, 36 Pa.B. 7562 (December 16, 2006) (adopting the net metering regulations under both Section 501 of the Public Utility Code and Section 5 of the AEPS Act).

24. On October 27, 2016, the Commission issued a Second Amended Final Rulemaking Order to provide clarity and guidance in accordance with the intent of the AEPS Act. *See Implementation of the Alternative Energy Portfolio Standards Act of 2004*, Docket No. L-2014-2404361 (Order entered Oct. 27, 2016) (hereinafter the “*Final Rulemaking Order*”). The

amended regulations set forth in the *Final Rulemaking Order* are final and will become effective upon publication in the *Pennsylvania Bulletin*.

25. PPL Electric supports the development of alternative energy and distributed generation projects and works to have those projects safely interconnected to the PPL Electric's system. However, PPL Electric is required to follow the statutory and regulatory requirements regarding interconnection and for net metering.

26. As required by 52 Pa. Code § 75.13(b), PPL Electric has filed a tariff with the Commission that provides for net metering consistent with the Commission's regulations adopted pursuant to Section 501 of the Public Utility Code and Section 5 of the AEPS Act.<sup>3</sup> The net metering service provided by PPL Electric to a qualifying customer-generator is within the broad statutory definition of utility service. *See* 66 Pa.C.S. § 102 (defining utility service as "any and all acts done, rendered, or performed, and any and all things furnished or supplied, and any and all facilities used, furnished or supplied by public utilities..."); *see also Dauphin County Industrial Development Authority v. Pa.P.U.C.*, 123 A.3d 1124 (Pa. Cmwlth. 2015) (holding that net metering is a public utility "service"). The Public Utility Code grants the Commission fully authority to regulate a public utility's service. *PECO Energy Co. v. Twp. of Upper Dublin*, 922 A.2d 996, 1000 (Pa. Cmwlth. 2007) (citing 66 Pa.C.S. 1501). Further, in Section 2807(e)(3.5) of the Public Utility Code, the General Assembly expressly directed the Commission to regulate public utilities procurements of energy under the AEPS Act, which includes the purchase of excess generation through net metering. *See* 66 Pa.C.S. § 2807(e)(3.5).<sup>4</sup>

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<sup>3</sup> *See* PPL Electric Tariff - Electric Pa. P.U.C. No. 201, p. 19L.2.

<sup>4</sup> In *Sunrise Energy, LLC v. FirstEnergy Corp.*, No. 1282 C.D. 2015, 2016 Pa. Commw. LEXIS 435 (Pa. Cmwlth. 2016), a solar facility filed a complaint with the Washington County Court of Common Pleas seeking damages seeking, inter alia, damages for breach of contract when its existing net metering contract was terminate. The majority for the Commonwealth Court held that the trial court did not err by  
(Continued on next page...)

27. Finally, the underlying dispute involves an interconnection and net metering service agreement between PPL Electric and EPP. The Commission clearly has jurisdiction to vary, reform, or revise such agreements pursuant to Section 508 of the Public Utility Code, which provides as follows:

The commission shall have power and authority to vary, reform, or revise, upon a fair, reasonable, and equitable basis, any obligations, terms, or conditions of any contract heretofore or hereafter entered into between any public utility and any person, corporation, or municipal corporation, which embrace or concern a public right, benefit, privilege, duty, or franchise, or the grant thereof, or are otherwise affected or concerned with the public interest and the general well-being of this Commonwealth. Whenever the commission shall determine, after reasonable notice and hearing, upon its own motion or upon complaint, that any such obligations, terms, or conditions are unjust, unreasonable, inequitable, or otherwise contrary or adverse to the public interest and the general well-being of this Commonwealth, the commission shall determine and prescribe, by findings and order, the just, reasonable, and equitable obligations, terms, and conditions of such contract. Such contract, as modified by the order of the commission, shall become effective 30 days after service of such order upon the parties to such contract.

66 Pa.C.S. § 508.

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refusing to cede jurisdiction to the Commission to interpret the meaning of the term “customer-generator” in the AEPS Act. A Petition for Reargument was filed on October 28, 2016, and, consequently, the majority opinion in the *Sunrise* case is not final. In any event, the Court’s holding in *Sunrise* is not applicable to the facts and relief requested here. Unlike the *Sunrise* case, the issue to be decided is not whether EPP meets the definition of “customer-generator” as defined in the AEPS Act. Rather, the issue presented in this Petition is whether EPP is eligible to receive net metering public utility service from PPL Electric under the net metering regulations and orders implemented by the Commission and PPL Electric’s Commission-approved tariff. Notably, even if an alternative energy system is both a customer and a customer-generator, it must still qualify for net metering, which is the issue presented here. As explained above, the relief requested in this Petition for Declaratory Order clearly is within the Commission’s jurisdiction.

### III. DISCUSSION

#### A. **EPP's Proposed Alternative Energy System Lacks Independent Load and Therefore Does Not Qualify for Net Metering Service**

28. On June 29, 2016, EPP submitted an Application requesting net metering for a proposed 4,600-kW biomass generator at a landfill in Wayne Township, Clinton County, Pennsylvania. The proposed biomass generator will be owned and operated by EPP. For the reasons that follow, PPL submits that (i) independent load is required to receive net metering service and (ii) EPP's proposed biomass generator is not eligible for net metering because it lacks independent load.

29. Under the AEPS Act and the implementing regulations promulgated by the Commission in 2008 pursuant to Section 501 of the Public Utility Code and Section 5 of the AEPS Act, net metering is available to a customer-generator when any portion of the electricity generated by the alternative energy system is "used to offset part or all of the customer-generator's requirements for electricity." *See* 73 P.S. § 1648.2; 52 Pa. Code § 75.13.<sup>5</sup>

30. The Commission's current net metering regulations provide that net metering is available to measure "the difference between the electricity supplied by an electric utility and the electricity generated by a customer-generator when any portion of the electricity generated by the alternative energy generating system is used to offset part or all of the customer-generator's requirements for electricity." 52 Pa. Code § 75.12 (emphasis added). Thus, to be eligible for net metering there must be electric usage or load at the customer-generator location to net against.

31. In the *Final Rulemaking Order*, the Commission explained that in order to qualify for net metering an applicant must have load, independent of the alternative energy system,

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<sup>5</sup> To be a "customer-generator," there must be a "net metered distributed generation system." *See* 73 P.S. § 1648.2 (defining the term "customer-generator").

behind the meter and point of interconnection of the alternative energy system in order to be eligible to participate in net metering. To be independent, the electric load must be present and permanent, and have a purpose other than to support the operation, maintenance or administration of the alternative energy system. The *Final Rulemaking Order* explained the independent load requirement is critical in preventing merchant generators from qualifying for net metering. *See Final Rulemaking Order*, pp. 39, 41-43, 45, Annex A, p. 6.

32. EPP's Application and October 11, 2016 letter assert that there will be electric load at the site for the proposed biomass generator. However, EPP currently does not use any electricity at the Wayne Township landfill. Further, although EPP indicates it will have electric load at the site for the proposed biomass generator, it does not appear that this electric usage would exist but for the biomass generator. *See Appendix A*. Stated otherwise, if the proposed biomass generator is not installed, EPP would have no need for electricity at the site for the biomass generator.

33. In an effort to meet the independent load requirement, EPP proposes to interconnect its biomass generator with the separately-metered load for the Wayne Township landfill. Thus, EPP seeks to meet the independent load requirement through virtual meter aggregation.

34. Under the AEPS Act and the implementing regulations promulgated by the Commission in 2008 pursuant to Section 501 of the Public Utility Code and Section 5 of the AEPS Act, virtual meter aggregation is available on properties owned or leased and operated by a customer-generator and located within two miles of the boundaries of the customer-generator's property and within a single electric distribution company's service territory. *See 73 P.S. §*

1648.2; 52 Pa. Code § 75.12. However, EPP's attempt to use virtual meter aggregation is flawed for two reasons.

35. First, the *Final Rulemaking Order* clarified that the independent load requirement applies to virtual meter aggregation, and that independent load is required at the point of interconnection of the customer-generator participating in virtual meter aggregation. See *Final Rulemaking Order*, pp. 43-45, Annex A, p. 9. Thus, virtual meter aggregation is available only if there is electric usage at the point of interconnection of EPP's proposed biomass generator. As explained above, EPP currently does not use any electricity at the Wayne Township landfill and it does not appear that EPP's proposed electric usage would exist but for the biomass generator. For this reason alone, EPP's attempt to use virtual meter aggregation fails.

36. Second, the *Final Rulemaking Order* explained that the meter accounts to be aggregated must be held by the same person or entity receiving retail electric service. See *id.*, pp. 84, 87, Annex A. p. 9. In its October 11, 2016 letter, EPP appears to suggest that it has or will take over the existing retail electric customer account for the Wayne Township landfill. However, there is no evidence that EPP is going to own and operate the landfill and related landfill activities that represent the present electric usage. EPP is not and will not be the retail customer that is actually using the existing load.

37. Further, even assuming, *arguendo*, that EPP can simply take over the existing landfill customer account to meet the requirement that the aggregated meter accounts must be held by the same person or entity, which PPL Electric denies, EPP's attempt to use virtual meter aggregation still fails. Indeed, although both accounts may be held by EPP, there still is no independent load at the account for the proposed biomass generator. The lack of independent

load at the account for the biomass generator is the fundamental and fatal flaw in EPP's request for net metering.

38. Based on the foregoing, PPL Electric believes that the biomass generator as proposed in EPP's Application does not meet the independent load requirement for net metering or virtual meter aggregation. As evidenced by its October 11, 2016 letter, EPP disagrees and believes that it meets the independent load requirement.

39. Importantly, the determination of whether EPP's proposed biomass generator is eligible to receive net metering service from PPL Electric will have an impact on the rates paid by other customers. Net metering allows qualifying customer-generators to obtain above-market prices for electricity produced by certain alternative energy resources. Under the AEPS Act and Commission's net metering regulations, PPL Electric is required to purchase the excess generation produced from qualifying customer-generators that are eligible to receive net metering service, which above-market prices are directly recovered from PPL Electric's default service customers. Thus, it is critically important to protect customers from being forced to pay higher rates to subsidize facilities that are not eligible for net metering service.

40. PPL Electric submits that it is just, reasonable, and in the public interest for the Commission to issue a declaratory order to resolve uncertainty and confirm that (i) independent load is required to receive net metering service and (ii) the alternative energy system proposed by EPP does not qualify for net metering because it lacks independent load.

**B. EPP's Proposed Alternative Energy System Violates the Third Party 110% Rule**

41. The proposed biomass generator will be owned and operated by EPP. The proposed biomass generator will be located at the Wayne Township landfill, which is owned and operated by Clinton County.

42. As explained above, EPP currently does not use any electricity at the Wayne Township landfill and it does not appear that EPP's proposed electric usage would exist but for the biomass generator. Rather, EPP proposes to interconnect its biomass generator with the separately-metered load for the Wayne Township landfill.

43. Under these facts, EPP's proposed biomass generator is subject to the Commission's "Third Party 110% Rule" adopted on March 29, 2012. *See Net Metering - Use of Third Party Operators*, Docket No. M-2011-2249441 (Order entered Mar. 29, 2012).<sup>6</sup>

44. Under the Third Party 110% Rule, alternative energy systems owned and operated by third-parties that are interconnected and placed on property owned or leased and operated by an electric utility customer must be designed to generate no more than 110% of the customer-generator's annual electric consumption. *See id.*, p. 8.

45. The biomass generator proposed in EPP's Application will have a nameplate capacity of 4,600 kW, which will produce approximately 30,000,000 kWh annually. EPP proposes to interconnect its biomass generator with the separately-metered electric usage at the Wayne Township landfill. The existing electric usage at the Wayne Township landfill for the 12-month period ending June 2016 is only 21,700 kWh. Thus, as currently proposed, EPP's biomass generator would generate approximately 138,249% more than the annual usage at the Wayne Township landfill, which significantly exceed the 110% size limit adopted by the Commission in the Third Party 110% Rule.

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<sup>6</sup> The Third Party 110% Rule was incorporated into PPL Electric's Commission-approved tariff and became effective January 1, 2013. Public utilities must strictly adhere to the language in their tariffs, and Commission-approved tariffs have the force and effect of law. *See PPL Elec. Utils. Corp. v. Pa. PUC*, 912 A.2d 386, 402 (citing 66 Pa.C.S. § 1303 and *Pa. Elec. Co. v. Pa. PUC*, 663 A.2d 281, 284 (Pa. Cmwlth. 1995)). A public utility's tariff is "binding on the customer as well as the utility." *Id.* (citing *Pa. Elec. Co. v. Pa. PUC*, 663 A.2d 281, 284 (Pa. Cmwlth. 1995)).

46. In an effort to avoid the Third Party 110% Rule, EPP's October 11, 2016 letter suggests that EPP will change the name on PPL Electric account for the Wayne Township landfill from Clinton County to EPP. PPL Electric submits that the Commission's Third Party 110% Rule cannot be bypassed by simply changing the name on an electric account. Again, EPP is not and will not be the retail customer that is actually using the existing electric load at the landfill.

47. EPP attempts to meet the Third Party 110% Rule by assuming the account for the retail electric customer is permitted. If such practice is permitted, this would open the door for all merchant generators that truly are in the business of selling power to consumers to interconnect massive alternative energy systems to an existing retail customer with minimal load and, thereby, receive excessive retail rate subsidies at expense of retail customers. This is precisely the type of conduct that the Commission's Third Party 110% Rule is designed to prevent.

48. The stated purpose of the Commission's Third Party 110% Rule is to limit the possibility of merchant generators posing as customer-generators and using net metering to circumvent the wholesale electric market and gain excessive retail rate subsidies at retail customer expense. *See Net Metering - Use of Third Party Operators*, p. 8. Although EPP asserts that it qualifies for net metering, it is clear that EPP truly is a merchant generator and, therefore, should not be eligible for net metering.

49. According to EPP's website, EPP is a private equity and infrastructure firm pursuing long-term investments in renewable and clean energy. EPP targets small to mid-sized

operating assets and construction-ready projects throughout North America. A true and correct printed copy of EPP's website as October 12, 2016 is provided as **Appendix E** to this Petition.<sup>7</sup>

50. Further, on or about November 3, 2015, EPP completed the acquisition of Talen Renewable Energy, LLC from Talen Energy, including a portfolio of 25 utility-grade clean power projects with a total nameplate generating capacity of 65 MW. EPP also has acquired renewable gas production facilities and several landfill gas projects. *See* Appendix E.

51. Based on these facts, EPP is a merchant generator that clearly is in the business of selling power to customers. EPP seeks to pose as a customer-generator to obtain above-market prices for the electricity generated by its proposed biomass generator. However, the Commission has explained that "to allow *de facto* merchant generators to obtain the customer-subsidized benefits of net metering would be, in the Commission's judgment, an unreasonable interpretation of the statute and would result in unjust and unreasonable rates." *See Final Rulemaking Order*, p. 32.

52. Based on the foregoing, PPL Electric believes that the biomass generator as proposed in EPP's Application violates the Commission's Third Party 110% Rule. As evidenced by its October 11, 2016 letter, EPP disagrees and believes that the Third Party 110% Rule is not applicable to its proposed biomass generator.

53. PPL Electric submits that it is just, reasonable, and in the public interest for the Commission to issue a declaratory order to resolve uncertainty and confirm that the alternative energy system proposed by EPP does not qualify for net metering service because it violates the Third Party 110% Rule.

---


<sup>7</sup> EPP's website is available at: <http://www.energypowerpartners.com/> (last visited Oct. 12, 2016).

**IV. CONCLUSION**

WHEREFORE, PPL Electric respectfully requests that the Commission issue a declaratory order to resolve the uncertainty and confirm that the alternative energy system proposed by EPP is not eligible to receive net metering service from PPL Electric pursuant to the Public Utility Code, AEPS Act, Commission regulations and orders, and PPL Electric's Commission-approved tariff.

Respectfully submitted,

Kimberly A. Klock (I.D. #89716)  
PPL Services Corporation  
Two North Ninth Street  
Allentown, PA 18101  
Voice: 610-774-5696  
Fax: 610-774-6726  
E-mail: [kklock@pplweb.com](mailto:kklock@pplweb.com)

  
\_\_\_\_\_  
David B. MacGregor (I.D. # 28804)  
Christopher T. Wright (I.D. # 203412)  
Post & Schell, P.C.  
17 North Second Street  
12th Floor  
Harrisburg, PA 17101-1601  
Voice: 717-731-1970  
Fax: 717-731-1985  
E-mail: [dmacgregor@postschell.com](mailto:dmacgregor@postschell.com)  
E-mail: [cwright@postschell.com](mailto:cwright@postschell.com)

Date: November 8, 2016

Attorneys for PPL Electric Utilities Corporation

# Appendix “A”

## INTERCONNECTION APPLICATION

For a Level 2, 3 or 4 Review – Applicants proposing to install generation approaching 2,000 kW or larger should contact the EDC for guidance in determining the appropriate application process.

*(To be filled out and submitted prior to installation)*

### CUSTOMER GENERATOR CONTACT INFORMATION

Legal Name and Mailing Address of Customer-Generator: (if an Individual, Individual's Name)

Name: EPP Renewable Energy, LLC  
Mailing Address: 1605 North Cedar Crest Boulevard, Suite 509  
City: Allentown State: PA Zip Code: 18104  
Contact Person (If other than Above): Nicholas Pratt  
Mailing Address (If other than Above): \_\_\_\_\_  
Telephone (Daytime): 740-590-6201 (Evening): 740-590-6201  
Facsimile Number: \_\_\_\_\_ E-Mail Address: npratt@eppserviceco.com

Alternative Contact Information: (if different from Customer-Generator above)

Name: \_\_\_\_\_  
Mailing Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_  
Telephone (Daytime): \_\_\_\_\_ (Evening): \_\_\_\_\_  
Facsimile Number: \_\_\_\_\_ E-Mail Address: \_\_\_\_\_

The Customer-Generator Facility's Information:

Facility Address: 15 Landfill Lane  
City: McElhattan State: PA Zip Code: 17748  
Nearest Crossing Street: Route 220  
Electric Distribution Company ("EDC"): Select Utility \_\_\_\_\_  
Account #: 46911-21010 Meter #: 86311241  
Existing Service Voltage: 12470 VAC Existing Service Capacity: 400 Amps Three Phase  
Current Annual Energy Consumption: 30000 kWh Estimated In-service Date: 1/1/2018  
Do you plan to export power? Yes, Frequently - Occasional net monthly export  
If Yes, Estimated Maximum: 4600 kW<sub>AC</sub> Estimated Gross Annual Energy Production: 30000000 kWh  
One-line Diagram Attached (Required): Yes Site Plan Attached (Required): Yes  
Energy Source: Biogas Gross Generator Rating: 1600 kW<sub>AC</sub>  
Utility Accessible Disconnect or Lock Box: Disconnect - Utility Approved Alternate Location

Requested Level of Review: Level 4 Review - Up to 2,000 kW, Radial Line

**Equipment Installation Contractor:** Indicate by owner if applicable

Name: TBD  
Mailing Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_  
Contact Person (If other than Above): \_\_\_\_\_  
Telephone (Daytime): \_\_\_\_\_ (Evening): \_\_\_\_\_  
Facsimile Number: \_\_\_\_\_ E-Mail Address: \_\_\_\_\_

**Electrical Contractor: (If Applicable)** Indicate if not applicable

Name: TBD  
Mailing Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_  
Contact Person (If other than Above): \_\_\_\_\_  
Telephone (Daytime): \_\_\_\_\_ (Evening): \_\_\_\_\_  
Facsimile Number: \_\_\_\_\_ E-Mail Address: \_\_\_\_\_

**Consulting Engineer: (If Applicable)** Indicate if not applicable

Name: Kupper Engineering  
Mailing Address: 101 Jackson Avenue  
City: Glenside State: PA Zip Code: 19038  
Contact Person (If other than Above): Scott Kupper  
Telephone (Daytime): 215-884-5970 (Evening): \_\_\_\_\_  
Facsimile Number: \_\_\_\_\_ E-Mail Address: skupper@kupperengineering.com

**Application Fee:**

The Applicant shall deposit a not refundable application fee which is approved by the Pennsylvania Public Utility Commission and is listed on the EDC's Website. Depending on the level of review and nature of the energy generating equipment, additional study and review fees, as permitted by Pennsylvania Public Utility Commission Regulations may be required and are not a part of the aforementioned application fee.

Application Fee Enclosed: Select Amount: \_\_\_\_\_

**Customer-Generator Insurance Disclosure:**

General Liability Insurance coverage is not required under the Pennsylvania Public Utility Commission's Regulations. However, the Customer still has responsibility and/or liability for any damage(s) or injury(ies) caused by the Customer-Generator Facility and/or the Customer's Interconnection Facilities. The Customer-Generator is advised to consider obtaining appropriate coverage.

**Customer-Generator Signature:**

I hereby certify that to the best of my knowledge, all of the information provided in this Application is accurate.

Legal Name of Customer-Generator: EPP Renewable Energy, LLC

Customer-Generator Signature:  Date: 6/29/16

Printed Name: Steven A. Gabrielle Title: C.O.O.

**Customer-Generator Equipment Information for Inverter Based Systems  
(May be applicable to a Level 2, 3 or 4 Review)**

**DC Source information;**

Energy Source: Select

DC Source Rating: \_\_\_\_\_ kW<sub>DC</sub>

Nominal DC Voltage: \_\_\_\_\_ V<sub>DC</sub>

Ampere Rating: \_\_\_\_\_ Amps<sub>DC</sub>

**Inverter Information:**

Inverter Manufacturer: \_\_\_\_\_

Inverter Type; Select Type

Model Number of Inverter: \_\_\_\_\_

Number of Units: \_\_\_\_\_

Inverter Rating: \_\_\_\_\_ kW<sub>AC</sub>

Voltage Rating: \_\_\_\_\_ Volts<sub>AC</sub>

Ampere Rating: \_\_\_\_\_ Amps<sub>AC</sub>

Power Factor: \_\_\_\_\_ %,

Number of Phases: Select

## **Appendix “B”**

George E. Beam  
Senior Engineer

**PPL**  
Two North Ninth Street  
Allentown, PA 18101-1179  
Tel. 610.774.5056  
gebeam@pplweb.com



October 7, 2016

EPP Renewable Energy, LLC  
Attn: Steven A. Gabrielle, Chief Operating Officer  
1605 North Cedar Crest Boulevard, Suite 509  
Allentown, PA 18104

RE: Application for interconnection and net metering  
Wayne Township Landfill Renewable Energy Educational Center

Dear Steve:

PPL Electric Utilities Corporation ("PPL EU") has reviewed the June 29, 2016 Interconnection and Net Metering Application submitted by EPP Renewable Energy, LLC ("EPP"). Please be advised that EPP's request for net metering is denied.

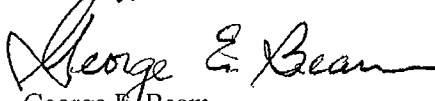
Based on the information provided in the Application, the proposed biomass generator will be interconnected with the Wayne Township landfill but will be owned and operated by EPP Renewable Energy, LLC ("EPP"). Therefore, EPP's proposed biomass generator is subject to the Pennsylvania Public Utility Commission ("PUC") Third Party 110% Rule as set forth in PPL EU's Net Metering Tariff Rider.

As currently proposed in the Application, EPP's 4,600 kW biomass generator would generate significantly more than 110% of the annual electric consumption by the Wayne Township landfill. As such, EPP's proposed biomass generator violates the PUC's Third Party 110% Rule as set forth in PPL EU's Net Metering Tariff Rider. Accordingly, the proposed biomass generator does not qualify for net metering and EPP's request for net metering is denied.

Please be advised, however, that it may still be possible for the biomass generator proposed in your Application to be interconnected to the electric grid without qualifying for net metering. Even though the proposed biomass generator does not qualify for net metering, PPL EU will fully permit the proposed alternative energy system to interconnect with the PPL EU system consistent with and upon review and approval through the PJM Interconnection LLC ("PJM") generation interconnection process. Please feel free to contact me regarding the requirements to interconnect through the PJM generation interconnection process.

Should you have any questions concerning this matter, please do not hesitate to contact me at 610-774-5056.

Sincerely,

  
George E. Beam

## **Appendix “C”**

**Steven A. Gabrielle**  
Chief Operating Officer

**EPP Renewable Energy, LLC**  
1605 North Cedar Crest Boulevard, Suite 509  
Allentown, PA 18104



October 11, 2016

PPL Electric Utilities  
Two N 9<sup>th</sup> Street  
Allentown, PA 18101  
Attn: George Beam

RE: Application for interconnection and net metering  
Wayne Township Landfill Renewable Energy Educational Center

Dear Mr. Beam:

I am in receipt of your October 7, 2016 letter in regards to our application for interconnection and net metering.

EPP Renewable Energy (EPP) is aware of the more recently passed PaPUC 110% third party ruling. EPP is also aware that the Net Meter "Rider is available to installations where any portion of electricity generated by the renewable energy generating system offsets part or all of the customer-generator's requirements for electricity."

EPP made its application to PPL in light of these requirements and believes this project fully qualifies for Net Metering with EPP as the customer-generator serving part or all of its own requirements for electricity.

As your decision was based on limited information in our June 29, 2016 form application (which does not allow for detailed explanation), the following is provided to further clarify the nature of our project.

EPP has partnered with Clinton County Solid Waste Authority to develop a renewable energy project in McElhattan, PA at the Wayne Township Landfill. As part of its partnership with the Authority, EPP has specifically agreed to the following:

- EPP signed a long term lease of land with the Authority giving EPP full rights and responsibilities for the land and activities on that land, and
- EPP as a lessee of land has set up and is responsible as a PPLEU customer with its own electric account, and
- EPP will install, own and operate three engines that will generate renewable energy for EPP's direct use as a customer-generator with excess power going to PPLEU, and
- EPP will construct a publicly available renewable energy educational center that will highlight various renewable technologies and the environmental benefits of

reducing, recycling, reusing and properly managing solid waste. The Center will be connected to the renewable generation, and

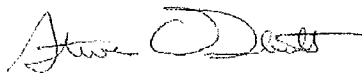
- EPP will replace existing landfill gas equipment which will include EPP owning and operating an upgraded landfill gas skid that collects, treats and measures the landfill gas which will be processed in the renewable generators and the landfill's gas flaring system.

Both the renewable energy educational center and these landfill gas collection assets will be owned and operated by EPP. While these assets are connected to the generators for power, both are independent of the proposed generators and both will remain operational after the renewable generators are removed from the site in the future.

We believe that this project meets all requirements under the Net Metering regulations and the PPLEU tariff. However, if you still disagree, we request that PPL meet with EPP before rendering a final decision.

I can be reached at 610-737-6812 to answer any questions or provide any additional background that you may need.

Sincerely,

A handwritten signature in black ink, appearing to read "Steve O'Connell". The signature is written in a cursive style with a long horizontal stroke at the end.

## **Appendix “D”**

George E. Beam  
Senior Engineer

PPL  
Two North Ninth Street  
Allentown, PA 18101-1179  
Tel 610.774.5056  
gebeam@pplweb.com



November 8, 2016

EPP Renewable Energy, LLC  
Attn: Steven A. Gabrielle, Chief Operating Officer  
1605 North Cedar Crest Boulevard, Suite 509  
Allentown, PA 18104

RE: Application for interconnection and net metering  
Wayne Township Landfill Renewable Energy Educational Center

Dear Steve:

This letter is in response to your letter dated October 11, 2016. PPL Electric Utilities Corporation ("PPL EU") appreciates the response and additional information provided in your October 11, 2016 letter. Based on the information provided in both the June 29, 2016 Interconnection and Net Metering Application submitted by EPP Renewable Energy, LLC ("EPP") and your October 11, 2016 letter, EPP's proposed biomass generator as currently proposed (i) lacks independent load and (ii) violates the Third Party 110% Rule adopted by the Pennsylvania Public Utility Commission ("PUC"). See *Net Metering - Use of Third Party Operators*, Docket No. M-2011-2249441 (Order entered Mar. 29, 2012).<sup>1</sup> Therefore, EPP's request for net metering as currently proposed in the Application is denied.

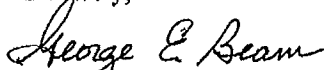
This letter should be considered as final notice that the proposed biomass generator does not qualify for net metering and EPP's request for net metering is denied. To the extent that EPP disagrees with this denial, EPP may seek relief through the PUC's dispute resolution process set forth in 52 Pa. Code § 75.51.

Additionally, please be advised that PPL EU intends to file a Petition with the PUC seeking a declaratory order to resolve the uncertainty regarding whether the biomass generator proposed by EPP qualifies for net metering under the PUC's net metering regulations and orders adopted pursuant to the express statutory authority granted by Sections 5 and 7 of the AEPS Act, 73 P.S. §§ 1648.5, 1648.7. A copy of said Petition will be served on EPP upon filing with the PUC.

Again, it may still be possible for the biomass generator proposed in your Application to be interconnected to the electric grid without qualifying for net metering by seeking approval through the PJM Interconnection LLC ("PJM") generation interconnection process. Please feel free to contact me regarding the requirements to interconnect through the PJM generation interconnection process.

Should you have any questions concerning this matter, please do not hesitate to contact me at 610-774-5056.

Sincerely,

  
George E. Beam

<sup>1</sup> The Third Party 110% Rule was incorporated into PPL Electric's Commission-approved tariff and became effective January 1, 2013.

# Appendix “E”

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## Welcome

Energy Power Partners is a fund manager that makes project equity investments in the renewable and clean energy sector. The team targets small to mid-sized operating assets and construction-ready projects located in North America with contracted cash flows. The United States currently has the world's largest and most diverse supply of untapped renewable energy resources, contributing to a rich selection of potential investment opportunities, job growth, and energy security. Energy Power Partners' investment professionals have over 110 years of collective experience in operating and investing across all proven renewable and/or clean technologies.

Energy Power Partners is dedicated to helping you make your investment and project a success and welcomes the opportunity to team up with you. Please contact us to learn more about what Energy Power Partners can do for you.

### Energy Power Partners

2716 Ocean Park Blvd., Suite 3080, Santa Monica, CA 90405 | T: 510.556.2370 | F: 510.556.2371

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## Team

### Team

Each of the partners has broad-based and in-depth knowledge of the project finance industry, with demonstrated expertise in all proven renewable technologies, including geothermal, landfill gas, low impact hydro, biomass, wind, and solar power generation, and sustainable energy. This wide-ranging expertise is complemented by a deep understanding of the skills required to successfully contract, construct, operate, manage, and optimize such projects. The partners have a demonstrated investment track record, with experience that encompasses origination, execution, structuring, risk management, governance and operations. Together, they have a deep network of contacts in the renewable energy and power industries, as well as cross-over industry expertise and demonstrated fund management experience.

#### **Henry Park ~ Managing Partner / Founder**

Mr. Park has over 26 years of experience in the project finance industry specializing in renewable projects. Prior to forming Energy Power Partners, Mr. Park was the President of UnionBanCal Equities, Inc., a standalone merchant banking affiliate of Union Bank of California where Mr. Park and his team made equity and mezzanine investments. Previously, Mr. Park was at Credit Suisse in the Global Project Finance Group based in New York.

Mr. Park received a B.A. from Johns Hopkins University, M.B.A. from University of Rochester, and attended executive education at Harvard Business School.

#### **Jerome (Jerry) P. Peters, Jr. ~ Managing Partner / Founder**

Mr. Peters has over 30 years of experience in the project finance industry specializing in renewable and clean power projects. Prior to forming Energy Power Partners, Mr. Peters was the head of the Renewable Energy Investment Division at TD Bank where he and his team made equity, mezzanine and senior debt investments in a wide variety of renewable and clean energy production companies and facilities. Prior to joining the bank, Mr. Peters was a Managing Director of an investment division of Chrysler Capital Corporation, among the first equity investors in power infrastructure after deregulation of the electric power industry. Mr. Peters has served as the Chairman of the Advisory Board of a Global Fuel Cell Research Center and served on the Board of Directors of the State of Connecticut sponsored Clean Energy Investment Fund from 2000 to 2010.

Mr. Peters received a B.S. in Business from the University of Baltimore and a Masters of Administrative Science degree from the Johns Hopkins University.

#### **Brian Hankel ~ Partner / CFO**

Mr. Hankel has over 21 years of power and renewable energy industry experience. Prior to forming Energy Power Partners, Mr. Hankel was the Treasurer of MidAmerican Energy Holdings Company (a subsidiary of Berkshire Hathaway), where he led a valuation team that has successfully closed numerous corporate debt and equity transactions. He has also made 12 project financings raising over \$5 billion.

Mr. Hankel received a B.S. from University of Nebraska-Lincoln.

#### **Steven Gabrielle ~ Partner / President of EPP Service Company**

Mr. Gabrielle brings over 25 years of comprehensive utility and energy experience. He led the development of PPL/Talen Renewable

Energy's full portfolio of projects and managed the group at the time of Energy Power Partner's acquisition. Prior to joining Energy Power Partners, Mr. Gabrielle held positions of increasing responsibility to establish and grow business lines under PPL Corporation and Talen Energy Corporation including electric utilities, energy marketing, energy services and renewable energy. Mr. Gabrielle's experience in developing the energy marketing and renewable energy business resulted in nearly 100 commodity and energy asset contracts and over 30 constructed distributed power plants.

Mr. Gabrielle is a graduate of Lehigh University in Bethlehem, Pennsylvania and holds a B.S. in Electrical Engineering, attended executive training at Wharton Business School and he is a registered Professional Engineer (P.E.).

#### **Tony Wetzel ~ Director of Asset Optimization**

Mr. Wetzel has over 25 years of experience in renewable energy industries. Most recently, Mr. Wetzel served as Vice President of Business Development for Fortistar Methane Group, where he was responsible for national development efforts of one of the nation's largest owner-operators of landfill gas-to-energy facilities. Prior to joining Fortistar Methane Group, Mr. Wetzel had served in an asset management capacity for Thermo Ecotek, UC Operating Services, Artesia Sawdust Products and Golden Coast Biomass Energy Corporation.

Mr. Wetzel holds a B.Sc in Forestry from the Virginia Polytechnic Institute and State University. [/col\_12\_last]

#### **James Osborn ~ Director**

Mr. Osborn has ten years of renewable and sustainable industry relevant experience. Prior to joining Energy Power Partners, Mr. Osborn worked in TD Securities and TD Bank's Project Finance Group. There he focused on small to medium sized renewable and clean power project financings. Mr. Osborn also worked at UBS Securities' Municipal Securities Division, focused on both taxable and tax-exempt bond issuance and derivatives. Mr. Osborn began his career as an environmental engineer consultant.

Mr. Osborn received a B.S.E. in Chemical Engineering from Villanova University and his M.B.A. from the University of Rochester.

#### **Dan Walsh ~ Vice President**

Mr. Walsh has nine years of private equity and renewable industry-related experience. Prior to joining Energy Power Partners, Mr. Walsh was an associate in Grosvenor Capital Management's \$20 billion private markets business, responsible for conducting due diligence on private equity fund and co-investment opportunities, fundraising, and client relationship management. Prior to that, Mr. Walsh spent seven years in the same role at Credit Suisse Private Equity, until that business unit was acquired by Grosvenor. At both firms, Mr. Walsh specialized in renewables as a member of the group's energy team.

Mr. Walsh received a B.A. in History from Fordham University with honors, and an M.B.A. from Columbia Business School.

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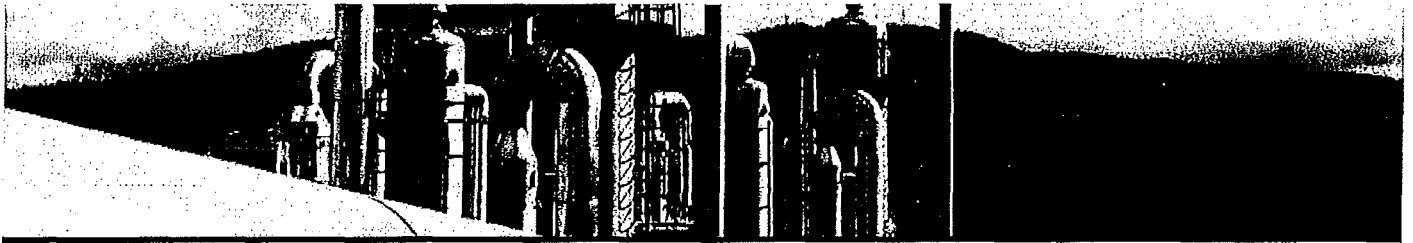
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## Investments

- **[Energy Power Partners Closes Acquisition of Talen Renewable Energy, LLC](#)**

Posted at November 3, 2015 | Categories : [Investments](#)

SANTA MONICA, CA – Energy Power Partners (EPP), a clean power-focused private equity and infrastructure firm, announced today that it has completed its acquisition of Talen Renewable Energy, LLC from Talen Energy.

Owned by PPL Corporation prior to the establishment of Talen Energy in June 2015, Talen Renewable Energy consists of a portfolio of 25 utility-grade clean power projects in Pennsylvania, New Jersey, Vermont and New Hampshire, with a total of 65 megawatts of nameplate generating capacity. The portfolio includes landfill gas-to-energy, solar, wind and cogeneration projects. Talen Renewable Energy's full staff has transitioned to EPP as part of the transaction.

### About Energy Power Partners

Founded in 2009, EPP is a private equity and infrastructure firm pursuing long-term investments in small to medium-sized North American clean power projects with contracted cash flows. The firm's current portfolio consists of operating assets located in the U.S. and contracted with highly creditworthy utility, corporate, and government offtakers. <http://www.energypowerpartners.com>

### About Talen Energy

Talen Energy (NYSE: TLN) is one of the largest competitive energy and power generation companies in the United States, with a diverse generating fleet that operates in well-developed, structured wholesale power markets. <https://www.talenergy.com>

- **[Energy Power Partners Completes Acquisition of McCommas Bluff Renewable Natural Gas Production Facility](#)**

Posted at December 29, 2014 | Categories : [Investments](#)

Energy Power Partners (EPP), a clean power-focused private equity and infrastructure firm, announced that it has completed its acquisition of the McCommas Bluff renewable natural gas production facility located in Dallas, Texas. EPP purchased majority interests from Clean Energy Fuels, with the remaining interests retained by Cambrian Energy, a long-time strategic partner in the McCommas Bluff project and to EPP.

The McCommas Bluff facility is one of the largest landfill gas to pipeline quality facilities in the United States, with a processing capacity of 15 million cubic feet per day. The project has exclusive rights to all gas produced by the landfill, and supplies RNG under a long-term contract with an investment grade offtaker.

### About Energy Power Partners

Founded in 2009, EPP is a private equity and infrastructure firm pursuing long-term investments in small to medium-sized North American clean power projects with contracted cash flows. The firm's current portfolio consists of operating assets located in the U.S. and contracted with highly creditworthy utility, corporate, and government offtakers. <http://www.energypowerpartners.com>

- **Press Release – EPP Completes Expansion of Otoy Landfill Gas Project**

Posted at October 3, 2013 | Categories : [Investments](#)

LOS ANGELES, CA – September 30, 2013 – A fund managed by Energy Power Partners (“EPP”) announces the successful expansion of its operating power generation facility located at the Otoy Landfill near San Diego, CA. The expansion was completed in August 2013 and will significantly improve the overall utilization of renewable natural gas produced at the landfill.

The project, which sells 100% of its renewable power under long term contracts with an investment grade utility, is strategically located at one of the largest open landfills in California and includes additional expansion capacity. The project was initially acquired in November 2011.

Financial details of the expansion were not disclosed.

- **Press Release – EPP Closes Investment in Three U.S. Landfill Gas Projects**

Posted at December 31, 2012 | Categories : [Investments](#)

LOS ANGELES, CA – December 31, 2012 – A fund managed by Energy Power Partners (“EPP”) has announced the acquisition of interests in three operating landfill gas-to-energy (LFGTE) projects located in Indiana, Maryland, and Mississippi.

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- [Energy Power Partners Completes Acquisition of McCommas Bluff Renewable Natural Gas Production Facility](#)
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## News

### Energy Power Partners Closes Acquisition of Talen Renewable Energy, LLC

Posted at November 3, 2015 | Categories : [Investments](#)

SANTA MONICA, CA – Energy Power Partners (EPP), a clean power-focused private equity and infrastructure firm, announced today that it has completed its acquisition of Talen Renewable Energy, LLC from Talen Energy.

Owned by PPL Corporation prior to the establishment of Talen Energy in June 2015, Talen Renewable Energy consists of a portfolio of 25 utility-grade clean power projects in Pennsylvania, New Jersey, Vermont and New Hampshire, with a total of 65 megawatts of nameplate generating capacity. The portfolio includes landfill gas-to-energy, solar, wind and cogeneration projects. Talen Renewable Energy's full staff has transitioned to EPP as part of the transaction.

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#### About Talen Energy

Talen Energy (NYSE: TLN) is one of the largest competitive energy and power generation companies in the United States, with a diverse generating fleet that operates in well-developed, structured wholesale power markets. <https://www.talenergy.com>

[← Energy Power Partners Completes Acquisition of McCommas Bluff Renewable Natural Gas Production Facility](#)

## Investments

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### Energy Power Partners Completes Acquisition of McCommas Bluff Renewable Natural Gas Production Facility

Posted at December 29, 2014 | Categories : [Investments](#)

Energy Power Partners (EPP), a clean power-focused private equity and infrastructure firm, announced that it has completed its acquisition of the McCommas Bluff renewable natural gas production facility located in Dallas, Texas. EPP purchased majority interests from Clean Energy Fuels, with the remaining interests retained by Cambrian Energy, a long-time strategic partner in the McCommas Bluff project and to EPP.

The McCommas Bluff facility is one of the largest landfill gas to pipeline quality facilities in the United States, with a processing capacity of 15 million cubic feet per day. The project has exclusive rights to all gas produced by the landfill, and supplies RNG under a long-term contract with an investment grade offtaker.

#### About Energy Power Partners

Founded in 2009, EPP is a private equity and infrastructure firm pursuing long-term investments in small to medium-sized North American clean power projects with contracted cash flows. The firm's current portfolio consists of operating assets located in the U.S. and contracted with highly creditworthy utility, corporate, and government offtakers. <http://www.energypowerpartners.com>

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## News

### Press Release – EPP Completes Expansion of Otay Landfill Gas Project

Posted at October 3, 2013 | Categories : [Investments](#)

LOS ANGELES, CA – September 30, 2013 – A fund managed by Energy Power Partners (“EPP”) announces the successful expansion of its operating power generation facility located at the Otay Landfill near San Diego, CA. The expansion was completed in August 2013 and will significantly improve the overall utilization of renewable natural gas produced at the landfill.

The project, which sells 100% of its renewable power under long term contracts with an investment grade utility, is strategically located at one of the largest open landfills in California and includes additional expansion capacity. The project was initially acquired in November 2011.

Financial details of the expansion were not disclosed.

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## News

### Press Release -- EPP Closes Investment in Three U.S. Landfill Gas Projects

Posted at December 31, 2012 | Categories : [Investments](#)

LOS ANGELES, CA – December 31, 2012 – A fund managed by Energy Power Partners (“EPP”) has announced the acquisition of interests in three operating landfill gas-to-energy (LFGTE) projects located in Indiana, Maryland, and Mississippi.

The projects currently sell renewable gas under long term contracts to major regional off-takers. LFG generated by the landfill sites is currently underutilized and the acquisition includes the right to use all the LFG produced at the landfills for future expansions.

Terms of the deal were not disclosed.

“We are excited to build upon our existing partnerships as we continue to strengthen our North American LFGTE platform,” EPP Managing Partner Jerry Peters said in a statement.

Added Managing Partner Henry Park, “EPP’s investment in these projects provides further momentum for its renewable portfolio. We look forward to implementing our value-add strategy to enhance the the already-profitable operations of these three projects in the new year.”

#### About EPP:

Energy Power Partners is a private equity fund manager for institutional investors wanting to take advantage of growing renewable investment opportunities in United States. EPP targets small to medium-sized base load renewable power projects with contracted cash flows and long term capital appreciation. The partners of the team are among the most experienced in the renewable industry and have collectively invested over \$12 billion in 91 relevant renewable investments, with a 25 year track record of successful equity and debt investment across a diverse range of renewable technologies. For more information, visit [www.energypowerpartners.com](http://www.energypowerpartners.com).

EPP’s management company is recognized by the California Public Utility Commission as a Minority-Owned Business Enterprise (MBE).

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## News

### Press Release – EPP Completes Acquisition of Otay Landfill Gas Project

Posted at November 4, 2011 | Categories : [Investments](#)

LOS ANGELES, CA – November 4, 2011 – A fund managed by Energy Power Partners (“EPP”) has announced the closing of its acquisition of Otay Landfill Gas, LLC, an operating landfill gas-to-energy (LFG) project located near San Diego, CA that will form part of a broader U.S.-based renewables platform.

The project, which currently sells renewable power under long term contracts with an investment grade utility, is strategically located at one of the largest open landfills in California and includes exclusive expansion rights. This is the first investment for the fund and is made in partnership with a major institutional co-investor (AAA/Aaa).

Terms of the deal were not disclosed.

“We are excited to complete the acquisition of Otay Landfill Gas and look forward to implementing our long-term value-add strategy,” EPP Managing Partner Jerry Peters said in a statement.

Added Managing Partner Henry Park, “Otay is a very attractive project that will provide cost-competitive renewable power to the San Diego area, and is an excellent example of the base load renewable investments our team is targeting.”

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