

To Whom It May Concern:

Years ago, when the solar industry in PA was aggressively marketing itself as something good for the state economy, good for the environment, and good for individuals, no one suggested that the potential value of being an individual and investing in a solar system for my home would be utterly destroyed by the state Utility Commission allowing out of state providers to overwhelmingly flood the SREC market with their energy production making my 18 kW array worthless. I strongly disagree with the interpretation Section 2804(2)(i) of Act 40 set forth in the Commission's Tentative Implementation Order (TIO) because it is contrary to the Act's intent, and would render the Act ineffective. WE INSTEAD SUPPORT THE INTERPRETATION OF THAT SECTION IN THE JOINT STATEMENT AND THE INTERPRETATION OF ACT 40 PROPOSED BY CHAIRMAN GLADYS M. BROWN AND VICE CHAIRMAN ANDREW G. PLACE. We also support the interpretation that Act 40 prohibits the sale of all banked Pennsylvania SRECs from out-of-state solar systems after October 30, 2017 to meet AEPS compliance. There are plenty of people and businesses that spent their hard earned dollars on solar systems hoping that some day there would be a ROI on that investment due to the state requiring a certain % of energy in the state to be renewable. We will never see the benefit of that investment if you interpret Act 40 with the present grandfathering interpretation. Please re-evaluate that decision. The little people are begging you to see Act 40 for what it was intended: closing the borders of PA to in-state solar energy generators.

Specifically, we urge the Commission to implement this interpretation of Act 40 for these reasons:

1) Section 2804(2)(i): the phrase "a certification originating within the geographical boundaries of this Commonwealth" obviously refers to the location of the generating facility, not of the certification origin. The law was clearly intended to permit only solar systems located in Pennsylvania to be eligible for Pennsylvania's solar renewable energy credits (SREC) and to no longer permit out-of-state systems to qualify. There is no reasonable rationale that would allow for the interpretation that a "certification" has a geographical boundary as suggested by the TIO. For a certification to be issued, it must first be linked to a physical generating facility, which does have a geographical location. Therefore, for Section 2804(2)(i) there is no reasonable rationale to interpret that solar systems not located within the boundaries of the commonwealth under Act 40 should be grandfathered (unless they are under written contract as mentioned in Section 2804(2)(ii)). If these systems are permitted to be grandfathered, then the intent of Act 40 will not be fulfilled.

2) Banked credits: An out-of-state system not under binding written contract is not be eligible under Act 40 to receive SRECs after October 30, 2017 (as described above), so therefore, any credits—past, present or future—earned by that now ineligible system are also ineligible to be sold as Pennsylvania SRECs after that date. They can be sold as Tier 1 AECs. While Act 40 does not specifically address banked SRECs, in order to meet the intent and direction of the law, the Commission must ensure that banked credits from out-of-state facilities that are not under contract may not be used to satisfy the photovoltaic share of the AEPS.

It is not fair that out of state producers have ruined our opportunity to have our investments in a solar array potentially return some of that investment.

Thank you for your diligence in assuring that Act 40 is accurately interpreted to meet the intent of the law.

Sincerely,
David Krewson