



Pennsylvania Public Utility Commission  
Ms. Rosemary Chiavetta, Secretary  
Commonwealth Keystone Building, 2nd Floor, Room N-201  
Harrisburg, Pennsylvania 17120

January 28, 2018

PUC Docket Number: M-2017-2631527

Dear Secretary Chiavetta,

Please accept this letter as Sunrise Energy's formal comment regarding M-2017-2631527

Like many other commenters, I am disappointed with this attempt to thwart the border closing provisions in Act 40 of 2017. Commissioners Brown and Place have correctly identified the negative impact of the proposed interpretation. If allowed to stand, it will entirely negate the intended benefits of Act 40. I ask that each commissioner consider this when making their decision. What good is a border-closing law that closes no borders?

There is no need to re-hash the well-pled legal arguments of others. The PUC staff has failed to provide a sound legal basis for its interpretation. Instead, it appears to have started with its desired outcome, and then worked backward to develop a legal interpretation (however implausible) to support that conclusion. Nothing else can explain the counter-intuitive result.

I would like to remind the Commission of the guidance provided by the Legislature when the AEPS Act was written in 2004. It is thirteen years later, and those instructions remain unchanged. Do each of you believe you are fulfilling the obligation placed upon the PUC when the AEPS Act was written?

*Section 7. Interagency responsibilities.*

*(a) Commission responsibilities.--The commission will carry out the responsibilities delineated within this act. The commission also shall, in cooperation with the department, conduct an ongoing alternative energy resources planning assessment for this Commonwealth. This assessment will, at a minimum, identify current and operating alternative energy facilities, the potential to add future alternative energy generating capacity and the conditions of the alternative energy marketplace. The assessment will identify needed methods to maintain or increase the relative competitiveness of the alternative energy market within this Commonwealth. (emphasis added)*

The market for Solar Renewable Energy Credits (SRECs) has been saturated for years by systems that are located outside of Pennsylvania. The result has been a severely depressed price for credits, which in turn has stunted the growth of renewable energy in our state. That is the entire reason why Act 40 was created; to correct that problem and foster growth of renewable energy in Pennsylvania. The PUC never identified the current market conditions as a problem, so presumably it must believe that today's SREC prices are precisely where they should be. The Legislature disagrees, and now (through Act 40) it has spoken. The intent of the Legislature is clear and it should be followed. Closing the borders to outside SRECs will drive millions of dollars of investment back into Pennsylvania, along with the associated job creation. The PUC is not entitled to an opinion on this. It must bend to the will of the Legislature.

Regards,

David N. Hommrich  
President  
Sunrise Energy, LLC