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SECRETARY'S BUREAU
FRONT DESK

February 5, 2018

Secretary Rosemary Chiavetta
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17120

Re: Comments on Docket # M-2017-2631527 ruling

Secretary Chiavetta,

I'm writing in regard to the Public Utility Commission's recent Tentative Implementation Order concerning Act 40.

It's clear to me that the intent of the Act 40 legislation was to close Pennsylvania's borders to out-of-state solar generation. It's critical that the Public Utility Commission correctly interpret Act 40 to reflect the intent of the legislation. I strongly disagree with the interpretation of Section 2804 as set forth in the Commission's Tentative Implementation Order of last December. The interpretation is directly counter to the intent of the legislation, and it would render the legislation entirely ineffective. Instead, I strongly support the interpretation of the legislation in the joint statement and interpretation of Act 40 written by Chairman Brown and Vice Chairman Place that closes Pennsylvania's borders to out-of-state generation.

There are two ways that Pennsylvania can go on this issue. The wrong way would be to leave Pennsylvania's borders effectively open as the Tentative Implementation Order would do, which would continue to cripple the state's solar industry, cause the state to miss out on new investment dollars, and miss out on significant additional tax revenue. The right way would be to close the state's borders to out-of-state generation, put Pennsylvania rate payers' money to work creating jobs in the state instead of in North Carolina and other states, and create significant new Pennsylvania tax revenue. That seems like a really easy decision to me, and I'm hoping we can get this right.

I'm in agreement that SREC contracts currently in place with out-of-state providers should be allowed to continue until those contracts expire. Banked SRECs from out-of-state generators which were not under contract at the time the legislation was passed should not be included in Pennsylvania's program, for the same reasons that new generation outside of Pennsylvania should not be included.

Please feel free to call me at the number below or contact me at dneidich@greenworksdev.com with any questions.

Very sincerely,

A handwritten signature in black ink, appearing to read "D. Neidich".

Douglas A. Neidich
Chief Executive Officer