

COMMONWEALTH OF PUERTO RICO  
PUERTO RICO ENERGY COMMISSION

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IN RE:

PUERTO RICO ELECTRIC POWER  
AUTHORITY RATE REVIEW

Case No.: CEPR-AP-2015-0001

SUBJECT:  
Motion Requesting Clarification

MOTION REQUESTING CLARIFICATION

TO THE HONORABLE ENERGY COMMISSION:

Comes now the Puerto Rico Renewable Energy Contractors and Consultants Association, Inc. ("ACONER") on its own behalf, and respectfully **REQUESTS:**

1. On May 10<sup>th</sup>, 2017 the Honorable Puerto Rico Energy Commission ("PREC") issued a Resolution and Order on the Puerto Rico Electric Power Authority's ("PREPA") Notice of Compliance Filing pursuant to the Rate Case's Final Order issued on January 10<sup>th</sup>, 2017
2. In said Resolution and Order the PREC expressed in Part III Section 4, that it was thereby ordering PREPA to amend the description and definition of non-grandfathered net metering customers in the net metering credit rider description of Exhibit C of its Compliance Filing to read:

"Non-Grandfathered net metering customer, defined as, pursuant to Section 29 of Act 4-2016, any customer who applies for interconnection after May 10, 2017 or who applied for interconnection between February 16, 2017 and May 10, 2017 but fails to comply with the requirements set forth in Section 4 of Act 114-2007, as amended by Section 29 of Act 4-2016 (regarding payment of deposit) or increases the capacity of their renewable energy systems in excess of 20% of its original capacity, shall be treated as non-grandfathered net metering customer for purposes of the application of the approved charges. The non-grandfathered customers will receive a credit for the energy exported (outflow) as explained below."

3. First, we would like to clarify that the definition above should be corrected to state as follows:

“Non-Grandfathered net metering customer, defined as, pursuant to Section 29 of Act 4-2016, any customer who applies for interconnection after May 10, 2017 or who applied for interconnection between February 16, 201[6] and May 10, 2017 ...”

4. Second, On May 11<sup>th</sup>, 2017 PREC issued an Order requiring PREPA to issue public notice regarding net metering grandfathering eligibility. The Order establishes that PREPA shall publish a notice identifying May 10<sup>th</sup>, 2017 as the “cutoff” date for net-metering grandfathering treatment, and its effect on new net metering customers. To ensure adequate notice to the general public and avoid any confusion, PREPA was ordered to publish this information:
  - A. in at least one (1) newspaper of general circulation
  - B. at all of PREPA’s customer service locations and commercial offices
  - C. on its website
  - D. and a copy would also be mailed to all of PREPA’s customers along with the bills for the following billing cycle.
5. In response to the to the May 11<sup>th</sup> Order, and to an Order to show cause for failure to publish net metering cutoff date notice issued by PREC on May 23<sup>rd</sup>, 2017, PREPA filed on May 24<sup>th</sup>, 2017 an Informative and Compliance Motion stating that they had complied with both orders.
6. However, on May 31<sup>st</sup>, 2017 PREPA filed another Informative Motion stating that it would not be able to comply with the last of the notification requirements set forth by the PREC in the May 11<sup>th</sup>, 2017 Order. Specifically, they would not be able to include the required notification in the clients invoice on the billing cycle following PREC’s Order, due to a lack of materials, equipment, and personnel. PREPA also stated that they are doing the necessary tasks in order to be able to mail the corresponding notice in the July 2017 billing cycle. This shortcoming will have the result of PREPA’s customers receiving a late notice that would notify of a cutoff date for grandfathering eligibility two months after the actual cutoff date is established.
7. Therefore, ACONER respectfully requests, as the PREC’s May 11th Order to issue public notice has not been fully complied with and there has not been sufficient notification to PREPA’s customers, that the cutoff date for grandfathering eligibility is changed to the date PREPA finally certifies compliance with all the notification requirements; thus also undeniably fulfilling the publishing requirement for net-metering charges as established in Section 29 of Act 4-2016. ACONER also requests that the corresponding grandfathering definition be changed to:

“Non-Grandfathered net metering customer, defined as, pursuant to Section 29 of Act 4-2016, any customer who applies for interconnection after **[the**

**publication date in which the final charge for net metering projects is mailed with PREPA's invoices]** or who applied for interconnection between February 16, 201[6] and **[the publication date in which the final charge for net metering projects is mailed with PREPA's invoices] ...”**

8. Third, ACONER believes that the PREC should be made aware of the fact that PREPA has not complied with the requirements set forth in Section 29 of Act 4-2016 by not been able to collect the deposit stipulated by law for net-metering projects submitted after the approval of the Act (February 16, 2016).
9. PREPA's regulations, its technical communications, including Communication 17-02, and the User's Manual for the Electronic Filing Portal for Projects ("PREPAEE" in Spanish) do not include instructions for the collection of such deposit fee. Furthermore, the recently implemented PREPAEE system does not provide for the collection of the deposit amount stipulated in Section 29 of Act 4-2016, in any of its stages.
10. For said reason, ACONER requests PREC to clarify that for net-metering projects submitted to PREPA after February 16, 2016 that were not able to pay the deposit for the reasons explained above, those customers would not loose grandfather status due to non-compliance with the deposit requirement. Furthermore, the definition of non-grandfathered net metering customers should be changed to reflect the present situation. We propose the language that follows:

“Non-Grandfathered net metering customer, defined as, pursuant to Section 29 of Act 4-2016, any customer who applies for interconnection after **[the publication date in which the final charge for net metering projects is mailed with PREPA's invoices]** or who applied for interconnection between February 16, 201[6] and **[the publication date in which the final charge for net metering projects is mailed with PREPA's invoices]** but fails to comply with the requirements set forth in Section 4 of Act 114-2007, as amended by Section 29 of Act 4-2016 (regarding payment of deposit, **[when available and collectable by PREPA]**) or increases the capacity of their renewable energy systems in excess of 20% of its original capacity, shall be treated as non-grandfathered net metering customer for purposes of the application of the approved charges. The non-grandfathered customers will receive a credit for the energy exported (outflow) as explained below.”

11. ACONER understands that the proposed changes do not alter the spirit behind the definition proposed by the PREC, but there is merit in requesting wholeheartedly that the PREC

welcomes the proposed change as it provides a just resolution for the parties affected by the change in law and the Resolution and Order emitted by the PREC.

12. Last, ACONER requests that the new contact person be, and all notifications be sent to, the new President José Guzmán Jiménez at [gengcopsc@gmail.com](mailto:gengcopsc@gmail.com) and [aconer.pr@gmail.com](mailto:aconer.pr@gmail.com).


**WHEREFORE**, we respectfully request the Honorable Puerto Rico Energy Commission welcome the proposed changes to the non-grandfathered net metering customers definition, and consequently express itself with any legal remedy that may proceed.

**We hereby CERTIFY** that a digital copy of this document has been sent to the following:

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**RESPECTFULLY SUBMITTED**, in San Juan, Puerto Rico, today June 12<sup>th</sup>, 2017.

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