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House of Representatives
Commonwealth of Pennsylvania
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SECRETARY'S BUREAU

May 26, 2014

Gladys M. Brown, Chairman
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street
P.O. Box 3265
Harrisburg, PA 17105-3265

RE: Docket L-2014-2404361

Dear Chairman Brown:

As an amendment to my comments of April 27, 2015, I would like to commend the PUC in its efforts to address Pennsylvania's farmers regarding the proposed Rulemaking limiting net metering which would change the economics of anaerobic digesters used on farms to manage animal waste and meet environmental compliance.

The Commission's revisions released this month illustrate that the Commission understands that farmers' installation of Anaerobic Digesters (AD) is intended to address environmental concerns resulting from their core business of producing food.

To ensure that the intent of the exemption for on-farm digesters is iron clad, I strongly encourage the suggested revisions offered by the Professional Managers of Pennsylvania (PDMP) be incorporated into the final language so as not to place subjective decision making responsibilities on the DEP. As long as farmers fear this exemption may not apply to them, they will not move forward with plans to utilize this technology so it must be very clear that they will be protected from the economic demise it would otherwise create.

The following suggested modifications, offered by PDMP, should enhance the Commission's intent to exempt on-farm digesters from the 200% limit now included in the AEPS.

1. **Suggested Change: 75.13 (a) (3) (IV) THE 200% OF THE CUSTOMER-GENERATOR'S ANNUAL ELECTRIC CONSUMPTION LIMITATION MAY SHALL NOT APPLY TO ALTERNATIVE ENERGY SYSTEMS WHEN THE DEPARTMENT PROVIDES CONFIRMATION TO THE COMMISSION THAT A CUSTOMER-GENERATOR'S ALTERNATIVE ENERGY SYSTEM IS USED TO COMPLIES WITH THE DEPARTMENT'S PENNSYLVANIA CHESAPEAKE WATERSHED IMPLEMENTATION PLAN IN COMPLIANCE WITH SECTION 303 OF THE FEDERAL CLEAN WATER ACT AT 33 USC § 1313 OR IS AN INTEGRAL ELEMENT OF A FARM'S APPROVED NUTRIENT MANAGEMENT PLAN IN COMPLIANCE FOR COMPLIANCE WITH THE NUTRIENT MANAGEMENT ACT AT 3 PA. C.S. §§ 501, ET SEQ.**

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CHAIRMAN'S OFFICE

To: Chairman Brown

May 26, 2015

2. **Recommended Change: 75.1 Utility—A person or entity that provides electric generation, transmission or distribution services, at wholesale or retail, to other persons or entities. AN OWNER OR OPERATOR OF AN ALTERNATIVE ENERGY SYSTEM THAT IS DESIGNED TO PRODUCE NO MORE THAN 200% OF A CUSTOMER-GENERATOR'S ANNUAL ELECTRIC CONSUMPTION SHALL BE EXEMPT FROM THE DEFINITION OF A UTILITY IN THIS CHAPTER SUBJECT TO 75.13 (A) (3) (IV).**

3. **Recommended Change: 75.13 (A) (4) THE ALTERNATIVE ENERGY SYSTEM MUST HAVE A NAMEPLATE CAPACITY OF NOT GREATER THAN 50 KW IF INSTALLED AT A RESIDENTIAL SERVICE LOCATION UNLESS THE SERVICE IS FOR A "NORMAL AGRICULTURAL OPERATION," AS DEFINED IN THE PENNSYLVANIA RIGHT TO FARM ACT.**

I am relieved to see that the Commission has taken the first steps to correct the problems with its original Order and hope that **with the suggested language changes offered herein**, the 30 digesters currently in operation in PA will not be the only ones in the future. Please do the right thing to ensure that unintended consequences will not be leveled on Pennsylvania's farmers who are trying to do the right thing for the environment. It may have more than significant impact on the future of Agriculture in Pennsylvania.

Sincerely,



Robert W. Godshall, Majority Chairman
House Consumer Affairs Committee

Cc: Commissioner Rob Powelson
Commissioner John F. Coleman
Commissioner Pamela A. Witmer
Commissioner James H. Cawley
June Perry, Legislative Liaison