



Duquesne Light

Our Energy...Your Power

411 Seventh Avenue
16th Floor
Pittsburgh, PA 15219

Tel 412-393-1058
rhoaglund@duqlight.com

Robert H. Hoaglund II
Assistant General Counsel, Regulatory

May 29, 2015

VIA ELECTRONIC FILING

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building, 2nd Floor
400 North Street
Harrisburg, PA 17120

**RE: Implementation of the Alternative Energy Portfolio Standards Act of 2004
Docket No. L-2014-2404361**

Dear Secretary Chiavetta:

In response to the Commission's request for comments on the Advance Notice of Final Rulemaking Order, Duquesne Light submits its comments for filing in the above mentioned docket.

Should you have any questions, please do not hesitate to contact me.

Sincerely,

Robert H. Hoaglund II
Assistant General Counsel, Regulatory

Enclosures

cc: Certificate of Service

Kriss Brown, Law Bureau, via electronic mail at kribrown@pa.gov

Scott Gebhardt, Bureau of Technical Utility Services, via electronic mail at sgebhardt@pa.gov

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Implementation of the Alternative	:	
Energy Portfolio Standards Act of 2004	:	
	:	L-2014-2404361
Advance Notice of Final Rulemaking Order	:	

COMMENTS OF DUQUESNE LIGHT COMPANY

Introduction

By Order entered February 20, 2014, the Pennsylvania Public Utilities Commission (“Commission”) requested comments on the Proposed Rulemaking Order amending Chapter 75 of the Commission’s regulations, 52 Pa. Code Sections 75.1, et seq., to further comply with the Alternative Energy Portfolio Standards Act of 2004 (“AEPS Act”), 73 P.S. Sections 1648.1 – 1648.8 and 66 Pa.C.S. Section 2814. In connection with such request, Duquesne Light Company (“Duquesne Light” or “Company”) filed comments on September 3, 2014 along with many other interested parties, including the Independent Regulatory Review Commission.

In response to those comments, the Commission issued the Advanced Notice of Final Rulemaking Order on April 23, 2015 (“the Advanced Rulemaking Order”). In the Advanced Rulemaking Order, the Commission provided further revisions to the proposed AEPS regulations and afforded interested parties another opportunity to submit comments. In accordance with the Advanced Rulemaking Order, written comments must be submitted within 20 days of publication in the Pennsylvania Bulletin, i.e., on or before May 29, 2015. Duquesne Light appreciates the opportunity to comment on the changes to the regulations and respectfully submits these comments for the Commission’s consideration.

Duquesne Light supports the Commission's objectives in undertaking this rulemaking and appreciates the opportunity to offer its comments in response to the Advanced Rulemaking Order.¹ The Company believes that it is important to update and revise these regulations and to clarify certain issues of law, administrative procedure and policy with respect to the AEPS Act.

Duquesne Light offers the following limited comments for the Commission's consideration. Duquesne Light is not responding to all of the revisions proposed by the Commission, but where the Company has comments, it has organized the comments to follow the order of the regulations. The lack of comments on any particular revision does not indicate the Company's assent to that revision.

Comments

A. Net Metering

- a. Section 75.13 General Provisions – Sizing of the alternative energy system and proposal to increase the limit to from 110 percent to 200 percent.**

Duquesne Light supports an alternative energy size limitation; however the Company believes that a 200 percent cap is not in line with the spirit of the AEPS Act and prefers a size limitation consistent with the Commission's initially proposed 110 percent cap. AEPS was enacted to encourage residential customers to offset a portion or all of their electricity usage. As a 110 percent limitation is close to the customer's actual usage, such a limitation decreases the ability of a customer-generator from obtaining excessive rate subsidies at the expense of other retail customers. In addition, the Company still believes that the regulations are unclear

¹ Duquesne Light is a member of the Energy Association of Pennsylvania ("EAP") and supports the Comments filed by EAP in this docket with respect to the Advanced Rulemaking Order.

whether a customer-generator that produces generation in excess of the limitation should continue to receive a credit for the total excess generation produced, or receive credit only up to the limitation set forth in the regulations. Therefore, the Company requests that the Commission utilize a 110 percent size limitation rather than a 200 percent size limitation and clarify whether a credit should be received only up to the size limitation set by the Commission.

b. General Comments on New Section 75.13 (e).

The Company agrees with the added provision to use the weighted average of the price to compare rate for compensation for any remaining excess kilowatt-hours at the end of the year. The added provision addresses the majority of customers who have traditional kilowatt hour rates and are subject to changes in the price to compare during a twelve month period. With respect to other customers who have time sensitive rates, i.e., hourly price service, the Company believes that each Electric Distribution Company should address credits and compensation in their individual tariffs.

B. Meters and Metering

a. Approval Process for Alternative Energy Systems of 500 kW or Greater.

Though Duquesne Light applauds the Commission for implementing a process whereby the Commission must approve a customer's request for customer-generator status, Duquesne Light does not agree that the timeframe for EDCs to submit an application should be shortened from twenty (20) to fifteen (15) days. The Company continues to believe that alternative energy systems sized at 500 kW and above often require resources and time to determine if such facilities comply with the regulations and any applicable tariff provisions, and EDCs must have

ample time to conduct necessary investigations and analysis of new alternative energy systems. Additionally, the Company is concerned that with weekends and holidays being included in a fifteen (15) day review period that the Company will not have enough time to complete its review, which is why the Company supports the original twenty (20) day review period.

C. AEPS Requirements

a. Initial Compliance Assessment During True-up Period.

Under the Commission's proposed changes to Section 75.64(c), the program administrator must notify the EDCs and EGSs of their obligations within 45 days of the end of the reporting period and subsequently verify compliance at the end of the true-up period. Duquesne Light recommends that the program administrator provide the EDCs and EGSs with an initial assessment of their compliance status prior to the program administrator's determination of compliance at the end of the true-up period. Such an initial assessment would provide the EDCs and EGSs with notice of potential issues and give them an opportunity to cure and adjust their alternative energy credits that may be used for compliance to reduce the risk of having to make alternative compliance payments. The Company believes that this assessment would be very helpful and prevent a non-compliance determination.

Conclusion

Duquesne Light appreciates the opportunity to comment on the issues raised in the Advance Rulemaking Order. The Company generally supports the Commission's efforts to revise its regulations pertaining to net metering, interconnection standards, and the alternative energy portfolio requirements. The Company respectfully requests that the Commission

consider these comments and those of the EAP when finalizing the changes to the current regulations.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Robert H. Hoaglund II", is written over a horizontal line.

Robert H. Hoaglund II, Esq.
Assistant General Counsel, Regulatory
Duquesne Light Company
411 Seventh Avenue, 16-1
Pittsburgh, PA 15219
Phone: (412) 393-1058
E-mail: RHoaglund@duqlight.com

Dated: May 29, 2015

**CERTIFICATE OF SERVICE
(Docket No. L-2014-2404361)**

I hereby certify that a true and correct copy of the foregoing has been served upon the following persons, in the manner indicated, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant).

VIA FIRST CLASS MAIL

Lauren M. Burge
Office of Consumer Advocate
555 Walnut Street
Forum Place, 5th Floor
Harrisburg, PA 17101-1923

Gary L. James
JSDC Law Offices
PO Box 850
Hershey, PA 17033
Estate Security Formula

Bureau of Investigation & Enforcement
PO Box 3265
Commonwealth Keystone Building
400 North Street, 2nd Floor West
Harrisburg, PA 17105-3265

Robert Altenburg
Citizens for Pennsylvania's Future
610 N. Third Street
Harrisburg, PA 17101

Elizabeth Rose Triscari
Office of Small Business Advocate
Commerce Building
300 North Second Street, Suite 202
Harrisburg, PA 17101

Tori L. Giesler
FirstEnergy
2800 Pottsville Pike
PO Box 16001
Reading, PA 19612
MetEd, Penelec, PA Power & West Penn

Donna M. J. Clark
Terrance J. Fitzpatrick
Energy Association of PA
800 North Third Street, Suite 205
Harrisburg, PA 17102

Thomas J. Sniscak
Christopher M. Arfaa
Hawke McKeon & Sniscak LLP
100 North Tenth Street
Harrisburg, PA 17101
Penn State University

John Quigley, Secretary
PA Department of Environmental Protection
Rachel Carson State Office Building
PO Box 2063
Harrisburg, PA 17105

James Burlew
PJM Interconnection, L.L.C.
2750 Monroe Boulevard
Valley Forge Corporate Center
Audubon, PA 19403

Kenneth L. Mickens, Esquire
316 Yorkshire Drive
Harrisburg, PA 17111
Sustainable Energy Fund

Paul Russell
PPL Electric Utilities
2 North 9th Street
Allentown, PA 18104

Michael P. Peachey, CPA
Partner, Ag and Agri-Business Services
454 New Holland Avenue, Suite 200
Lancaster, PA 17602
Acuity Advisors and CPAs

Michael S. Swerling
Exelon Business Services Company
2301 Market Street, S23-1
Philadelphia, PA 19103

Theodore Robinson
Citizen Power
2121 Murray Avenue
Pittsburgh, PA 15217

Carl R. Shultz
Eckert Seamans Cherin & Mellott, LLC
213 Market Street, 8th Floor
Harrisburg, PA 17101
*Granger Energy of Honey Brook LLC and
Granger Energy of Morgantown LLC
Dauphin County Industrial Development
Authority*

Mark S. Stewart
Eckert Seamans Cherin & Mellott, LLC
213 Market Street, 8th Floor
Harrisburg, PA 17101
*Dauphin County Industrial Development
Authority*

Deanne M. O'Dell
Eckert Seamans Cherin & Mellott, LLC
213 Market Street, 8th Floor
Harrisburg, PA 17101
RESA

Coleen P. Kartychak
698 Gamble Road
Oakdale, PA 15071
RESA

eFormative Options, LLC
PO Box 47
Vashon, WA 98070
DWEA & United Wind, Inc.

Christian R. Herr
Executive Vice President
PennAg
Northwood Office Center
2215 Forest Hills Drive, Suite 39
Harrisburg, PA 17112

Katharine Dodge
Sustainable Energy Education and
Development Support
1030 Main Street
Honesdale, PA 18431

Joseph A. McCluskey
US Department of Justice
Federal Bureau of Prisons
Federal Correctional Institution
PO Box 2500
White Deer, PA 17887

Scott Sheely, Executive Director
Lancaster County Agriculture Council
313 W. Liberty Street, Suite 113
Lancaster, PA 17603

Vera J. Cole, PhD
2045 Upper Rocky Dale Road
Green Lane, PA 18054
Mid-Atlantic Renewable Energy Association

Marel A. King
Chesapeake Bay Commission
60 West Street, Suite 406
Annapolis, MD 21401

Keith W. Henn, PG
Vice President
Tetra Tech Bioenergy
661 Andersen Drive
Pittsburgh, PA 15220

Keith Henn
Norma McDonald OWS, Inc.
American Biogas Council
661 Andersen Drive
Pittsburgh, PA 15220

John Frey, Executive Director
Center for Dairy Excellence
2301 North Cameron Street
Harrisburg, PA 17110

Tony Mussare
Jeff C. Wheeland
County of Lycoming
Lycoming County Commissioners
48 West Third Street
Williamsport, PA 17701

Alexis Papalia
PennEnvironment Research and Policy
Center
1420 Walnut Street, Suite 650
Philadelphia, PA 19102

Sierra Club
National Headquarters
85 Second Street, 2nd Floor
San Francisco, CA 94105

Jay Larry Moyer
370 West Johnson Street
Apartment C-1
Philadelphia, PA 19144

Robin Alexander
1926 Perrysville Ave.
Pittsburgh, PA 15214

Alfred Wanner, Jr.
Wanner's Pride-N-Joy Farm LLC
5800 Wanner Road
Narvon, PA 17555

Dennis Brubaker
Ideal Family Farms, LLC
PO Box 215
Selinsgrove, PA 17870

Philip H. Snader
Enviro-Organic Technologies, Inc.
PO Box 600
New Windsor, MD 21776

George Hurst
Oregon Dairy Inc.
2890 Oregon Pike
Lititz, PA 17543

Tim Beiler, CEO
Paradise Energy Solutions
875 Brackbill Road
Gap, PA 17527

Andrea Sensenig
Sensenig Dairy
245 Springhill Road
Kirkwood, PA 17536

Shawn Sensenig
L&S Sweeteners
388 East Main Street
Leola, PA 17540

Mark Moser
RCM International LLC
PO Box 4716
Berkeley, CA 94704

Brett Reinford
Reinford Farms, Inc.
505 Cedar Grove Road
Mifflintown, PA 17059

Lancaster County Conservation District
1383 Arcadia Road, Room 200
Lancaster, PA 17601

John Scorsone, President
SolareAmerica
5 Great Valley Parkway, Suite 210
Malvern, PA 19355

Jeffrey T. Haste
Dauphin County Commissioners
2 South Second Street
PO Box 1295
Harrisburg, PA 17101

Luke F. Brubaker
Commonwealth of Pennsylvania
Milk Marketing Board
2301 North Cameron Street
Harrisburg, PA 17110

Brubaker Farms
593 Musser Road
Mount Joy, PA 17552

Arlin L. and Deborah Benner
Yippee Farms
880 Pinkerton Road
Mount Joy, PA 17552

Robert Stoltzfus
Lancaster Veterinary Associates, Ltd.
136 Main Street
Salunga, PA 17538

Vincent Cahill & Claire Hunter
11458 Country Circle Drive
Waynesboro, PA 17268

Karen Berry
3505 Dartmouth Drive
Bethlehem, PA 18020

John R. Williamson
1237 Main Street
Akron, PA 17501

Keith Hodge
2817-A OKelly Street
Raleigh, NC 27607

Ad Hoc Coalition of Customer Generators
370 W. Johnson Street (C-1)
Philadelphia PA 19144

Steven Eisenberg, CEO
SRECTrade, Inc.
201 California Street, Suite 630
San Francisco, CA 94111

Elsa Limbach
123 Beechmont Road
Pittsburgh, PA 15206

H.J. Campbell, Executive Director
Chesapeake Bay Foundation
1426 N. 3rd Street, Suite 220
Harrisburg, PA 17102

Grant Gulibon, Director
Regulatory Affairs
PA Farm Bureau
510 S. 31st Street
PO Box 8736
Camp Hill, PA 17001

Russell Redding, Secretary
PA Department of Agriculture
2301 North Cameron Street
Harrisburg, PA 17110

Bruce Lisle, Chairman
PA Biomass Energy Association
500 North 12th Street, Suite 110
Lemoyne, PA 17043

John W. Brosious
Deputy Director
The Pennsylvania Municipal Authorities
Association
1000 North Front Street, Suite 401
Wormleysburg, PA 17043

Mark C. Pedersen, President
Pennsylvania Waste Industries Association
122 State Street
Harrisburg, PA 17101

Aurel Arndt, CEO
Lehigh County Authority
1053 Spruce Street
PO Box 3348
Allentown, PA 18106

Kurt Limbach
350 Creek Road
Bolivar, PA 15923

Keith Spicher
Kish View Farm
4733 Main Street
Belleville, PA 17004

David Sumner, Executive Director
Independent Regulatory Review
Commission
333 Market Street, 14th Floor
Harrisburg, PA 17101

Gene Yaw, Senator
Senate of PA
3rd Senatorial District
Senate Box 203023
Harrisburg, PA 17120

David N. Hommrich, President
Sunrise Energy, LLC
151 Evandale Drive
Pittsburgh, PA 15220

John Williamson
TeamAg Incorporated
120 Lake Street
Ephrata, PA 17522

John Cox, President
Turkey Hill Dairy
2601 River Road
Conestoga, PA 17516

James D. Warner, Executive Director
LCSWMA
1299 Harrisburg Pike
PO Box 4425
Lancaster, PA 17604

Alan Novak, Executive Director
Professional Dairy Managers of
Pennsylvania
500 North 3rd Street, 9th Floor
Harrisburg, PA 17101

Glenn M. Price
Crayola LLC
1100 Church Lane
Easton, PA 18042

Clay Detlefsen
Senior Vice President, Regulatory and
Environmental Affairs & Staff Counsel
National Milk Producers Federation
2101 Wilson Blvd, Suite 400
Arlington, VA 22201

Betsy E. Huber
Government Relations Director
Pennsylvania State Grange
20 Erford Road
Suite 216
Lemoyne, PA 17043

John A. Maher
PA House of Representatives
113 Ryan Building
Harrisburg, PA 17120

Robert L. Freeman
PA House of Representatives
Irvis Office Building, Room 207
Harrisburg, PA 17120

Greg Vitali, Chairman
Environmental Resources and Energy
Committee
Room 38B East Wing
PO Box 202166
Harrisburg, PA 17120

Garth Everett
PA House of Representatives
84th Legislative District
PO Box 202084
Harrisburg, PA 17120

Mindy Fee
PA House of Representatives
37th Legislative District
164B East Wing
Main Capitol Building
Harrisburg, PA 17120

Gordon Denlinger
PA House of Representatives
99th Legislative District
Main Capitol Building
Harrisburg, PA 17120

Bryan Cutler
PA House of Representatives
100th Legislative District
33 Friendly Drive, Suite G
Quarryville, PA 17056

David Hickernell
PA House of Representatives
98th Legislative District
Main Capitol Building
Harrisburg, PA 17120

Ryan Aument
PA House of Representatives
41st Legislative District
Main Capitol Building, Room 352
Harrisburg, PA 17120

Keith Greiner
PA House of Representatives
43rd Legislative District
Main Capitol Building
54BG East Wing
Harrisburg, PA 17120

Steven Mentzer
PA House of Representatives
97th Legislative District
Main Capitol
Room 51A East Wing
Harrisburg, PA 17120

John A. Lawrence
PA House of Representatives
13th Legislative District
PO Box 202013
Harrisburg, PA 17120

Martin Causer
PA House of Representatives
67th Legislative District
PO Box 202067
Harrisburg, PA 17120

Rob Kauffman
PA House of Representatives
89th Legislative District
Harrisburg, PA 17120

David Millard
PA House of Representatives
109th Legislative District
Harrisburg, PA 17120

Mark Keller
PA House of Representatives
86th Legislative District
Harrisburg, PA 17120

Russ Diamond
PA House of Representatives
102nd Legislative District
Harrisburg, PA 17120

David Zimmerman
PA House of Representatives
99th Legislative District
Harrisburg, PA 17120

John P. Sabatina
PA House of Representatives
Room 331 Irvis Office Building
Harrisburg, PA 17120

Robert W. Godshall, Majority Chairman
PA House of Representatives
150 Main Capitol Building
PO Box 202053
Harrisburg, PA 17120-2053

Elder A. Vogel, Senator
Senate of PA
Room 362 Main Capitol
Harrisburg, PA 17120

Judith Schwank, Senator
Senate of PA
Room 457 Main Capitol
Harrisburg, PA 17120

Date: May 29, 2015


Robert H. Hoaglund II