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SECRETARY'S BUREAU

May 27, 2015

Pennsylvania Public Utilities Commission  
Commonwealth Keystone Building  
400 North Street  
PO Box 3265  
Harrisburg, PA 17105-3265  
Attention: Secretary

**Re: Docket L-2014-2404361 "Implementation of the Alternative Energy Portfolio Standards Act of 2004"**

Dear Commissioners:

Our farm appreciates the Commission's efforts on behalf of Pennsylvania Agriculture. We are currently operating an anaerobic digester system and are participants in the Commonwealth's net metering program.

However, we feel that if the following wording changes were made to the new net-metering rules, they would be more acceptable for perpetuating a sustainable, digester friendly Pennsylvania where farm digester projects continue to be financially viable.

***1) Change Section 75.1 Definitions***

The current definition of a ***Utility*** may conflict with the 200% limitation waiver for certain Alternative Energy Systems described in General Provisions Section 75.13 (a) (3) (IV)

***Existing Wording:***

*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"

***Proposed Change:***

We request that the definition of a ***Utility*** be subject to section 75.13 (a) (3) (IV).

**2) Change Section 75.13 General Provisions 75.13 (a) (3) (IV).**

**Existing Wording:**

The use of the word "MAY" in Section 75.13 (a) (3) (IV) leaves room for doubt; we request that the word "May" be replaced with "SHALL" in order to improve clarity.

**Proposed Change**

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.*

**3) Change Section 75.13 General Provisions 75.13 (a) (4)**

**Existing Wording:**

This Section refers to limiting nameplate capacity for residential service locations. Many dairy farms in Pennsylvania have their electricity as a residential service. These dairy farms with residential service accounts will be excluded from the benefits of net-metering.

**Proposed Change**

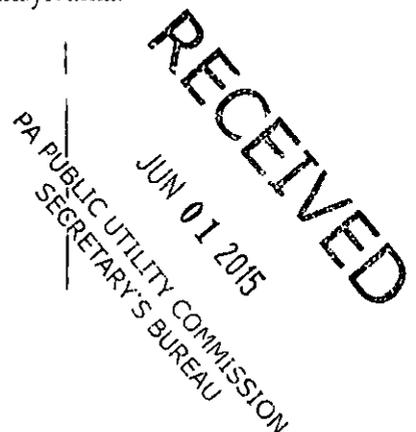
(4) The alternative energy system must have a nameplate capacity of not greater than 50 kW if installed at a residential service location unless the service is for a "normal agricultural operation," as defined in the Pennsylvania Right to Farm Act.

We believe these minor changes will solidify the future of farm digesters in Pennsylvania.

Sincerely,



Hard Earned Acres Inc.  
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