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October 21, 2016

Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17120
Attn.: Commissioners

Sent by email to Secretary Rosemary Chiavetta rchiavetta@pa.gov

RE: Implementation of the Alternative Energy Portfolio Standards Act of 2004
Pa. PUC Docket No. L-2014-2404361)
Independent Regulatory Review Commission ("IRRC") No. 3061

TO: SEC.
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CHAIRMAN'S OFFICE

Dear Commissioners:

As a participant in the Commonwealth's AEPS and net metering program through our solar energy project, we remain very concerned as previously expressed to the PAPUC and IRRC with the final revised ruling passed by the PAPUC on June 9, 2016 and now just slightly revised after comments from the attorney general's office provided on October 5, 2016. We also wanted to bring to your attention an October 14, 2016 Pa Commonwealth Court ruling the provides guidance to the legality of these proposed changes.

In fact, the recent court ruling specifically says "The Court describes the AEPS Act as giving the PUC authority to "establish 'technical and net metering interconnection rules', but it does not give the PUC power to act beyond this narrow authorization." Changes proposed to the definition of utility, customer-generator and the review process being brought under PAPUC oversight for greater than 500 kW systems are clearly not legal under the court's ruling.

Based on the IRRC's comments (and twice disapproval) and several of the commissioner's comments to the statutory authority to make the proposed changes, and in light of the October 14, 2016 Pa Commonwealth Court's ruling from Sunrise Energy, LLC v. First Energy Corp. and West Penn Power Co., No. 1282 C.D. 205 (Oct. 14, 2016), Opinion by President Judge Leavitt

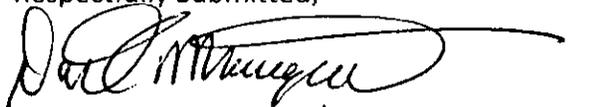
(joined by Simpson, Brobson, McCullough, Covey and Wojcik), Dissenting Opinion by Cohn Jublirer, we ask the commissioners to disapprove of these proposed changes.

We appreciate the PAPUC's oversight and assistance in so many areas as it pertains to implementing public utility regulations. We are unclear and concerned about why the PAPUC has persisted to pass these proposed punitive rules on net metering (which is designed to promote renewable energy development in a stagnant market) and significantly slow or bring the development small scale renewable energy projects to a halt.

The outcome of your review of this proposed changes to the AEPS is very important to maintaining that mandate of supporting the growth of renewable energy in the Commonwealth.

Thanks for your consideration of our comments.

Respectfully Submitted,


Business Manager / Board Secretary

CC:

Independent Regulatory Review Commission by email to irrc@irrc.state.pa.us

East Lycoming School District
349 Cemetery Street
Hughesville, PA 17737

PENNSYLVANIA PUBLIC UTILITY COMMISSION
COMMONWEALTH KEYSTONE BUILDING
400 NORTH STREET
HARRISBURG, PA 17120
ATTN: COMMISSIONERS

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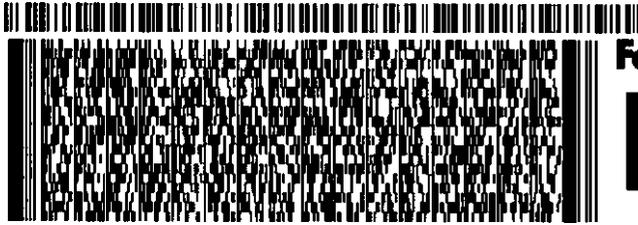
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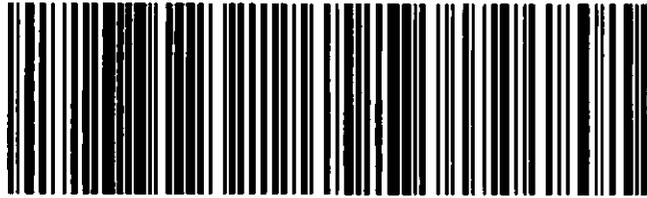
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