

37TH SENATORIAL DISTRICT  
**GUY RESCHENTHALER**

ROOM 366 MAIN CAPITOL  
SENATE BOX 203037  
HARRISBURG, PA 17120-3037  
PHONE: (717) 787-5839  
FAX: (717) 772-4437

100 BROUGHTON ROAD  
BETHEL PARK, PA 15102  
PHONE: (412) 831-0250  
FAX: (412) 831-2740

5996 STEUBENVILLE PIKE  
ROBINSON TOWNSHIP, PA 15136  
PHONE: (412) 788-2967  
FAX: (412) 788-2970

WEB: [senatorresenthaler.com](http://senatorresenthaler.com)



**Senate of Pennsylvania**

January 18, 2018

**COMMITTEES**

INTERGOVERNMENTAL OPERATIONS, VICE CHAIR  
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JAN 18 2018

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

Rosemary Chiavetta, Esq.  
Secretary  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street  
Harrisburg, Pennsylvania 17120

Secretary Chiavetta:

I am writing to you in support of Senator Scavello's public comments regarding M-2017-2631527 (attached).

As a co-sponsor of this legislation, I support Pennsylvania-based solar credits and removing this competitive disadvantage so Pennsylvania can more effectively compete with our neighboring states. I respectfully request your consideration of the concerns outlined in Senator Scavello's comments regarding the implementation of this legislation.

Thank you in advance for your consideration. If you have any questions or concerns, please do not hesitate to contact me.

Very respectfully,

A handwritten signature in black ink, appearing to read 'Guy Reschenthaler'.

Guy Reschenthaler  
State Senator-37<sup>th</sup> District

40TH SENATORIAL DISTRICT  
MONROE & NORTHAMPTON COUNTIES

ROOM 168 MAIN CAPITOL  
P.O. BOX 203040  
HARRISBURG, PA 17120  
PHONE: 717-787-8123  
FAX: 717-772-3695

2989 ROUTE 611  
DEPUE PLAZA, SUITE 103  
TANNERSVILLE, PA 18372  
PHONE: 570-620-4326  
FAX: 570-620-4379

2 NORTH ROBINSON AVENUE  
PEN ARGYL, PA 18072  
PHONE: 610-863-1200  
FAX: 610-863-1214

MSCAVELLO@PASEN.GOV  
MARIO.SCAVELLO.COM



Senate of Pennsylvania  
**MARIO M. SCAVELLO**  
STATE SENATOR

COMMITTEES

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RECREATIONAL DEVELOPMENT, CHAIR

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TRANSPORTATION

URBAN AFFAIRS & HOUSING

MAJORITY POLICY

December 27, 2017

Dear Secretary Chiavetta:

Please accept this letter as my formal comments in regards to M-2017-2631527. As the prime sponsor of this legislation, I have worked extensively to ensure that this legislation does that which is intended; to ensure that Electric distributors will have to purchase their credits from within the Commonwealth, protecting Pennsylvania-based solar credits and putting us in line with many of our neighboring states. In addition, 'closing the borders' ensures that PA rate-payers are supporting jobs, investment and tax revenue here in Pennsylvania. Therefore, please see the following points which must be addressed to ensure proper implementation of this legislation.

- Specifically, if the PUC interprets the language to mean all solar certifications in PA are within the geographical boundaries, rather than "the solar system must be within the geographical boundaries" as specified in Act 40, then it does nothing to close the borders. There is a reason why we chose that specific language which was taken from the AEPS (Alternative Energy Portfolio Standards).
- On the language regarding contracts: This language was included only at the request of the AEPS contract holders to further emphasize that contracts shall be allowed to sunset. Most of these contracts are only 3-5 years and once those contracts sunset, they will not be renewed if the (solar system) distribution system is not within the geographical boundaries of the Commonwealth. **If the Commission finds that the language of the Act refers to "contracts" other than those used for AEPS compliance, then the purpose of Act 40 will be rendered useless.**
- There is also concern about how banked (Solar Renewable Energy Credits) SRECs by out-of-state facilities that are not under contract will be categorized and permitted to fulfill the AEPS SREC requirement. The intent of Act 40 is that all out-of-state systems will no longer qualify to meet the compliance requirements of the AEPS SREC; however, they could still be eligible for selling into the Tier 1 (Alternative Energy Credits) AECs market place. This classification would also include all *banked* SRECs from those out-of-state facilities as well. The interpretation of eligibility for these banked SRECs should occur at the time when the SREC is sold to meet the AEPS obligation, *not* when the SREC was generated. Generation does not imply intent to sell into the PA AEPS market, because these systems are often registered in multiple state compliance markets. **If all out-of-state, banked and not contracted-for SRECs are permitted to meet the AEPS solar requirement then ACT 40 will be largely ineffective. This was not the intent.**
- As a matter of emphasis: If the PUC has concerns that we are not on track to meet the AEPS Solar Requirements, depending on its interpretation of Act 40, that is not the case. We are on track to meet AEPS requirements in 2018. By May 31, 2018, there will be more than enough PA solar generated SRECs to meet the 2018 solar obligation. **There would be no supply constraints on SRECs for 2018, if only PA-generated SRECs are permitted to satisfy compliance.** Also, there are additional out-of-state SRECs under contract for AEPS compliance, which can also be used for compliance as stated in Act 40. Furthermore, the supply of PA-only SRECs will also be sufficient for 2019.

Please feel free to contact me should you have any questions regarding this legislation, or its specific legislative intent. Thank you for your consideration of these important comments.

Sincerely,

Handwritten signature of Mario M. Scavello in black ink.

Mario M. Scavello  
State Senator  
40<sup>th</sup> Senatorial District



Senate of Pennsylvania

37TH DISTRICT

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