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**BEFORE THE
PUBLIC SERVICE COMMISSION OF UTAH**

In the Matter of the PacifiCorp’s)
Revisions to Schedule 135, Net Metering)
Service and Proposal for New Schedule)
135A, Net Metering-Transition Service)

Docket No. 16-035-T14

**REPLY COMMENTS OF SUNRUN AND ENERGY FREEDOM
COALITION OF AMERICA ON ADVICE NO. 16-13**

Pursuant to the *Notice of Filing and Comment Period* issued in this proceeding on November 9, 2016, Sunrun and Energy Freedom Coalition of America (“EFCA”) respectfully submit these reply comments on Rocky Mountain Power’s (“Company’s”) Advice No. 16-13.

All initial commenters agree that the Company’s Advice No. 16-13 is inappropriate and should be rejected.¹ All commenters further agree that the closing of one tariff and creation of a transitional tariff—all for the purpose of inserting a “notice” provision—will create significant uncertainty. Most commenters expressed concern that this uncertainty would have harsh near-term and long-term effects on the solar industry by chilling interest among customers

¹ Opening Comments were submitted on November 22, 2016 by the Office of Consumer Services (OCS), the Division of Public Utilities (DPU), Vivint Solar, Inc. (Vivint), Western Resource Advocates (WRA), Utah Clean Energy (UCE), Utah Solar Energy Association (USEA), University of Utah, Salt Lake City Corporation, and Utah Citizens Advocating Renewable Energy (UCARE). All commenting parties requested that the Commission reject Advice No. 16-13. Sunrun and EFCA, additionally, submitted a separate motion to dismiss Advice No. 16-13 on legal grounds.

considering installing onsite, rooftop solar. While there are some distinctions among the commenters regarding the need for notice and the appropriateness of grandfathering,² all roads generally lead to the same conclusion: the prudent action is to reject Advice No. 16-13 and to take up considerations of the relief sought (tariff modification to include “notice” and “grandfathering”) in a separate, appropriate proceeding where a determination on net metering rates is properly before the Commission.

Sunrun and EFCA caution against the issuance by the Commission of any notice to prospective or existing customers at this time. OCS and DPU suggest that the Commission should consider giving some form of notice in its order rejecting Advice No. 16-13, though neither provide exact notice language and both share all parties concern that the Company’s notice language could be misconstrued.³ Sunrun and EFCA appreciate the concerns of OCS and DPU but respectfully disagree to the extent they suggest that a new, explicit notice from the Commission is necessary at this time.

As Sunrun and EFCA, and others, noted in opening comments, it is critical that any “notice” avoid sending a signal that the Commission has in any way prejudged outcomes or presupposed critical, yet-to-occur factual determinations on the net metering program.⁴ Any notice that indicates that separately enumerated charges or separate rate structures will apply to net metering customers assumes a particular outcome and unfairly casts a cloud of uncertainty

² Both DPU and WRA suggest that there is an open legal question whether grandfathering would constitute undue discrimination by favoring some within a similarly situated group. *See, e.g.*, DPU at p. 5; WRA at pp. 7-8.

³ OCS at p.3; DPU at p.4.

⁴ *See, e.g.*, Sunrun and EFCA at p. 3; OCS at p. 2 (suggesting that the Advice Letter and proposal in Docket No. 14-035-114 should be decided using the same standard); Vivint at p. 5; UCE at pp. 7-8; USEA at p. 2; UCARE at pp. 1-2.

over the net metering program. The Commission has previously made clear that it is not in a position to declare that a separate rate class for net metering customers is justified or warranted.⁵

Sunrun and EFCA respectfully request that the Commission issue an order that rejects the Advice Letter on narrow grounds, as discussed in Sunrun and EFCA's comments and motion, and avoids the risk of issuing any notice that could have prejudicial effect on prospective net metering customers and the solar industry.

Respectfully submitted this 29th day of November, 2016.

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⁵ University of Utah at p. 3 (citing Nov. 10, 2015 Order in Docket No. 14-035-114 at p. 11).