

**THE STATE OF NEW HAMPSHIRE
PUBLIC UTILITIES COMMISSION**

DE 16-576

ELECTRIC DISTRIBUTION UTILITIES

Development of New Alternative Net Metering Tariffs and/or
Other Regulatory Mechanisms and Tariffs for Customer-Generators

PETITION TO INTERVENE

OF

ENERGY FREEDOM COALITION OF AMERICA

Energy Freedom Coalition of America (“EFCA”), by and through its attorneys, Preti Flaherty, Beliveau & Pachios, LLP, petitions the Public Utilities Commission (“Commission”) to allow it to intervene in the above-captioned matter in accordance with RSA 541-A:32 and Puc Rule 203.17, stating as follows:

I. INTRODUCTION.

1. On May 19, 2016, the Commission issued an Order of Notice in the above-captioned matter, and established a deadline for filing interventions of June 7, 2016. By that Order of Notice, as required under RSA 362-A:9, XVI, the Commission opened this docket “to develop new alternative net metering tariffs, which may include other regulatory mechanisms and tariffs for customer-generators.”

2. EFCA represents a broad range of distributed energy resource (DER) product and service providers, including providers of rooftop solar, battery storage, demand response and load management services, and smart home energy services. EFCA members provide distributed energy resource (DER) solutions for residential, commercial, industrial and government

customers to help them manage energy consumption and costs, reduce the environmental impacts of energy generation and enjoy greater consumer choice. Several EFCA member companies are the leading providers of rooftop solar in New Hampshire and have made significant investment. Current EFCA members include Silevo, Inc., SolarCity Corporation and ZEP Solar, LLC, and EFCA's principal business address is 601 13th Street NW, Suite 900 North, Washington, DC 20005. EFCA has filings in 33 proceedings across 16 states on matters related to rate design and the value of DERs.

3. Given the business experience and expertise of its members, EFCA is uniquely equipped to provide record information on the potential contribution DERs can make towards increasing grid reliability, reducing system costs, producing new jobs and furthering grid sustainability. In addition to deep business experience, many EFCA members also engage in research and development aimed at deploying DER services – such as rooftop solar – in ways that reduce costs for all ratepayers. One member employs a dedicated Grid Engineering Solutions team, primarily made up of former utility grid engineers who not only understand how the current power systems work, but are unlocking innovative solutions through a cross-functional approach of evaluating engineering, technological, economic and policy considerations side-by-side. This team offers an informed and unique perspective on the value of net-metered solar to the grid and the ways in which customer-deployed solutions reduce overall costs by avoiding utility infrastructure investments. They have most recently helped author a report in Nevada that specifically defines and quantifies the benefits net metering provides to the entire grid entitled, *Distributed Energy Resources in Nevada*. EFCA has a direct business interest in ensuring that the outcomes of this proceeding continue to incent the deployment of DERs in a cost-effective manner.

4. EFCA petitions to intervene in this matter because it and its members have a direct and substantial interest in this proceeding and its intervention will not impair the interests of justice and orderly and prompt conduct.

II. APPLICABLE LAW.

5. RSA 541-A:32 and NH Admin. Rule Puc 203.17 provide that the Commission, or its presiding officer, shall grant a petition for intervention if:

(1) The petition is submitted in writing to the presiding officer, with copies mailed to all parties named in the presiding officer's order of notice of the hearing, at least 3 days before the hearing;

(2) The petition states facts demonstrating that the petitioner's rights, duties, privileges, immunities or other substantial interests might be affected by the proceeding or that the petitioner qualifies as an intervenor under any provision of law; and

(3) The presiding officer determines that the interests of justice and the orderly and prompt conduct of the proceedings would not be impaired by allowing the intervention.

III. ENERGY FREEDOM COALITION OF AMERICA'S RIGHTS, DUTIES, PRIVILEGES, IMMUNITIES OR OTHER SUBSTANTIAL INTERESTS WILL BE AFFECTED BY THIS PROCEEDING.

6. As discussed herein, this proceeding will affect the rights, duties, privileges, immunities and other substantial interests of EFCA.

7. The Commission's process for developing such alternatives and any limitations on their availability through this docket is prescribed by statute. Paragraph XVI of RSA 362-A:9 provides that the Commission shall consider various specific factors, including the costs and

benefits of customer-generator facilities; an avoidance of unjust and unreasonable cost shifting; rate effects on all customers; alternative rate structures, including time based tariffs; whether there should be a limitation on the amount of generating capacity eligible for such tariffs; the size of facilities eligible to receive net metering tariffs; timely recovery of lost revenue by the utility using an automatic rate adjustment mechanism; and electric distribution utilities' administrative processes required to implement such tariffs and related regulatory mechanisms.

8. Each of these considerations, as well as their collective impact in the form of whatever tariffs and other regulatory mechanisms are developed through this proceeding, will directly affect EFCA's rights, duties, privileges, immunities and other substantial interests, because they will shape the terms on which customer-generators may own or participate in solar and other DER projects. Any such tariffs or other regulatory mechanisms have the potential to frustrate – or facilitate – New Hampshire customers' rights to develop DER, and thus will have a direct and substantial impact on EFCA's activities in the state.

9. EFCA and its members have a unique interest in this proceeding that will not be adequately represented by any other party. No agency intervenor has the business experience related to DER that EFCA and its members possess; and no private intervenor has either the multi-state experience nor the expertise on the full range of DER options possessed by EFCA and its members. Through its members, EFCA offers a broad range of distributed energy services that will be impacted by the development of new alternative net metering tariffs and/or other regulatory mechanisms and tariffs for customer-generation. Therefore, EFCA requests intervention in this docket to represent and protect its unique and distinct interests.

IV. THE INTERESTS OF JUSTICE AND ORDERLY AND PROMPT CONDUCT WILL NOT BE IMPAIRED BY GRANTING ENERGY FREEDOM COALITION OF AMERICA'S INTERVENTION.

10. The interests of justice and orderly and prompt conduct of the proceedings will not be impaired by allowing the intervention. EFCA anticipates that its participation in this proceeding will not expand the scope of issues or the timelines the Commission establishes, thereby ensuring the orderly and prompt conduct of this proceeding.

WHEREFORE, Energy Freedom Coalition of America respectfully requests that the Public Utilities Commission:

- A. Grant EFCA's Petition to Intervene; and
- B. Grant such other and further relief as may be just.

Respectfully submitted,

June 6, 2016 By:

/s/ Todd J. Griset
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CERTIFICATE OF SERVICE

I hereby certify that on this 6th day of June, 2016, one original and seven copies of the foregoing were hand delivered to the Commission, as well as copies to the Service List as listed on the NHPUC website.

June 6, 2016

By: /s/ Todd J. Griset
Todd J. Griset