



November 20, 2017

Washington State Utilities and Transportation Commission
1300 Evergreen Park Dr. SW
Olympia, WA 98502

Re: Docket UE-171033, CR-101. Comments of A&R Solar on Rulemaking to implement rules regarding the Utilities and Transportation Commission's jurisdiction and regulation of community solar companies

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A&R Solar submits the following comments in response to the Washington Utilities and Transportation Commission's (UTC) Notice of Opportunity to Submit Written Comments issued in Docket UE-171033. We respectfully thank you for the opportunity, and offer our expertise below.

A&R Solar is the largest solar installer in Washington State, and has installed approximately 60% of the community solar (in kilowatts) across the state. A&R Solar made significant contributions to the original drafting and ongoing edits of SB 5939 during the 2017 legislative session.

Responses to questions:

Consumer rules for electric companies are found in Washington Administrative Code (WAC) 480-100-103 through 480-100-199. Based on your understanding of community solar company business practices, are there any sections of WAC 480-100 that should not be applied to the new consumer protection rules and why? Are there additional consumer protection issues that we should address?

Based upon our understanding of community solar, community solar companies offer utility customers the opportunity to virtually subscribe to participate in funding a solar installation through shared ownership. Generally speaking, participants in a community solar project will benefit by receiving energy credits on their electric bill or by sharing in eligible incentive payments. By contrast, the sections in WAC 480-100-103 through 480-100-199 are related to the sale of power. These would be appropriate to apply to consumer protection rules for community solar only if a community solar project will be eliminating a participant's existing relationship with a regulated electric utility or if a project will become the primary source of electricity for a participant. In lieu of adopting consumer rules from WAC 480-100, we encourage the Commission to create rules to enforce the disclosures outlined in Section 7 of ESSB 5939, including requirements to disclose a project's recurring or nonrecurring charges, billing procedures, production projections, contact information, etc.



We examined WAC 480-14 as an example of rules for applications; reporting; fees; and suspension, cancellation, and reinstatement of permits. Specifically, we looked at WAC 480-14-140, 480-14-150, 480-14-180, 480-14-190, 480-14-220, 480-14-230, and 480-14-999. Based on your understanding of community solar company business practices, are there other rules that should be considered? In addition, which rules do you disagree with and why?

We believe that this framework for a regulated industry -- as presented in WAC 480-14's rules for applications, reporting requirements, and fees -- is an appropriate framework to apply to Community Solar Companies. We recommend that the Commission research existing frameworks for applications, reporting requirements or fees, as currently used in states with developed community solar regulations.

ESSB 5939 identifies community solar projects as no larger than 1000 kilowatts with at least 10 participants. If a project has fewer than 10 participants, does that project need to be included on the list published by the commission?

From our interpretation of ESSB 5939, projects are not eligible for the community solar program unless there are 10 or more participants.

Based on your understanding of community solar company business practices, are there other rules that should be considered? Which rules do you disagree with and why?

We recommend that the Commission reference expertise from the [Coalition for Community Solar Access](#) for best practices used in other states with successful community solar frameworks.

Thank you for the opportunity to offer these comments. I welcome a longer conversation if you would like to discuss these points further, or other matters of Washington's solar program where feedback from an experienced local solar installer would be beneficial.

With thanks,

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