

Ms. Eve Gonzalez
Executive Secretary
Louisiana Public Service Commission
PO Box 91154
Baton Rouge, LA 70821-9154

Re: Docket No. R-31417
Net Metering Rules
Complaint and Request to Comply with PURPA Law

Louisiana Solar Energy Society (“LSES”), a state chapter of the American Solar Energy Society, submits this formal complaint to the Louisiana Public Service Commission regarding Net Metering Docket No. R-31417. LSES asserts that several utilities are violating the federal Public Utility Regulatory Policies Act of 1978 (PURPA). LSES requests that the Louisiana Public Service Commission (“LPSC”) execute its duties under the law and require that these utilities immediately and retroactively comply with all terms of PURPA. Compliance would include compensation at avoided cost for all excess generation returned to the grid from residential and commercial solar systems that are not subject to a Net Metering Agreement.

It is LSES’s position that:

- PURPA provides that residential or commercial solar PV systems with less than 1MW capacity meet all the requirements to be categorized as a Small Power Production Qualifying Facility (QF) and are exempted from having to self-certify or file with Federal Energy Regulatory Commission (FERC) for QF status (18 C.F.R. §§ 292.203).
- PURPA requires electric utilities to purchase power at “avoided cost rates” from QF’s
- Three electric utility cooperatives, Panola-Harrison, Northeast and Washington-St. Tammany Coops, have been violating PURPA law by not purchasing power from solar PV system owners who have become customers after these utilities exceeded the 0.5% Net Metering Cap.

LPSC’s General Order dated February 27, 1998, Section 201(c) has a requirement that the LPSC review and approve all QF contracts. Because this General Order was issued in 1998, before significant activity in solar started, LSES suggests that this requirement was intended for the large cogeneration QF’s and not for Small Power Production facilities, such as individual residential solar PV systems. Requiring each homeowner to create a QF contract and then apply to the LPSC for approval, puts undue burden on both the homeowner and the LPSC, and will result in a surge of additional processing requirements for staff and commissioners. This is an excessive requirement for a homeowner to complete in order to achieve what is already mandated by federal law.

To resolve this situation, LSES proposes that the 1998 General Order be modified to provide that Small Power Production QF's of less than 300kw (which would coincide with current residential & commercial Net Metering Limits) be exempted from LPSC review and approval of QF contracts and that utilities must –at a minimum – compensate Small Power Production QF's at avoided cost for excess generation returned to the grid if they are not allowed to utilize Net Metering.

Because FERC relies on state regulatory authorities (like the LPSC) to implement and enforce the terms of PURPA, we ask the Commission to require utilities to comply with PURPA immediately and retroactively, and, specifically, require that utilities pay avoided cost for energy sent to the grid for those solar PV systems that are not allowed to have Net Metering, beginning from the date of interconnection.

Louisiana Solar Energy Society Board of Directors:



Jeff Shaw, LSES Director

Signing on behalf of the other LSES Board Members: Tony Adrian, Jason Garsee, Jim Landry, Matthew Newman, Edward Richmond, Karen Wetzel

American Solar Energy Society Board of Directors:



Carly Rixham, Executive Director



David Panich, Board Chair