

STATE OF INDIANA
INDIANA UTILITY REGULATORY COMMISSION

TRANSCRIPT OF TECHNICAL CONFERENCE REGARDING THE
SHORT-TERM IMPLEMENTATION OF INDIANA CODE
CHAPTER 8-1-40, ALSO KNOWN AS SENATE ENROLLED ACT 309

Technical Conference commenced to be heard on July 20, 2017 at 2:00 P.M. (EDT) in Hearing Room 222 of the PNC Center, Indianapolis, Indiana before Chairman James A. Atterholt, Commissioner James F. Huston, Commissioner Angela Rapp Weber, and Commissioner David E. Ziegner

Reporter: Lynda A. Ruble

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Indianapolis, Indiana
July 20, 2017
2:00 P.M. (EDT)

CHAIRMAN ATTERHOLT: Good afternoon, everyone.
Before we begin, we'll have Beth Heline, our General
Counsel, read the required legal notice before we begin.

Beth?

MS. HELINE: For the record, this is a Technical
Conference held by the Indiana Utility Regulatory
Commission on Thursday, July 20th, 2017, at 2:00 P.M. in
the Commission's hearing rooms at 101 West Washington
Street, Indianapolis, Indiana regarding the short-term
implementation of Indiana Code Chapter 8-1-40, also known
as Senate Enrolled Act 309.

Notice of the time and place of this public
meeting was given as provided by law by publication in
Allen County in the Journal Gazette on June 26th, 2017; in
Hendricks County in the Hendricks County Flyer on
June 24th, 2017 and also in the Hendricks County Republican
on June 29th, 2017; in Lake County in the Post Tribune on
June 22nd, 2017 and also in The Times on June 26th, 2017;
in Marion County in The Indianapolis Star on June 23rd,
2017, and in Vanderburgh County in the Courier & Press on
June 24th, 2017.

Each of said newspapers is a newspaper of general

1 circulation, printed and published in the English language,
2 and said publications were made at least ten days prior to
3 the date of this Technical Conference, and proofs of
4 publication of the notices have been received by the
5 Commission.

6 Notice has also been given to the Indiana Office
7 of the Utility Consumer Counselor and other interested
8 parties.

9 Please silence any cell phones or other
10 electronic devices.

11 Thank you.

12 CHAIRMAN ATTERHOLT: Thank you, Beth.

13 Welcome, everyone. Good afternoon. Thank you
14 for attending today's Technical Conference. We appreciate
15 your interest and your time. We appreciate everyone who
16 submitted comments, questions, and concerns.

17 I'd like to begin with some introductions. To my
18 left is Commissioner David Ziegner, to his left is
19 Commissioner Jim Huston, to my right is Commissioner
20 Angela Weber, and then our Chief Technical Advisor for the
21 Energy Division Dale Thomas is on the end there on the
22 right.

23 At the tables, we'll just kind of do the tables
24 here, and we'll have folks make introductions if they would
25 like. We're very pleased to have the Consumer Counselor,

1 Bill Fine, with us and Barbara Smith, Executive Director of
2 the Technical Operations for the OUCC, welcome.

3 We have in the -- kind of sitting in the back
4 behind the table Betsy Isenberg from the Attorney General's
5 Office who is just here to observe today; so we're not
6 going to make her take any tough questions today, but we're
7 happy to have you here, Barbara, thank -- or Betsy, thank
8 you for being here.

9 And then we have from our team, DeAnna Poon who
10 is our deputy General Counsel and then our chief of the
11 Consumer Affairs Division Kenya McMillin and then we have
12 to her left, we have Kris Wheeler from Bose McKinney.

13 Kris, is there anyone that you want to introduce
14 that you have here as guests?

15 MS. KERN WHEELER: No, sir, thank you.

16 CHAIRMAN ATTERHOLT: Okay, and then from the
17 Indiana Energy Association, we have Tim Rushenberg and
18 Mark Maassel, and do you all have introductions for your
19 members that you'd like to make this afternoon? People can
20 just raise their hand as you introduce them if you'd like
21 to.

22 MR. RUSHENBERG: We have Tim Fulton from Vectren
23 who will also be providing some information on the
24 interconnection rule today.

25 CHAIRMAN ATTERHOLT: Wonderful; welcome.

1 Jeff Hardin from Johnson-Melloh is here.

2 Jeff, do you have anyone else that you'd like to
3 introduce from your company?

4 MR. HARDIN: No.

5 CHAIRMAN ATTERHOLT: Wonderful.

6 We also have Brian Burkholder, owner of Solar
7 Energy Systems from Nappanee, Indiana. Welcome; thank you
8 for being here today.

9 Anyone else you'd like to introduce today?

10 MR. BURKHOLDER: Not at this time.

11 CHAIRMAN ATTERHOLT: Wonderful.

12 We also have Kerwin Olson from the Citizens
13 Action Coalition.

14 Kerwin submitted questions on behalf of kind of a
15 broader coalition.

16 Is there anyone you'd like to introduce, Kerwin?

17 MR. OLSON: Yeah; our general counsel,
18 Jennifer Washburn, and then -- that's Bob Johnson, not
19 him -- our legal intern, Emily Beckman, and then
20 Laura Arnold with IndianaDG and Joey Myles. We have
21 Wendy Bredhold from Sierra Club, and behind Laura, there's
22 Jesse Kharbanda from Hoosier Environmental Council.

23 CHAIRMAN ATTERHOLT: Very good, thank you.

24 I see Stefanie Krevda who's the Director of our
25 External Affairs for the IURC is roaming around

1 troubleshooting, and fortunately, there's no trouble yet
2 this afternoon; so I thank you for that.

3 The purpose of today's meeting is to address
4 questions, comments, and concerns about the implementation
5 of portions of Indiana Code Chapter 8-1-40 which was
6 recently enacted by the General Assembly, also known as
7 Senate Enrolled Act 309.

8 I hope this forum will help enable information
9 sharing, provide some clarity, and help move us forward
10 towards resolution on key questions related to
11 implementation.

12 It's important to the Commission that we give as
13 many people as possible a voice in this conversation.

14 Following this conference, the Commission may
15 take additional action, such as issuing a General
16 Administrative Order, an emergency clarification order,
17 guidelines, or even just a report.

18 As a former legislator, I'm very sensitive to not
19 only the role and intent of the General Assembly, but I'd
20 also like to make it clear that we're not here today to
21 re-litigate the policy directives of the Indiana General
22 Assembly.

23 I've asked the Commission's General Counsel,
24 Beth Heline, to moderate today's conference. We want to be
25 respectful of everyone's time today and use it wisely; so

1 Beth will review the processes and procedures, and we'll
2 proceed accordingly.

3 I've also asked Beth to do an overview of the
4 Commission's current interconnection rule. I want to be
5 very clear that if customers have followed the
6 interconnection rule and complied with the statutory
7 grandfather date, then, any additional time needed by the
8 utilities will be the responsibility of the utility and
9 will not adversely affect the grandfathering status of the
10 customer and the net metering facility.

11 With that, I yield to Beth Heline, our General
12 Counsel.

13 Beth?

14 MS. HELINE: Thank you, Chairman, and good
15 afternoon, and welcome.

16 As he mentioned, my name is Beth Heline. Many of
17 you will know me by my former name which was Beth Roads. I
18 used to have a great joke about my name and my email
19 address because BRoads, the way I spell my name, actually
20 spells broads, and IOT, our internet access people, was
21 kind enough to let me use my middle initial, and so I --
22 last February, I gained a wonderful husband and lost a
23 joke.

24 In addition to those who have already been
25 introduced, I just want to introduce those who are helping

1 out today. We have Stephanie Hodgkin who is working to meet
2 issues in the far back. We have Ryan Hadley; so if we need
3 to actually queue up to get to the microphones, he'll be
4 handling that, and then in 224 and helping out -- actually,
5 Ryan is in the outside room. Ryan, come in here.

6 And then I have two of my staff, Jeremy Comeau
7 and Brad Pope who are Assistant General Counsels who are
8 also assisting with overflow into 224, and just so you're
9 aware, this is -- the video stream is actually being shown
10 live in 224 as well.

11 CHAIRMAN ATTERHOLT: And, Beth, I also see
12 Brad Borum and Bob Pauley back there, a couple of veterans
13 from the Commission. Do you want to raise your hands? I
14 don't know if they were on your list or not.

15 MS. HELINE: They weren't on my list, but we
16 always welcome them, and Jane Steinhauer is --

17 CHAIRMAN ATTERHOLT: Oh, Jane, you've got to sit
18 up straight so I can see you. There's Jane Steinhauer, the
19 head of our Electric Division -- Energy Division.

20 MS. HELINE: So thank you, all.

21 Hopefully, you've all received -- you all picked
22 up a copy of the Agenda and Handout. We have paper copies,
23 and both are also available on the Commission's website if
24 you're viewing this conference on line.

25 There is a correction to the Handout. If you all

1 would turn with me to Page 6, Line 29, there was something
2 that didn't get printed, and so Line 29, there should
3 actually be a 2 in parens there and the date of July 1,
4 2032; so that's a correction to the Handout that was passed
5 out.

6 Again, so this Handout has copies of the statute,
7 the net metering and interconnection rules, as well as all
8 the comments that we received. It's paged as one document
9 with line numbers, and so my goal is that we'll all
10 hopefully and literally be on the same page.

11 As the Chairman mentioned, the Commission would
12 like to ensure each Agenda item is addressed and that all
13 parties have the opportunity to ask questions and provide
14 comments. We ask for your cooperation to help make this
15 happen.

16 Because today's schedule -- discussion could be
17 the evidentiary basis for a possible Commission order,
18 today's discussion will be transcribed by the Commission's
19 Court Reporters, Lynda Ruble, who you see before you, and
20 Amy Tokash, who will be joining us later. In order for
21 them to do their job, only one person can speak at a time,
22 and you need to speak slowly and clearly into a microphone.

23 Those sitting at the tables have access to a
24 microphone in front of them. You need to make sure that
25 you push the button and that the red light is on in order

1 for it to work. We do want to hear from everyone in the
2 audience who has a question or a comment, but you still
3 need to speak into a microphone, and for that purpose, we
4 have an empty seat here at the far end of this table, and
5 what we'll be doing is if you have a question or comment,
6 feel free to raise your hand. Ryan or Stefanie will help
7 line people up, if there is more than just one, but then
8 we'll have you come up to this seat and microphone and
9 please state your name and if you're with an organization,
10 if you're representing somebody, what organization you're
11 with.

12 And then we'll be using the chairs along the wall
13 for the -- if there is more than one person that wants to
14 come up to the microphone, and Ryan and Stefanie, again,
15 are going to be handling that kind of queue-up process.

16 We don't want anybody just standing up. For
17 those of you who were at some of the hearings in the
18 General Assembly, they literally had people fainting within
19 the first 45 minutes. We're trying to have a safe, healthy
20 conference today; so please don't try to just stand along
21 the wall, and we don't want to have any issues along that
22 line.

23 As we move through the Agenda, I'll introduce the
24 topic, including who provided questions and comments on
25 that topic, and I'll call on those who provided those

1 written comments on the topic. If you have additional
2 comments and questions on the list of topics but have not
3 been called on, again, please raise your hand. It just
4 makes for an orderly process so we can make sure people can
5 have an opportunity to provide their comments and
6 questions.

7 Please remember that today's focus is on the
8 implementation of Indiana Code Chapter 8-1-40, specifically
9 those provisions affecting the December 31st grandfather
10 deadline. Because the Commission is required by statute to
11 remain impartial and to base its decisions on the evidence
12 presented in the record in a case before it, we will not be
13 discussing those aspects of the statute that involve future
14 decisions by the Commission.

15 Also, I know there are a lot of questions on
16 Section 23 of the statute regarding customers' rights and
17 the rules to be adopted by the Attorney General.
18 Betsy Isenberg is here as well as a staff member from the
19 Attorney General's Office, but at this point in time, she's
20 here to listen to this discussion and will not be answering
21 questions today.

22 While the Commission's Staff will be providing
23 whatever assistance the Attorney General's Office would
24 like, that rulemaking is their responsibility and is
25 outside of the scope of the Commission and what we'll be

1 discussing today. In addition, as previously noted, we
2 will not be discussing the policy decisions of the
3 Legislature.

4 So to start us off, we will go through an
5 overview of the interconnection rule. That's on Pages 14
6 through 26 of the Handout, and so we'll provide a brief
7 explanation of the current interconnection rule because we
8 think this will help inform the discussion and even provide
9 some answers to some of the questions that were submitted.

10 So, first of all, let me just say that only the
11 applicable portions of the rule apply to net metering and
12 distributed generation as defined in Indiana Code
13 Chapter 8-1-40. Please remember that the interconnection
14 rule applies to all kinds of interconnections, not just net
15 metering or distributed generation; therefore, there are
16 some terms in the interconnection rule that don't apply to
17 net metering and distributed generation, particularly as
18 defined in Indiana Code Chapter 8-1-40.

19 For example, the interconnection rule refers to
20 third party owned infrastructure. That's on Page 14.
21 However, under the statute, net metering and distributed
22 generation is defined as 1 megawatt or less and customer
23 owned. Thus, that portion of the interconnection rule
24 regarding third party ownership does not apply to net
25 metering or distributed generation.

1 And please also remember the basic idea that the
2 statute trumps the administrative rule. If you think there
3 is a conflict between the statute and the administrative
4 rule, please refer to the statute. That's -- That would be
5 the ruling authority.

6 And then I just wanted to go through -- The next
7 part is to review some of the timelines that are in the
8 rule. If you look at Page 16, Lines 27 through 39, it
9 gives the definitions of what a Level 1 interconnection is
10 and what a Level 2 interconnection is, and so a Level 1 is
11 a facility that has a nameplate capacity of 10 kilowatts or
12 less and meets the certification requirements of Section 5
13 of the rule.

14 A Level 2 is a facility that has a nameplate
15 capacity of 2 megawatts or less and meets the certification
16 requirements of Section 5 of the rule.

17 Obviously, Level 2 applies to more types of
18 interconnections with greater nameplate capacity than was
19 allowed for net metering and distributed generation which
20 is up to 1 megawatt; however, the time frames for Level 1
21 and Level 2 interconnections are the same, and so we're
22 going to kind of work through what the steps are in that
23 process.

24 First is the submission of an application. Ten
25 days after receiving the application, the utility will

1 provide notice that the application is complete. Fifteen
2 days after that, the notice from the utility -- there's a
3 notice from the utility about the type of facility and
4 location of interconnection that meets the criteria of the
5 rule and is approved. Then the utility sends notice
6 regarding if an inspection is required, and they send a
7 signed interconnection agreement. That's ten business days
8 later. And then, finally, ten business days prior to the
9 start of operation, the customer returns an executed
10 interconnection agreement and provides a start date for
11 their operation.

12 So how does this timeline fit looking backwards
13 from December 31 of 2017? Please note that this portion of
14 this presentation -- actually, all of this presentation is
15 the legal analysis of the Commission's Office of General
16 Counsel and is not necessarily the Commission's analysis
17 itself.

18 So if you talk -- if you assume that installation
19 is complete by December 31 of 2017, and you work backwards,
20 that 10 days before, that works out to December 14th, and
21 remember we're talking business days; so holidays and
22 weekends don't count, okay, and then if you work back from
23 there, as far as that notice of inspection/agreement, so we
24 gave two days -- at least I put two days in between for the
25 agreement -- interconnection agreement to be sent out and

1 the customer to get it back. Realize if that takes longer,
2 that might change some things. Then moving back, that
3 15 days prior to that when it's approved, that means you're
4 talking about November 28th of 2017, and then going back to
5 when the notice of application is complete, that's
6 November 2nd of 2017, and if you move back from that
7 10 business days, that brings you to October 19th, 2017.
8 So based on the timelines in the interconnection rule, the
9 application would need to be submitted by October 19th of
10 2017.

11 And, then, again, please note -- and this is my
12 legal disclaimer, so everybody pay attention -- this
13 assumes that the application is complete, the facility and
14 interconnection point meets all of the rule's requirements
15 for safety and reliability, that there is a fully executed
16 interconnection agreement that's been received by the
17 utility, and the net metering facility has been fully
18 installed and meets all applicable building codes and
19 permits. So that's working backward from there.

20 We did also want to provide some information
21 about what happens during those timelines -- time frames,
22 and we felt that would be best provided by the utilities;
23 so I believe the -- I can turn it over to Mark -- I mean,
24 to Mr. Maassel or, Mr. Rushenberg, I believe you have
25 someone to come forward and talk about those time frames.

1 MR. RUSHENBERG: We do, thank you.

2 Tim Fulton is with Vectren, and he will be
3 walking through the interconnection rule, the various
4 deadlines and steps, and will provide an explanation from
5 the utility standpoint, if you will.

6 MS. HELINE: And you will really have to almost
7 eat the microphone to speak into it.

8 MR. FULTON: I would like to talk about the IAC
9 interconnection timeline as it applies to utilities and
10 Vectren's experience processing interconnection
11 applications.

12 The Indiana Administrative Code mandates three
13 interconnection review levels that utilities must adopt.
14 The review level is determined by nameplate capacity of the
15 customer generation, if the system is inverter based, and
16 if the system meets the requirements found in Section 5.
17 The certification requirements in Section 5 provide details
18 on how to determine if an application qualifies for a
19 Level 1 or a Level 2 review and relies on industry
20 standards.

21 The IAC supplies a list of technical requirements
22 for Level 1 and Level 2 reviews that if met allow a
23 customer to interconnect to the electrical system
24 contingent on completing the remainder of the process.
25 Although many of the requirements are technical, I refer to

1 these particular requirements as technical requirements and
2 the corresponding review as the technical review. A
3 utility cannot oppose -- impose additional technical
4 requirements beyond those listed and shall grant contingent
5 approval if they are met. The final approval is granted
6 when the utility completes the bidirectional meter
7 installation.

8 A Level 3 review process is reserved for
9 applications that connect to the distribution system and do
10 not meet the requirements found in the Level 1 or Level 2
11 review. Nearly all interconnections processed by Vectren
12 have been processed as a Level 1 or a Level 2 review.
13 Vectren has processed only one Level 3 application which
14 was not a net meter. Because Level 3 applications seem to
15 be the exception, I do not intend to cover the Level 3
16 process.

17 The Level 1 Interconnection Review. To determine
18 if an application should be processed under the Level 1
19 review procedure, it must meet three requirements:
20 interconnection must be inverter based, have a nameplate
21 capacity of 10 kilowatts or less, and meet the
22 certification requirements of Section 5.

23 Within the Level 1 review procedure, the IAC
24 specifies three utility time limits, assuming application
25 approval. When I mention days, I'm referring to business

1 days. After receiving the application, the utility is
2 allowed ten days for application review. During this time,
3 the utility must verify that the application was submitted
4 at the proper review level and the application has the
5 necessary information to process. If information is
6 missing or the application was submitted at the incorrect
7 level, the utility notifies the customer of the issue or
8 issues and the customer must resubmit the application. If
9 the customer must resubmit the application, the ten-day
10 timeline is reset.

11 On the other hand, if the utility determines that
12 the application is complete and correct, the utility
13 notifies the customer of the same.

14 In the next step, the IAC allows 15 days for the
15 utility to determine if the application meets the Level 1
16 technical requirements found in Section 6, c through h.
17 This is the technical review phase of the process which
18 primarily involves data collection and analysis. It may
19 also include a field visit to verify utility equipment. If
20 the review finds that the proposed interconnection fails
21 one or more of the applicable requirements, the utility
22 notifies the customer that the application was denied.
23 Along with a notification, the utility supplies the reasons
24 why the application was denied.

25 On the other hand, if the review finds the

1 proposed interconnection meets all applicable requirements,
2 the utility notifies the customer of contingent approval.

3 After the customer is notified of contingent
4 approval, the utility must send the customer an executed
5 interconnection agreement within ten days. This
6 notification also reminds the customer that proof of
7 insurance is required along with a generation start date.

8 The process continues after the return of the
9 interconnection agreement, proof of insurance, and start
10 date. The process completes with the installation of a
11 bidirectional meter and account setup.

12 To restate the IAC utility timeline for a Level 1
13 review, the utility is allowed 10 days for the application
14 review, 15 days for the technical review, and 10 days to
15 send the executed interconnection agreement to the
16 customer.

17 Vectren has historically processed Level 1
18 applications much faster than the IAC allowed timeline.
19 Vectren may be able to continue processing applications
20 more quickly if the number and type of applications match
21 historical experience.

22 At times, Vectren performs the Level 1 technical
23 review before notifying the customer that the application
24 is complete. This process is typically more efficient when
25 both the application review and technical review are

1 conducted together.

2 A higher rate of applications can slow the
3 process. More applications will require more resources.
4 Also, the process can be slowed if Vectren receives larger
5 applications than it has historically received.

6 The Level 2 Interconnection Review. To determine
7 if an application should be processed under the Level 2
8 review procedure, interconnection must have a nameplate
9 capacity of 2 megawatts or less and meet the certification
10 requirements of Section 5. Because net metering is bounded
11 by an upper limit of 1 megawatt, Vectren does not expect to
12 receive any Level 2 applications over 1 megawatt.

13 Overall, the Level 2 process is similar to the
14 Level 1 process but adds the option for an additional
15 technical review because larger customer generation can
16 have greater impacts on the T&D system and other customers.

17 Within the Level 2 review procedure, the IAC
18 specifies up to four utility time limits depending on the
19 results of the initial technical review.

20 After receiving the application, the utility is
21 allowed ten days for the application review. Although a
22 Level 2 application requirements -- requires more
23 information than a Level 1 application, the basic
24 application review is the same.

25 After the application review is complete, the

1 utility is allowed 15 days to perform an initial technical
2 review. The initial technical review determines if the
3 application meets the Level 2 requirements found in
4 Section 7, c through o. Similar to the Level 1 technical
5 review, this phase primarily involves data collection and
6 analysis, but since the Level 2 process allows larger and
7 more complex generation, the requirements cover more
8 scenarios and larger systems. Like the Level 1 review, the
9 initial technical review may involve a field visit to
10 verify equipment.

11 Depending on the results of the initial technical
12 review, the utility proceeds down one of four paths as
13 outlined by the IAC.

14 Path 1, the initial technical review found that
15 the customer generation meets all applicable requirements,
16 and the application can be given contingent approval.

17 Path 2, the initial technical review found that
18 the customer generation failed to meet one or more
19 applicable requirements, but the utility has determined
20 that the customer generation can be connected.

21 Path 3, the initial technical review found that
22 the customer generation failed to meet one or more
23 applicable requirements, but the utility thinks an
24 additional review may allow the customer generation to be
25 connected.

1 Path 4, the initial technical review found that
2 the customer generation failed to meet one or more
3 applicable requirements, and an additional review will not
4 change the outcome, and the application is denied.

5 If the outcome of the initial technical review is
6 contingent approval, which is Path 1 or Path 2, the
7 remainder of the process is very similar to the Level 1
8 review.

9 If the outcome of the initial technical review is
10 Path 3, which is an additional review is warranted, the
11 utility contacts the customer and offers to perform the
12 additional review. Following the offer, the utility also
13 must supply the customer with a good faith estimate and
14 required modifications or both. If the customer decides to
15 pay for the additional review, the utility has ten days
16 from receipt of payment to complete the review and notify
17 the customer of the results. The results must include a
18 cost estimate of the required modifications.

19 After the customer notifies the utility of their
20 intent to proceed and payment terms are agreed upon, the
21 utility shall schedule and complete the modifications.
22 After the modifications are complete, the utility has five
23 days to notify the customer of contingent approval. The
24 remainder of the process is very similar to the Level 1
25 review.

1 If the outcome of the initial technical review is
2 Path 4, an additional review would not allow the utility to
3 determine if the generation can be connected. In this
4 case, the utility notifies the customer that the
5 application has been denied and provides an explanation for
6 the denial.

7 To restate the IAC timeline for a Level 2 review,
8 assuming an additional technical review is conducted, and
9 when an additional technical review is needed, this is the
10 longest timeline for a Level 2 review, the application
11 review, the utility is allowed 10 days; the utility is
12 allowed 15 days for the initial technical review; the
13 utility is allowed 10 days for the additional technical
14 review, and the utility is allowed 5 days after facility
15 modifications are complete to send the customer an executed
16 interconnection agreement.

17 Historically, Vectren has processed Level 2
18 applications in less time than the IAC allowed timeline.
19 For smaller Level 2 applications, Vectren typically
20 completes the application review and the initial technical
21 review before notifying the customer of application
22 approval. The reason for this is the same one given for a
23 Level 1 review; it's efficiency.

24 Vectren has found that customer generation above
25 100 kilowatts has more potential to affect T&D equipment as

1 well as other customers. As a result, Vectren expects
2 larger applications will require an additional technical
3 review and more time to process which can affect other
4 application processing times.

5 Similar to the Level 1 review process, a Level 2
6 process can be slowed by an increase in application
7 submittals.

8 Items that Can Happen -- Items that Can and Have
9 Slowed the Process. Based on the history with processing
10 interconnections, there are items that can and have slowed
11 the interconnection approval process. Here are a few
12 examples.

13 Many of the submitted applications are missing
14 information, have the wrong information, or were submitted
15 at the wrong level. Vectren's Level 1 and Level 2 forms
16 are not the same. The customer must choose the correct
17 form based on inverter size. Vectren has received
18 incorrect submittals.

19 Incomplete onelines are common. The onelines are
20 attached to the interconnection agreements so they must
21 contain the proper and correct amount of information. This
22 is more of a do-it-yourselfer -- do-it-yourselfer issue,
23 but it happens at a regular occurrence.

24 Missing or incorrect insurance documents occur
25 frequently. In many cases, Vectren's insurance department

1 will contact the insurance company directly to obtain the
2 proper documents.

3 Many customers are unaware that a county
4 inspection is required. Most of the counties in Vectren's
5 service territory require an inspection of the customer's
6 generation installation. Although the letter that
7 accompanies the interconnection agreement notifies the
8 customer that a local inspection may be required, we have
9 been contacted by customers waiting on their bidirectional
10 meter installations only to find out that their county
11 inspection has not been completed.

12 Many customers submit their application long
13 before their equipment installation is complete. In
14 locations that require county inspections, the application
15 process cannot be completed until the equipment
16 installation is complete. This usually doesn't result in
17 an upset customer, but it can add a significant amount of
18 time to the process.

19 Customers have changed the size or other
20 characteristics of their installation during the
21 application process. This is more common on larger
22 installations. Larger applications involve frequent
23 dialogue with the customer, and in many cases, their
24 installation may evolve as they work through their details
25 and understand the results of the Vectren study.

1 That's all the comments I have.

2 MR. MAASSEL: If I might simply build on his
3 comments, perhaps expand on them just a little bit.

4 As you heard, Mr. Fulton works at Vectren and was
5 able to articulate that Vectren typically processes Level 1
6 and the smaller Level 2 applications and reviews in less
7 than the time allotted by the Administrative Code. That is
8 subject, of course, to the various caveats of a complete
9 application, so on and so on and so on, which he outlined.

10 Let me simply add that in discussions with the
11 members of the IEA, each of the electric utilities is in
12 the same position. Each of them typically processes things
13 sooner than what the IAC necessarily provides. They will
14 continue to attempt to do that, but to the extent there is
15 a great increase in either the number or the complexity of
16 the applications, that may have an impact on exactly how
17 this flows.

18 Going back to the Chairman's comment earlier,
19 however, we recognize that the IAC is what it is, and to
20 the extent that it takes more time than what's outlined in
21 the IAC itself, we would suggest two things.

22 First of all, try to get us the information
23 sooner rather than later; don't wait until it's right at
24 the very end right at the wire.

25 The second thing is if you are right at the wire,

1 sort of the October 19th kind of a thing, recognize that
2 the challenge will be that all of these things need to be
3 correct, and they need to be done in a timely fashion, and
4 if we do, in fact, see a whole bunch of applications coming
5 in, you may find that we are required to take this full 10
6 or 15, whatever period of time, that's necessary.

7 To the extent we go beyond that, that is not
8 going to be used to somehow limit a customer's ability to
9 net meter this year; in other words, December 31st, 2017,
10 also then getting the grandfathering through 2047 that is
11 provided under Senate Enrolled Act 309 or Section 40 of
12 Title 8.

13 MS. HELINE: Okay, thank you for that.

14 I did want to open this up, too, so if any solar
15 installers that are here today, that if you want to comment
16 at all as far as what you see happening during these time
17 frames, that might be helpful. You know, if there's
18 information, that would be helpful for everybody to know
19 here as well.

20 CHAIRMAN ATTERHOLT: While we're doing that,
21 Beth, just a quick question.

22 Mr. Maassel, could you just -- could you just
23 elaborate a little bit on what your members are doing to
24 prepare and ramp up for an expected surge in applications?

25 Are folks preparing for an increase in the number

1 of applications?

2 MR. MAASSEL: They are -- Is this on? They are,
3 and, frankly, they're already seeing a bit of an increase
4 compared to kind of an historic level.

5 The steps that they're taking at this point is
6 simply to go through their organizations or companies, make
7 certain that everybody is prepared for the work that will
8 be coming at them, that everyone is aware of the rules that
9 are set forth by the Commission, the guidelines that are
10 set out in the statute, and the way that that will play
11 together so that everyone is prepared to do it.

12 As you heard Mr. Fulton go through, the
13 engineering and technical reviews have not changed from
14 what has historically been in place under the Commission's
15 rule to what's now going to be in place as a result of the
16 enactment of Senate Enrolled Act 309; so those will
17 continue on as they have in the past.

18 CHAIRMAN ATTERHOLT: And just to be clear, just
19 to make sure we're on the same page, did I hear you say
20 correctly, and if I did, I'm pleased to hear it, that if
21 the installer or the customer gets their application in on
22 time, again, preferably sooner rather than later, but if
23 they make the deadline and if the application is complete
24 and appropriate, but the utility does not complete it by
25 December 31st, the onus is on the utility, not on the

1 customer or the installer? Is that what I heard you say?

2 MR. MAASSEL: That is a true statement.

3 I would also acknowledge that your caveat was
4 correct, sooner is definitely better than later, and keep
5 in mind that what we're talking about at the moment is how
6 a customer achieves participation in the utility's net
7 metering program, one of two criteria that the statute sets
8 out in order to be able to participate in the net metering
9 program this year and then achieve the grandfathering
10 through 2047. We have not yet talked a lot about the
11 installation aspect of it. Certainly our industry has a
12 view on that, but, again, we would just highlight that the
13 customer needs to have a system installed, in place, as
14 that term is used in the statute.

15 CHAIRMAN ATTERHOLT: Thank you.

16 MS. HELINE: I believe, Mr. Burkholder, if you
17 want to talk about what happens from the solar installer's
18 viewpoint during this time, that would be helpful.

19 COMMISSIONER ZIEGNER: Beth --

20 MS. HELINE: Thank you.

21 COMMISSIONER ZIEGNER: Beth, excuse me, could I
22 ask a --

23 MS. HELINE: Obviously, I yield to Commissioner
24 Ziegner.

25 Sorry, Mr. Burkholder.

1 COMMISSIONER ZIEGNER: I apologize. I should
2 have jumped in.

3 Mr. Fulton was describing the Level 1 and Level 2
4 application processes, and when there are issues, maybe not
5 rising to the point where it's a rejection, is there an
6 opportunity for the applicant and the utility to dialogue a
7 little bit to learn what's going on with the application?

8 MR. MAASSEL: That's a great question. The
9 answer is yes, and, again, as Mr. Fulton described, many
10 times when there's not a problem, the dialogue, if you
11 will, is simply, you're good to go; go ahead and charge
12 forward.

13 To the extent that there is an issue that is
14 beginning to arise, you're describing a not uncommon
15 practice of discussion back and forth, and many times the
16 issue is resolved by the customer that's looking to install
17 simply saying, well, what if I did just a little bit
18 smaller system than what I initially envisioned?

19 That can save cost in terms of utility upgrades;
20 it can save time in the whole process. That's where that
21 dialogue is so important.

22 MS. HELINE: No further questions -- If there are
23 no further questions from the Bench, Mr. Burkholder?

24 Thank you.

25 MR. OLSON: If I may, Your Honor, before Brian

1 speaks?

2 MS. HELINE: Well, he raised his hand first,
3 so -- And I'm not Your Honor; I'm just Ms. Heline. That's
4 totally fine.

5 So, Mr. Burkholder?

6 Thank you.

7 MR. BURKHOLDER: Thank you.

8 We do have a concern in utility application
9 submission to the time that the customer receives the net
10 metering agreement.

11 I believe most of you should be aware that with
12 the 309 being December 31st deadline, there will be an
13 increase in applications across Indiana because of this
14 deadline. We do have a concern.

15 I do have e-mail confirmation that on 3-21 we
16 sent an application for a client to a net metering program,
17 and we received a net metering agreement on June 30th;
18 that's 73 working days, and so our concern is where --
19 whose fault is that? We did not get any negative feedback
20 from the utility at all, and we have not yet seen the
21 increase that we'll be seeing from here to December. So
22 what will be done?

23 We do have another application that was submitted
24 on June 21st that we still do not have any feedback from
25 the utility.

1 MS. HELINE: Mr. Maassel, if you want to --

2 MR. MAASSEL: I'll certainly be happy to comment.

3 Obviously, in a setting like this, I can't
4 comment on a specific utility issue; you know, Utility A
5 did one, two, or three, and would simply encourage you to
6 reach back out to that utility.

7 What I -- What I would convey to people is
8 sitting here today and looking forward, the utilities in
9 Indiana understand our obligations under the Commission
10 rules and under the statute, and to the extent that we
11 cause some sort of delay, so to build on Mr. Burkholder's
12 example, if a customer was to go ahead and submit an
13 application, I'm going to make this extreme, on
14 October 19th, and that first review where we're allowed ten
15 business days takes more than that, let's just say 15,
16 those extra five days will not be held against the
17 utility -- the customer, I'm sorry, in terms of whether
18 they're eligible for grandfathering under the provisions of
19 309; in other words, they will be grandfathered through
20 2047.

21 CHAIRMAN ATTERHOLT: And, Mr. Maassel, I
22 appreciate you've got somebody from Vectren here, but I
23 think you've got somebody from all of your companies here;
24 correct?

25 MR. MAASSEL: We do.

1 CHAIRMAN ATTERHOLT: So would they be available
2 afterwards if people had specific issues with that
3 individual company?

4 MR. MAASSEL: Absolutely; please raise them.

5 CHAIRMAN ATTERHOLT: If you want to catch him
6 afterwards, he'll connect you with the utility that you're
7 having trouble with and can address that issue.

8 Please go ahead.

9 MR. BURKHOLDER: The question that I'd like to
10 address is, is there anything that we can get in writing so
11 that the client, not me as the solar installer, but the
12 client can be assured that they're not putting out their
13 money and having a system installed and not being
14 grandfathered? The timeline is not defined in the 309
15 bill; so we'd like that clarified and defined in print if
16 we could.

17 CHAIRMAN ATTERHOLT: If I could just ask you: Is
18 this helpful, to have this clarified, this timeline, or are
19 you talking -- Help me understand what you -- what you'd
20 like to have accommodated.

21 Does this timeline that's up here help you and
22 your customer get that -- where you need to be or are you
23 looking -- Help me -- Help me to --

24 MR. BURKHOLDER: It does help, yes.

25 CHAIRMAN ATTERHOLT: -- Explain what you mean.

1 MR. BURKHOLDER: It absolutely helps.

2 My concern for the customer is, if the utility
3 drags their feet on any part of it, will the utility take
4 responsibility or is that the customer's issue?

5 CHAIRMAN ATTERHOLT: Mr. Maassel?

6 MR. MAASSEL: If I could, what I would suggest is
7 that perhaps you look at -- it's Page 36 of 38 in the
8 document the IURC prepared, down at Lines 31 and 32, and
9 you were asking about a written statement from the
10 utilities.

11 This was filed by the IEA on behalf of our
12 members, and what it simply says is that "In the event that
13 the Customer achieves the two key milestones discussed
14 above, -- in other words, the system is installed and the
15 customer is participating in the net metering rule or
16 program of that particular company -- and the Utility is
17 unable to complete its inspections and upgrades prior to
18 January 1, 2018, the Customer will be -- and then
19 continuing on to the next page -- 'grandfathered' --
20 subject to the Customer meeting all other requirements."

21 Now, keep in mind that's local zoning,
22 permitting, homeowner associations, inspections by county
23 or other officials, all of that stuff still needs to be
24 done, and that stuff is outside of the control of the
25 utility, but there's a written commitment that the utility

1 will not cause a customer to be ineligible for
2 grandfathering this year if, in fact, the customer has met
3 all of these other steps in the process.

4 MS. HELINE: Thank you.

5 Mr. Olson, you had raised your hand next.

6 MR. OLSON: Yes, thank you.

7 First of all, Mr. Chairman, I would like to say
8 that Joint Commenters feel a little disadvantaged at the
9 moment. We're 45 minutes into this Technical Conference,
10 and it has been pretty much absorbed by the Indiana Energy
11 Association -- one of their utilities discussing things
12 which we believe could have been submitted in writing.

13 We provided examples -- just a few examples of
14 some issues that are being experienced in the field. The
15 Indiana Energy Association and their member utilities did
16 not choose to provide that in writing; rather, they took
17 half an hour of today's Technical Conference to articulate
18 what we believe could have been articulated in written
19 comments, such as we filed, and so I will reserve our right
20 to respond -- since this is being transcribed, I'll reserve
21 our right to discuss with our colleagues and our members
22 and other solar installers with respect to their comments.

23 Secondly, I would like -- With all due respect to
24 Mr. Maassel, the idea of Vectren getting all applications
25 in on time, let me be clear, that is his opinion; that is

1 not a fact. Is this a case in which we're going to conduct
2 discovery to substantiate some of these claims being made
3 by the Indiana Energy Association and their member
4 utilities today? I think that's critical.

5 Secondly, with all due respect, Mr. Chairman, I
6 don't think we came here today looking to kibitz with the
7 utilities over specific issues that installers may be
8 having with one utility or another. I think we came here
9 today hoping that the Commission would get an understanding
10 that there are issues across the State.

11 There is a huge interest right now in solar. We
12 have a controversial bill that is affecting a lot of -- a
13 lot of folks; it's emotional. We have five utilities who
14 do things very, very differently, very inconsistent, and it
15 was our hope that we would come here today and the
16 Commission would provide some protection for customers; for
17 these solar installers, some consistency statewide, rather
18 than providing a forum to discuss with a particular utility
19 about a problem a solar installer may have.

20 Lastly, I'm not clear what this timeline is that
21 is on the wall, but I can state unequivocally that it is
22 the position of Joint Commenters that -- from our
23 perspective and in our opinion, that if a customer and a
24 solar installer have done everything on their end that is
25 required of them with respect to sizing a system, pricing a

1 system, planning a system, obtaining financing, signing
2 contracts, putting down down payments, making a financial
3 commitment, and submitting that paperwork to the utility by
4 December 31st, 2017, if a customer has done everything that
5 is required of them on their end, including financial skin
6 in the game, by December 31st, 2017, they have a postmarked
7 envelope of their submission of an interconnection
8 application to the utility, then, they should be
9 grandfathered under Senate Bill 309. That is our position,
10 and so we're not clear on precisely what this timeline is
11 suggesting.

12 CHAIRMAN ATTERHOLT: Okay. Well, a couple of
13 things, Mr. Olson.

14 First of all, points all well taken. You came
15 before the Commission informally with your -- with the CAC
16 about a month and-a-half, maybe two months ago, and
17 expressed these concerns about confusion and wanted
18 clarity. This -- We're here because of your request;
19 so --

20 MR. OLSON: I appreciate that, and I understand
21 that.

22 CHAIRMAN ATTERHOLT: Well, I didn't hear that in
23 your comments; so I just want you to know that's why we're
24 here, and so we're trying to set the table here.

25 The timeline up there was Ms. Heline's attempt to

1 at least -- with her legal experience, to sort of begin the
2 conversation.

3 We've just started. We welcome your questions;
4 we welcome your input. So give us a chance to kind of
5 flush this out a little bit. No conclusions have been
6 reached.

7 With that, we'll continue to -- Did you have a
8 question, Commissioner Weber?

9 COMMISSIONER WEBER: I have a question.

10 Mr. Olson, did you say kibitz?

11 MR. OLSON: I did say kibitz. Isn't that
12 strange?

13 COMMISSIONER WEBER: What does that word mean,
14 and how do you spell it?

15 MR. OLSON: Kibitz is a word I heard all the time
16 growing up on the upper west side of Manhattan about having
17 a casual conversation.

18 COMMISSIONER WEBER: Yeah.

19 MR. OLSON: I have no idea how to spell it.

20 COMMISSIONER WEBER: I kind of enjoyed the kibitz
21 from the installer, and actually, it leads to some
22 questions I have that I think relate to what you said, and
23 these are directed to Mr. Maassel.

24 So with respect to this timeline, and maybe you
25 could help me understand, when there's like a physical

1 installation, you know, that's a question concerning --
2 things that people have raised is installation, but if
3 there's a physical installation, when does that occur?

4 I understand -- Maybe someone from the utility
5 could help me. I understand there's a submission of an
6 application. There's some of these paperwork things that
7 occur.

8 When does a physical installation occur in this
9 process? Does someone know the answer?

10 Mr. Maassel, do you know by any chance?

11 Mr. Rushenberg, that's fine, too.

12 MR. RUSHENBERG: That's fine. Thank you,
13 Commissioner.

14 Yes.

15 In our written comments which we submitted, we
16 talk a little bit about the two requirements in Senate
17 Enrolled Act 309. One of them is the installed part; the
18 other part is the participating end of the tariff, that
19 metering tariff.

20 So the way installed -- We look at the dictionary
21 as to how installed is defined, and this is -- what we mean
22 by this is this is when the net metering facility needs to
23 be installed no later than December 31 of 2017 in order to
24 qualify for the grandfathering. So in terms of -- If you
25 look at the Oxford English Dictionary, it defines installed

1 as "to place in position or connect for service or use".

2 So, in our view, as used in Senate Enrolled Act
3 309, the customer's net metering equipment must be in place
4 and ready to be operated, and such installation must be
5 consistent with an interconnection agreement,
6 interconnection application submitted to and approved by
7 the utility pursuant to the interconnection rules of the
8 Commission, as well as consistent with Senate Enrolled Act
9 309, the net metering rules, and the net metering tariffs.
10 So, in other words, it needs to be in place and
11 operational.

12 COMMISSIONER WEBER: So at what point in this
13 process does that actually occur? If I'm -- If I want to,
14 you know, install some solar panels and I submit an
15 application to a utility, when do I physically do that?
16 I've never done it before so I don't know. Maybe one of
17 the -- someone else can help me with that.

18 So do you need to get an approved application
19 from the utility before you install something? I'm just
20 curious.

21 MR. MAASSEL: From the utility's perspective, the
22 answer would be no, you do not need to have the approved
23 application.

24 You could do it totally the other direction
25 should you choose as a customer. That's a customer

1 decision. You could, frankly, build the entire system and
2 then file the application, so on and so on and so on.

3 I'm going to suggest that may not be the most
4 advisable thing because of the technical requirements that
5 are placed on the utility to assure that this system on a
6 customer's home or business will, in fact, operate in a way
7 that assures that it's safe, that it does not impact the
8 reliability of the system or the power quality of the
9 customer -- the other customers in that particular area.

10 COMMISSIONER WEBER: Okay. So I might be just
11 missing some nuance here from the discussion, but it sounds
12 to me that what the utilities are saying is that if you get
13 an application, you submit it, and ultimately it's
14 approved, it's considered installed; is that correct?

15 MR. MAASSEL: I think the application itself is
16 what we would look at and say that is going to lead to
17 participating --

18 COMMISSIONER WEBER: Okay.

19 MR. MAASSEL: -- so it's one of the two.

20 Installed is that there has to physically be all
21 of the stuff that's necessary to create the net metering
22 facility, whether that's the generation device, the solar
23 panel, for example, inverters, all of the wiring that needs
24 to happen, that's what's going to create the installed
25 aspect to meet the statute. Participation is going through

1 the process that's outlined throughout the Commission's
2 administrative rules.

3 COMMISSIONER WEBER: So, then, back to
4 Mr. Burkholder's issue, the applications have been
5 submitted, he hasn't heard from -- some installers or
6 developers, that they haven't heard anything; so they can't
7 even get to participating yet let alone installed; is that
8 correct?

9 MR. MAASSEL: They could install separately;
10 so --

11 COMMISSIONER WEBER: Okay.

12 MR. MAASSEL: -- they might be able to get
13 their -- The commitment from the utilities is that
14 recognizing the deadlines that were set by 309, if he runs
15 into that situation in the future where the utility is not
16 able to accomplish what we're allowed to do under the rule
17 within the time frames given to us, we will not hold that
18 time against the customer in terms of saying you're
19 participating.

20 Just to make this extreme, on the other hand, if
21 a customer submits an application on December 31st, they
22 will not be able to participate because they will not have
23 achieved, you know, walking through the entire process.

24 COMMISSIONER WEBER: Okay. So one more
25 clarifying question and then I think I can yield the floor.

1 So I think what you're saying is that in that
2 instance, let's say with one of Mr. Burkholder's clients or
3 installers, they are not participating yet, and they
4 certainly aren't installed yet; so what they would have to
5 do -- So let's say they've gone through this timeline.
6 They can't be considered participating because maybe you've
7 had so many applications you can't get maybe a response
8 back by the date of December 31st --

9 MR. MAASSEL: Okay.

10 COMMISSIONER WEBER: -- so you would grandfather
11 them in on the portion of participating, but installation
12 is a separate issue, but I think you might have said it
13 might be unwise for them to go ahead and install without
14 having the participating portion confirmed; is that right?

15 MR. MAASSEL: To the extent that a customer is
16 looking at something that is outside of the Commission
17 rules -- If you look at the Commission rules, it's very
18 explicit about if the equipment you're using meets IEEE
19 Standards, the institute for electronic and electrical
20 engineers, if it meets the UL, the Underwriters
21 Laboratories, certifications, if it meets those kinds of
22 things, if you're buying an inverter, for example, that
23 meets those standards, for the Level 1 that is fairly
24 common in a residential area, even the smaller Level 2s if
25 you're a little bigger home, that will undoubtedly meet the

1 technical requirements that are necessary going forward.

2 COMMISSIONER WEBER: Thank you, that's helpful.

3 MR. THOMAS: Mr. Burkholder, could I ask you a
4 question? It's kind of the same question but just a little
5 differently.

6 You get to the end of this, you get the -- the
7 customer signs and returns the interconnection or the
8 notice of the inspection, the agreement has been met, and
9 they come to you as the installer and they say, okay, we're
10 ready to install, how many days do you need to install a
11 5kW system on a house?

12 MR. BURKHOLDER: One.

13 MR. THOMAS: Thank you.

14 MR. BURKHOLDER: It does not take us very long to
15 do a system, but the complaint overall is that on
16 March 21st, an application was sent in; within a couple
17 weeks the system was installed; we're talking three or four
18 weeks the system was installed; so it's been sitting there
19 six weeks waiting on the utility for the net metering
20 agreements and to change out the meters so we can even
21 activate the system.

22 So if that happens towards the end of the year,
23 who's at fault? That's the question that we need to make
24 totally clear for all homeowners across Indiana.

25 MR. THOMAS: And if I can just interpret what I

1 think the IEA comments say, they say that in the event that
2 you've got your application approved or through this -- the
3 last section before installation is complete and your
4 system is installed but for the meter or but for some
5 disconnect switch, for example, that would not -- that
6 would not limit you. If you were at that position by
7 December 31st, your customer would qualify.

8 Is that a fair reading of your comments?

9 MR. MAASSEL: With one caveat, and that's that
10 the disconnect switch, depending on which utility we're
11 talking about and the requirements and demands of their
12 system, that may be a necessary component.

13 To your point, though, if it's a matter of the
14 meter being changed out, that would be on the utility. If
15 we don't get within that -- Again, just looking at the
16 schedule Ms. Heline put up on the screen, if we're not able
17 to do that between December 14th and December 31st, but it
18 actually goes into January somewhere, that will not be held
19 against the customer; they will be considered to have met
20 the December 31st deadline, and they will be grandfathered
21 to 2047.

22 MR. THOMAS: Thank you.

23 MS. HELINE: And I believe we had a hand raised
24 by Laura Arnold first and then Jennifer Washburn.

25 Ms. Arnold, did you want to speak?

1 MS. ARNOLD: I'm sorry if I'm still not
2 understanding clearly, but the interconnection rule does
3 not contemplate that the utility has a right and a time
4 frame to request that the customer change the meter; so I'm
5 still not understanding what Mr. Maassel is saying because
6 what the problem has been, and if we're going to name
7 names, Duke Energy has imposed saying that there is an
8 internal regulation or rule that is not in writing and it's
9 not in the approved tariff for Duke Energy's
10 interconnection that says -- of which they have conveyed
11 that they want 14 business days from the time that all of
12 the equipment is installed and waiting to be energized and
13 then they want to add an additional 14 business days.

14 I also don't understand the Vectren comment that
15 there isn't -- I'm not seeing the reference that says you
16 get in that time frame to install a new meter. That's not
17 part of what is in the interconnection rule.

18 We would also like to indicate that what we need
19 is a clear definition of installation which I'm still not
20 sure I'm exactly getting from the comments made by the
21 Indiana Energy Association, but we do believe that it
22 should be when the customer and their installer has
23 completed their work and then we don't care what else the
24 utility thinks they have to do before they energize the
25 system.

1 So we have a number of other terms here that are
2 not mentioned in the statute and they're not mentioned
3 either in the net metering rule or in the interconnection
4 rule that really need definition and clarification.

5 MS. HELINE: Okay, thank you, and then, Jennifer,
6 you had raised your hand, and I do want to point out we
7 have yet to get to the topics that we're here to discuss.
8 We're still talking about just generally speaking what
9 happens during the interconnection rule timeline; so we
10 still have some additional topics to talk about, but,
11 Ms. Washburn.

12 MS. WASHBURN: Thank you.

13 Jennifer Washburn, Counsel with Citizens Action
14 Coalition.

15 I just wanted to highlight on Page 33, starting
16 at Line 25, going through onto the next page, Page 34, to
17 Line 9, we're just hearing a lot from installers and
18 customers across the State about delays with the
19 interconnection process, and although I sincerely
20 appreciate the representations made by the IEA that they're
21 going to honor and take responsibility for the delays that
22 are happening, how will that be documented? How will
23 disputes be resolved? As we saw in Cause No. 44344, it's a
24 very complicated process.

25 We're hearing about applications being lost,

1 checks being lost. At what point if a system size is
2 changed does that kick the entire timeline back over again?

3 There are a lot of things that could be resolved
4 by having a more simple interpretation of the statute which
5 we would argue should be when the customer submits their
6 application, and at that point, that's an active net
7 metering application, and it would be a lot clearer, a lot
8 easier, and then at that point the Commission wouldn't have
9 to be mediating many disputes that we would anticipate just
10 from the sheer volume of increased activity that we're
11 hearing and the sheer volume of increased disputes that
12 we're hearing with -- about -- with regard to delays in the
13 field.

14 MS. HELINE: Thank you.

15 Oh, yeah, sorry; Ms. Wheeler?

16 MS. KERN WHEELER: My follow-up question was
17 regarding some of the Commissioner and Staff comments about
18 installs which I think is the first topic which I also am
19 anxious to get to because the clients that we represent are
20 very interested in the application of these sub-issues that
21 you've listed on the Agenda.

22 Would it be appropriate for me to ask a follow-up
23 question about that first install topic at this time?

24 MS. HELINE: Actually, if you'd give me about two
25 more minutes, I'd like to get through the rest of the

1 interconnection portion.

2 MS. KERN WHEELER: Sure.

3 MS. HELINE: We had a couple of other questions
4 about the interconnection rule itself --

5 MS. KERN WHEELER: Sure.

6 MS. HELINE: -- and then we'll get to the
7 actual -- the topics that were listed on the -- the other
8 topics that were listed on the Agenda.

9 So one of the other questions that we had that
10 came in regarding the interconnection rule was regarding
11 the fees and charges, and this was by the Carmel Green
12 Initiative, Citizens Action Coalition, Sierra Club, Hoosier
13 energy [verbatim] Council, that coalition, and Indiana
14 Distributed Generation, I think I got them all, that
15 submitted joint comments as far as if we anticipated any
16 changes.

17 The statute does allow the Commission to do a
18 rulemaking that would change -- that could possibly change
19 the fees and charges, and I would say -- and because it's
20 my office that does the rulemaking, we are not anticipating
21 any changes to that; okay?

22 So with -- Unless you have any other questions,
23 we'll actually now get to the -- and I think probably the
24 key one. There's -- The first three topics that we're
25 going to discuss are kind of interrelated and key, but

1 we'll get first to the meaning of that word installs.

2 This was raised in basically everyone's comments
3 to one way -- in one term or another, and we definitely
4 appreciate that, and what was raised was really the
5 practical considerations for those involved in net metering
6 which is what has to be installed by when in order to meet
7 the December 31 grandfather deadline, and I know that
8 everyone has asked this question, and I'm acknowledging
9 that, and the Indiana Energy Association addressed this
10 issue in their comments; so I would like Mr. Maassel to
11 address that briefly and then we'll go back to all the --
12 so if after their comments there is additional questions or
13 concerns or comments, then we'll go back through.

14 Mr. Maassel?

15 MR. MAASSEL: Mr. Rushenberg.

16 MR. RUSHENBERG: Ms. Heline, I'll -- As we
17 mentioned in our comments -- Thank you by the way.

18 MS. HELINE: Is your mike on? You don't sound --

19 MR. RUSHENBERG: Yeah, sorry.

20 MS. HELINE: You're not near loud enough, Tim.

21 MR. RUSHENBERG: I've got to get -- Yeah, there
22 we go.

23 As we mentioned in our comments, we looked simply
24 to the definition of the word installs or installed which
25 is what is used in Senate Enrolled Act 309, that the net

1 metering equipment needs to be installed by December 31.

2 So the definition, again, is to place in position
3 or connect for service or use; so it needs to be in place
4 and ready to be operated. That's what installed means.
5 That's the definition of the word used in the statute.

6 MS. HELINE: So that is IEA's -- the utilities'
7 viewpoint of installs?

8 Other comments and questions? Okay, now,
9 everybody said they wanted to talk about this.

10 Mr. Hardin from Johnson-Melloh?

11 MR. HARDIN: Thank you. I really appreciate
12 everyone being here today and -- from both sides and
13 looking forward to clarity on this topic.

14 In regards to a system being installed, you know,
15 we're talking about two issues here, one going through the
16 interconnection application process and getting that
17 complete, and talking from an installer's point of view,
18 such as ours, where our average project size is more along
19 the 1 to 2 megawatt range of an installation, our clients
20 are not inclined to install a system prior to having the
21 interconnection application in place which, obviously, with
22 that size system puts us under construction restraints, and
23 with the utility, obviously, receiving an increased amount
24 of applications which could delay that process, I guess my
25 question is, does that mean we get an extension past

1 January 1 for completion of installation being as in the
2 time frame for the application process, we also have to get
3 a permit -- I'm sorry -- a city or county inspection
4 completed prior to the utility coming out and installing
5 the bidirectional meter for a complete system?

6 MS. HELINE: Mr. Maassel?

7 MR. MAASSEL: Do you want me to respond?

8 MS. HELINE: Did you want to respond,
9 Mr. Maassel, or Mr. Rushenberg?

10 MR. MAASSEL: So just to be clear, there's kind
11 of two issues here that we're sort of mixing together.

12 The interconnection rule with the timeline that
13 you see on the screen is more -- we, the Energy
14 Association, look at that as an issue that's more tied to
15 the participating aspect of this; so we'll talk about that
16 in just a moment when that item comes up on the Agenda.

17 As far as installation, as Mr. Rushenberg pointed
18 out, yes, it does require that the physical equipment be
19 there. The reason that we have looked at that is because
20 of Senate Enrolled Act 309 which is now the law; it's been
21 incorporated into the Code here in the State of Indiana.

22 To the extent that the law requires us to look at
23 it and say, the stuff has to be there, it has to be
24 operational, it has to be ready to go, then, that's kind of
25 the direction that we were headed.

1 To the extent that your clients would prefer to
2 move through the application and interconnection process
3 before beginning construction, that is, of course, their
4 option.

5 As we point out, the challenge is to have
6 everything done, both installed and the ability to
7 participate in the system, by the end of this year. The
8 installed part, though, would need to be done by the end of
9 this year. We're not looking to say, gosh, we can go into
10 next year somehow.

11 The one piece to that that you did touch on, and
12 I think I should, perhaps, revisit, to the extent that the
13 issue is that the utility has not had a chance to get out
14 there inside of that ten-day period when we're allowed to
15 do an inspection or to move through things, and most --
16 many times the inspection is actually done by the person
17 who would be installing the meter, that will not be held
18 against the customer in terms of their ability to
19 participate in the net metering program and hence
20 participate in the grandfathering through 2047.

21 I should also note, and I know that you do the
22 larger systems, to the extent it's anything larger than
23 1 megawatt, it is not eligible for net metering. It is
24 only 1 megawatt or less, and then there's a second caveat,
25 but I know in the case of your customers, many times that

1 doesn't apply.

2 MS. HELINE: Other questions or comments
3 regarding the term installs?

4 Ms. Wheeler?

5 MS. KERN WHEELER: Thank you.

6 I just want to take a step back for a moment and
7 talk a minute about this install issue because if you look
8 at the interconnection rules -- I promulgated those rules
9 with many of the people that are still on staff at the
10 Commission -- the primary driver of those rules when they
11 were promulgated was safety, and when you look at the
12 different levels and you look at -- I don't have the rules
13 in front of me, but when you look at an inverter rating
14 from IEEE or Underwriters Laboratories, that's the maximum
15 that inverter can hold.

16 When you are looking at a solar system, due to
17 weather, due to the direction of the solar panels, due to a
18 lot of different reasons, the amount of electricity that's
19 actually flowing through that meter can vary a great deal,
20 especially at night, and the reason I point that out is I'm
21 a little troubled, frankly, by this idea that the system
22 has to be completely installed and never can change in
23 order for the grandfathering to apply because my
24 understanding from the customers that we represent who are
25 large industrial customers who are doing -- and schools who

1 are doing these larger systems, not residential systems
2 that are much more simple to install and straightforward,
3 as others have pointed out, is that what I'm hearing is
4 that it's not uncommon to need to make tweaks.

5 So when I was thinking about what does install
6 mean, I was thinking about whether the system could be
7 energized because from a point of view of a utility from a
8 safety and reliability perspective, what they're concerned
9 with or maybe should be concerned with is how much power is
10 coming through that inverter so that they don't create
11 system instability and safety concerns.

12 How many panels they have or whether a particular
13 customer had a panel that was dead and didn't work as it
14 should or needed to be moved or performed at a better
15 rating than was expected in their original plans is not
16 really something, I think, that the utility should be able
17 to say no, no, no, you're not installed because you made
18 some small change to your system that had no impact on what
19 level of interconnection review you have and had no impact
20 that exceeded the inverter rating from a technical
21 perspective.

22 So my point is that I hope the Commission would
23 take into consideration the fact that these systems do
24 change, they might change, and that that is not something
25 that necessarily should affect at the end of the day

1 whether a customer is grandfathered in for the purposes of
2 the net metering statute, and to define installation as a
3 single point in time with nothing can ever change -- you
4 know, if you're changing a level of interconnection review,
5 if you're changing an inverter that you need, that to me is
6 something different, but when you're just tweaking a system
7 to try to meet the needs of a customer and you're not
8 really creating any system or safety impact on the other
9 side for the utility, I just question why we would need to
10 define that so narrowly.

11 MS. HELINE: Is there -- Who are you pointing to,
12 Ryan?

13 Oh, Mr. Olson, sorry.

14 MR. OLSON: Yeah, thank you.

15 Again, you know, we would ask, how would installs
16 be documented? Who documents that? Where do they keep it?
17 How do they approve it? What if there are disputes?

18 So, again, we appreciate the statement that, oh,
19 those folks will be grandfathered, but, again, how are
20 customers assured of that? Where is the documentation to
21 show that? Where is the consistency statewide between the
22 five utilities that gives installers and customers
23 certainty, understanding what the rules of the game are,
24 and where is the documentation, the process, to ensure that
25 utilities won't drag their feet, as Mr. Burkholder has

1 discussed with one of his customers that he's dealing with?

2 So, again, the big thing for installs is what if
3 there are disputes? How does that get documented when
4 something is installed? And, again, I appreciate the idea
5 that those folks will be grandfathered, but, again, where's
6 that piece of paper that an installer can show somebody
7 that says that whether they're in Elkhart, New Albany,
8 Evansville, or Terre Haute?

9 THE REPORTER: We need to take a break.

10 MS. HELINE: That's correct.

11 I know, Mr. Rushenberg, you had your hand raised;
12 so you'll be next up, but for our Court Reporters, they
13 need to actually change out the paper, and so we're going
14 to take a ten-minute break, and so if you want to stand up
15 and move around a little bit, that's fine, but we will
16 start back up again in ten minutes.

17 Thank you.

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25 (TECHNICAL CONFERENCE IN RECESS UNTIL 3:25 P.M., SAME DAY)

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