

Diane Holt
Idaho Public Utility Commission
Secretary to the Commission

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Reference: Case No. IPC-E-19-28
Response to Idaho Power Company answer to Formal complaint

IDAHO PUBLIC
UTILITIES COMMISSION

Aggregation of meters for a net metering project owned by Jeff Comer and Jack Goodman.

Dear Ms. Holt,

We have read with interest the response to the formal complaint reference in Case No. IPC-E-19-28.

In that response Idaho Power admits in the first paragraph on page 1 that it has substituted the more restrictive definition for the word "parcel" in the place of the Idaho Public Utility Commission's chosen general term "property". They justify this action in an effort to cease allowing the sharing of credits through the aggregation of meters process after years of permitting the aggregation in accordance with the Commission's original order.

Their specific language is:

"Idaho Power believes it has appropriately applied the eligibility criteria for meter aggregation by using parcel designation to determine the property boundaries and that applying a broader definition of "property" as proposed by Mr. Comer is not consistent with conditions set forth by the Public Utilities Commission ("Commission") for meter aggregation in order No 32925".

Mr. Comer did not propose applying the broader definition of "property", The Idaho Public Utilities Commission chose the general term "property" when it wrote order No. 32925. The IPC answer does not provide a citation of authority by any Commission Order to change the definition of the PUC chosen word "property" to the more restrictive definition chosen by IPC for the word "parcel" yet states that it is their belief that it is consistent with the conditions set forth by the Idaho Public Utilities Commission.

I would counter by saying that I believe that the Commission knows what it is doing and that if it had been their intent to use the more restrictive word parcel to deny aggregation it would have done so and it would have used the term "parcel" in the Order and not the word "property". Alternatively if the PUC had chosen to use the word property but intended to use a more narrow definition of the word it would have clarified that in their order and stated the more narrow definition in the order so that it would be understood by all parties. The PUC has historically provided verbiage in their orders that leaves little room for interpretation of generally understood terms like the word property.

Further The Commission is a state wide authority. It flies in the face of logic that the Commission would use the definition for a parcel when it is aware that each and every County in the state has its own criteria for defining what a parcel is. If the logic of Idaho Power were to prevail then the proximity of aggregated meters in one county would be far different than the proximity of aggregated meters in another county. There would be no statewide consistency. The use by the PUC of the word property is clear and consistent throughout the state and provides for aggregation of meters that are in near proximity. The meters in this case are separated by only 1600 feet.

Idaho Power states in their response on page 7 (Section III B. "property" versus "parcel") that:

" Idaho Power views property and parcel as synonyms and believes this is reasonable for administering the evaluation of meter aggregation requests ".

This statement on its face is disingenuous at best. IPC states that the two words are synonyms yet apply uniquely different definitions to each in an effort to give themselves an economic advantage at the expense of the net metering customer. By definition synonyms are two different words with the same meaning, not two different words with two different meanings.

IPC later states:

"From a real estate standpoint a 'parcel' is the basic unit of land ownership in Idaho and other states ".

We agree with this statement as far as it goes. We would add that the ownership of multiple parcels, when contiguous, and owned by the same individual, constitute a property. The Comer and Goodman properties would only become non-contiguous if one of the parcels between the two owners was sold to a third party. Attachment 1 provided by Idaho Power shows, that Mr. Comer owns all of the parcels that comprise his property and that it is contiguous to Mr. Goodman's property.

IPC provides some history about Mr. Comers and Mr. Goodman's accounts. Mr. Comer is the customer at each of the three meters and has been since July 9, 2014. IPC has raised no objection to this for the past five years. This account change was completed with the approval of IPC and meets with all of the requirements of the IPC. The fact that Mr. Goodman lives in the residence is immaterial to this dispute.

Idaho Power attempts to muddy the waters in their response on page 8 (Section III B. "property" versus "parcel"). None of the examples provided IPC applies to this complaint. Mr. Comer owns all of the property North of Mr. Goodman as shown on Idaho Power exhibit 1. One note of interest is that Mr. Comer has (since the time exhibit

I was produced) purchased the two parcels north of Mr. Goodman' s residence. I don't believe that this changes the argument in any way except to say that Mr. Comer owns all of the property contiguous to the property that Mr. Goodman's residence is on and where Mr. Comer's third meter is located.

On page 8 IPC also makes a point about using the word parcel in a recently approved Rocky Mountain Power case. This may have some bearing on the future terms chosen for future Orders but it has no bearing on the Order that determines the conditions for aggregation in the Order that we are operating under currently, Order No. 32925. I would add that Idaho Power would prefer the use of the word parcel primarily because it allows them to further limit the aggregation of meters as they have shown they are attempting to do here. I think the PUC needs to give serious consideration as to the best term to use in the future. Idaho Power says that they are synonyms but it doesn't treat them as synonyms when they see an economic advantage can be attained.

IPC also would like to introduce new arguments relative to the Aggregation of meters debate which may need to be taken in to consideration for future orders but do not have a bearing on the Order that we are operating under.

In conclusion:

Mr. Comer is in full compliance with all of the terms of the order 32925. IPC would like you to believe that they initially allowed aggregation because of an error when in reality the software they use to determine parcels also just as easily describes properties and can be accessed by any individual on the County website. This software has been up and running for many years.

The Commission must determine if it will stand by its choice of the word property when determining contiguity or IPC's chosen word parcel. The choice is clear and it was determined years ago when the commission approved Order No.32925 and its use of the word property in that order. We ask that you order IPC to allow continued aggregation of these meters as it has done in the past.

Sincerely,



Jeff Comer