

THE COMPLAINT

Mr. Comer states he and his neighbor, Jack Goodman, are partners in a small on-site generation system in Twin Falls County. Complaint at 1. The generation facility is a 22 kW hydroelectric plant. Mr. Comer states he and Mr. Goodman have shared the excess net energy credits produced by the on-site generation system for several years. *Id.* On February 15, 2019, the Company notified Mr. Comer that it was denying his application to transfer 2018 excess net energy credits from the Designated Meter to a meter on Mr. Goodman's property that is in Mr. Comer's name. *Id.* Mr. Comer states that the Company applied the term "parcel" to determine whether the meters met the contiguous requirement to aggregate rather than the term that appears in their Tariff, "property." *Id.* at 2.

THE COMPANY'S ANSWER

The Company states, "In its effort to administer the tariff requirements for meter aggregation, Idaho Power views property and parcel as synonyms and believes this is reasonable for administering the evaluation of meter aggregation requests." Answer at 7. The Company states it "interprets the reference to 'property' in Schedule 8 to be the 'parcel' of land on which the meter is located." *Id.* at 8.

The Company claims that administering the Tariff as written, using the term "property" rather than the term "parcel," would be administratively burdensome because it would have to conduct "an in-depth title ownership search to determine what parcels should be included or excluded in the larger 'property' envisioned by Mr. Comer, particularly since the county assessor's map may not show the full ownership of any given parcel." *Id.* at 8.

The Company points to language the Commission recently approved in a Rocky Mountain Power Tariff, which is intended to clarify the term "premises" as used in those Tariffs. In Rocky Mountain Power's Tariff, the term "premises" is defined as, "All of the real property and apparatus employed in a single enterprise on an integral parcel of land undivided by a dedicated street, highway or other public thoroughfare, or railway." Rocky Mountain Power Electric Service Regulation No. 2. To help clarify the meaning of "premises" the Commission approved the following language, "For the purposes of Schedule 135, parcels shall be considered contiguous if they share a common boundary or corner, and includes parcels that would otherwise be considered contiguous but are divided by a public right of way." Order No. 34370 at 4. In its Order approving the updates to the Rocky Mountain Power Tariff, the Commission stated, "allowing transfer of

excess net energy credits between meters on contiguous property, as recommended by Staff to include parcels separated by a public right of way, aligns meter aggregation under Schedule No. 135 closely with Idaho Power's Schedule No. 84." Order No. 34370 at 4.

The Company states that net metering is not designed to allow customers to offset their neighbors' energy needs. "If a customer wishes to offset the energy needs of persons other than himself, or to make financial gain from the on-site generation system, Net Metering service is not the appropriate service offering; Schedule 86, Cogeneration and Small Power Production non-firm Energy, is a more appropriate tariff schedule for which to serve the needs of such customer." Answer at 10.

MR. COMER'S RESPONSE

Mr. Comer states that the Commission's use of "property" rather than "parcel" reflects an intentional distinction. Mr. Comer argues the Commission knows how to use the term "parcel" when it intends to do so, as evidenced by the Rocky Mountain Power Tariff. But it used the term "property" in Idaho Power's Tariff. Mr. Comer states that every county in the state has its own criteria for defining a parcel, and that equating the Tariff's use of "property" to the local definition of "parcel" would vary the Tariff's meaning across Idaho Power's service territory. Regarding the term "parcel" in Rocky Mountain Power's Tariff, Mr. Comer states, "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." Response at 3.

STAFF COMMENTS

Staff recommends the Commission decide whether the Company properly denied Mr. Comer's transfer of excess net energy credits to the meter on Mr. Goodman's property on narrow grounds that do not reach whether "parcel" is a more appropriate term than "property." Staff points to criterion 4 of the Company's meter aggregation rules, which requires that the "electricity recorded by the meter is for the Customer's requirements." Here, Staff believes the record shows that the meter is in Mr. Comer's name, but the electricity is for Mr. Goodman's consumption. Staff believes this is sufficient to determine this case, and that the Commission should wait until the issue is directly before them, with interested parties properly noticed, before determining whether "parcel" or "property" is a more appropriate term for meter aggregation.

Staff states that if the Company wants to use “parcel” rather “property” then the Company should apply to revise the language of its Tariff. Staff notes that the Company is involved in a settlement process with numerous parties to determine many central aspects of the Company’s net-metering program, and believes it would be improper to change meter aggregation criteria in a customer complaint outside of the ongoing net-metering settlement negotiations.

COMMISSION FINDINGS AND DECISION

The Commission has jurisdiction over this matter under *Idaho Code* §§ 61-502, 61-503, 61-612. The Commission is empowered to investigate rates, charges, rules, regulations, practices, and contracts of public utilities and to determine whether they are just, reasonable, preferential, discriminatory, or in violation of any provision of law, and to fix the same by order. *Idaho Code* §§ 61-502 and 61-503. The Commission has the authority to determine the merits of any complaint “setting forth any act or thing done or omitted to be done by any public utility including any rule, regulation or charge heretofore established or fixed by or for any public utility, in violation, or claimed to be in violation of any provision of law or of any order or rule of the commission[.]” *Idaho Code* § 61-612.

Having reviewed the record, we find Idaho Power appropriately denied Mr. Comer’s request to transfer excess net energy credits from the Designated Meter to the meter on Mr. Goodman’s property that was in Mr. Comer’s name. We make this finding based on criterion 4 of the Company’s meter aggregation rules. Based on the record, it is reasonable to conclude that the electricity consumed at the meter on Mr. Goodman’s property was not for Mr. Comer’s consumption. The Complaint states, “The meter on Mr. Goodman’s property is in Mr. Comer’s name and therefore qualifies for aggregation privileges.” Complaint at 1. It includes no facts that establish that Mr. Comer uses the energy at the meter on Mr. Goodman’s property. If such facts were alleged, it would fall on this Commission, as the trier of fact, to determine whether such statements were credible. Consequently, we find Idaho Power properly denied Mr. Comer’s request because that request contradicts criterion 4’s requirement that the electricity recorded by the meter be for Mr. Comer’s requirements.

ORDER

IT IS HEREBY ORDERED that Mr. Comer's formal Complaint is denied.

THIS IS A FINAL ORDER. Any person interested in this Order may petition for reconsideration within twenty-one (21) days of the service date of this Order with regard to any matter decided in this Order. Within seven (7) days after any person has petitioned for reconsideration, any other person may cross-petition for reconsideration. *See Idaho Code § 61-626.*

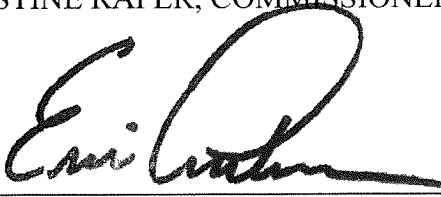
DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho this 19th day of November 2019.



PAUL KJELLANDER, PRESIDENT

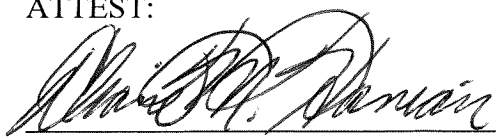


KRISTINE RAPER, COMMISSIONER



ERIC ANDERSON, COMMISSIONER

ATTEST:



Diane M. Hanian
Commission Secretary

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