

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

IN THE MATTER OF RANDY VALLEY’S) CASE NO. IPC-E-21-34
FORMAL COMPLAINT AGAINST IDAHO)
POWER COMPANY CONCERNING)
GRANDFATHERING OF TEN SOLAR) ORDER NO. 35253
PANELS)
)

On May 28, 2021, Randy Valley (“Mr. Valley”), a residential Idaho Power Company (“Company”) customer lodged a formal complaint (“Complaint”) with the Commission. Mr. Valley had connected an on-site generation system to the Company’s system but was seeking to expand his system by installing additional solar panels. The crux of Mr. Valley’s position was his disagreement with the Company’s position that his new solar panels would not be “grandfathered in” under net metering rules.

Before filing the Complaint, Mr. Valley informally sought resolution of his disagreement with the Company’s position with the Idaho Public Utilities Commission’s consumer assistance staff (“Staff”). Staff could not informally resolve the dispute between Mr. Valley and the Company.

On October 15, 2021, the Commission issued a Summons to the Company to respond to the Complaint.

On November 05, 2021, the Company filed an answer (“Answer”) to the Commission’s Summons concerning Mr. Valley’s formal complaint.

On November 17, 2021, Mr. Valley filed a Response reiterating many of the claims raised in the Complaint.

Having reviewed the record, we now deny Mr. Valley’s request for grandfather status for his new solar panels.

BACKGROUND

The Commission delineated the requirements to perfect “legacy” (grandfather) status for a residential on-site generation system under Schedule 6 and Schedule 8 in Case No. IPC-E-18-15. An “existing system” eligible for legacy status under Schedule 6 and Schedule 8 is defined as a customer who: (1) had an on-site generation system interconnected with the Company’s system on December 20, 2019, or (2) who had made binding financial commitments to install an

on-site generation system as of December 20, 2019, and who proceeded to install and interconnect the system by December 20, 2020. Order No. 34509 at 14 (emphasis added).

The Company's Schedule 68—Interconnections to Customer Distributed Energy Resources, ("Schedule 68"), outlines the interconnection process a customer taking electric residential service under schedule 6 must follow to interconnect his on-site generation system.

A customer seeking to interconnect an on-site generation system must first apply and pay a fee to the Company. Schedule 68, Sheet No. 68-10. The Company then performs a Feasibility Review within seven business days unless it determines that additional studies are necessary. *Id.* If the results of the Feasibility Review indicate satisfactory system capability, the Company provides the customer with an official "Approval to Proceed" notification. *Id.* That customer and/or his installer then must complete the necessary permitting and inspection requirements for the system and submit a completed System Verification Form to the Company. *Id.* at Sheet No. 68-11.

After the required documentation, including the System Verification Form, have been submitted and the Company verifies all jurisdictional and technical requirements have been met, the Company will, barring conditions beyond its control, complete an on-site, final inspection of the customer's system within ten business days. *Id.* at Sheet No. 68-12. Successful completion of the Company's final inspection constitutes conclusion of the application process, i.e., the customer has interconnected his system with the Company's system. *Id.*

The Company indicated that 160 of the 590 systems that were eligible for legacy status were no longer eligible due to, among other things, noncompletion of the application process. *See* Answer at 5-6.

THE COMPLAINT

Mr. Valley's Complaint concerned the Company's denial of grandfather status to a ten solar panel expansion to an on-site generation system at his property.¹ Complaint at 1. Mr. Valley indicated that the Company informed him on January 15, 2020, that to attain grandfather status for these ten solar panels, his installer ("RevoluSun") needed to send proof the solar panels were

¹ The Company explained that Mr. Valley took service under Schedule 6 and currently had an existing on-site generation system "with 43 panels totaling 1 1.54 kW that completed interconnection with [the Company] in three separate phases between 2013 and 2016." Answer at 1, 6.

“installed before December 20th, [2]019.”² Mr. Valley stated that RevoluSun “assured [him] on January 18, [2020] that they had submitted the necessary documents.” *Id.*

Mr. Valley asserted that the Company sent him an email on January 21, 2020, stating that it had received his documents and would not need anything else. *Id.*

Mr. Valley further asserted that he received notice from the Company in November 2020 that his ten new panels wouldn’t attain grandfather status unless the Company received several documents before December 20, 2020. *Id.* Mr. Valley stated RevoluSun could not provide the necessary documents on such short notice. *Id.*

Mr. Valley indicated that the Company later informed him that his ten panels would not qualify for grandfather status. *Id.* Mr. Valley suggested that he did not provide the necessary documentation before the deadline because he relied on the Company’s January 21, 2020, representation that it “had received everything.” *Id.* Mr. Valley indicated that the Company should have continued to apprise him—in addition to RevoluSun—about the progress of the installation *Id.*

In conclusion, Mr. Valley requested the Commission give him additional time to meet the grandfathering requirements for his ten solar panels. *Id.* at 2.

THE COMPANY’S ANSWER

The Company stated that only 43 of Mr. Valley’s solar panels were approved for interconnection with the Company’s system and, as “of November 5, 2021, the 10-panel expansion ha[d] not completed the state electrical or the [Company’s] inspection.” Answer at 6.

The Company stated that it had a phone conversation with Mr. Valley on January 7, 2020, wherein it “discussed the requirements outlined in Commission Order No. 34509 and notified Mr. Valley that for the system expansion to be eligible for legacy status, he would need to submit proof of financial commitment, submit the System Verification Form, and complete interconnection of the system.” *Id.* at 7.

The Company stated that it sent a confirmation email to Mr. Valley on January 15, 2020. *Id.* at 7. In that email, the Company asserted that it conveyed to Mr. Valley that it had: (1) extended the application period for Mr. Valley to attain legacy status for his system from September 16, 2020, to December 20, 2020; (2) provided a link to access the technical

² The Company explained that it “received a customer generation application from the Complainant on September 16, 2019, requesting approval of an additional ten panels rated at 3.1 kW.” Answer at 6 (citing Attachment No. 1).

requirements and application process to complete interconnection by the deadline; and (3) reiterated to **“be eligible for grandfathering, systems must also be installed and interconnected by December 20, 2020.”** *Id.* 8 (citing Attachment No. 4) (emphasis in the original).

The Company replied to Mr. Valley’s assertion that the Company sent him an email on January 21, 2020, that it had received his documents and would not need anything else, by stating that, on January 21, 2020, it confirmed to Mr. Valley via email “that it had received the requested documentation (proof of financial commitment before December 20, 2019).” *Id.* at 6-7. The Company further explained that, in the same email, it wrote: “[a]t this time, we will not need anything else.” *Id.* at 8 (citing Attachment No. 5) (emphasis in the original).

The Company replied in response to Mr. Valley’s statement that the Company should have notified him—in addition to RevoluSun—earlier about the progress of the installation, that Mr. Valley signed an application permitting the Company to “discuss the project directly with RevoluSun” *Id.* at 9 (citing Attachment No. 8 “the interconnection application customer acknowledgement.”). The Company further replied that it reached out directly to RevoluSun because the Company requested “the System Verification Form be completed by the installer, licensed electrician, or other qualified professional certification.” *Id.*

The Company explained that it emailed RevoluSun six times between June 2020 and December 2020 informing RevoluSun that it had not yet received the System Verification Form. *See id.* at 9-11. The Company stated that, on August 26, 2020, RevoluSun “acknowledged that they had not addressed the issue due to ‘working remotely,’ and they would ‘get an answer.’” *Id.* at 10 (citing Attachment No. 7.) The Company also stated that it spoke with Mr. Valley via telephone on November 18, 2020, about the status of his project. *Id.* The Company reported that RevoluSun responded to the Company on December 1, 2020, after the Company had sent three unanswered emails to RevoluSun, that they (RevoluSun) “would ‘resolve before they lose grandfathering.’” *Id.* at 10 (citing Attachment No. 8.)

The Company submitted that it correctly communicated the requirements of Order Nos. 34509 and 34546, that Mr. Valley did not mention any “provisions of statute, rule, order, notice, tariff, or other controlling law that the [Company] violated”, and that giving Mr. Valley additional time to meet the grandfathering requirements would be inequitable to other customers who did not timely perfect their claim to legacy status, and would violate the Commission’s directive that a

customer must interconnect his system by December 20, 2020, to obtain grandfather status. *Id.* at 14-17.

The Company explained, however, that Mr. Valley was not precluded from enforcing any legal rights against RevoluSun and/or its agent. *Id.* at 17.

Finally, the Company repeated that Mr. Valley's available options were to either: "(1) [s]eparately meter the 10-panel expansion and retain the legacy status of the existing system; or (2) [f]orfeit grandfather status of the entire system and complete interconnection of the expansion behind the existing meter." *Id.* at 16 (citing Order No. 34546 at 11). The Company stated that neither Mr. Valley nor RevoluSun had completed the electrical inspection or submitted the System Verification Form for the ten panels—two requirements before interconnecting the system. *Id.* at 17.

MR. VALLEY'S RESPONSE

In response to the Company's Answer, Mr. Valley stated, "January 7, 2020, the requirements for grandfathering were explained to me." Response at 1. Mr. Valley reiterated that the Company should have communicated with him as well as RevoluSun about the installation process. *Id.* Mr. Valley reiterated that the Company, along with stating it had received documentation of his financial commitment, should have also explained, in the same email, "that more steps needed to be completed." *Id.* Mr. Valley submitted that it was impossible for him to complete the legacy requirements by November 6, 2020—the date when the Company emailed him about the status of his project—because his application had expired, and it would take seven days for the Company to approve a new one. *Id.* Mr. Valley indicated that, because he was on business in Wisconsin until November 14, 2020, and he came down with Covid on November 15, 2020, he "had no way to make application [sic]." *Id.* Mr. Valley stated that, "[e]ven with making application on the 6th [of November], the approval wouldn't be until November 17th." Mr. Valley further stated that "[t]his didn't leave enough time to obtain a state electrical inspection before the deadline much less meet the other requirements." *Id.* Mr. Valley stated that the Company made an "unfair statement" when it stated that he "had 11 months removed from the December 20, 2020, deadline for legacy status to complete [his] project." *Id.*

Mr. Valley stated that the Company's statement that he had "11 months removed from the December 20, 2020, deadline for legacy status to complete [his] project [was an] unfair statement." *Id.* Mr. Valley indicated that he could not complete his project until his formal

complaint was resolved. *Id.* Mr. Valley further indicated that if he were to complete “it now” he would have to install an additional meter for the ten panels which “would only supply power to [his] shop.” *Id.* Because this was more power than he would ever use, Mr. Valley stated that they would be “basically useless” and a “waste of money.” *Id.*

COMMISSION FINDINGS AND DECISION

The Commission has jurisdiction over this matter under *Idaho Code* §§ 61-502, 61-503, and 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.

The Complaint does not mention any authority that the Company violated in processing Mr. Valley’s application or refusing to grant him additional time to attain legacy status for his ten-panel expansion. Having reviewed the record, we find the Company appropriately enforced the requirements for grandfathering articulated by this Commission in Order Nos. 34509 and 34546. Specifically, to qualify for legacy status, a customer, in addition to having made a binding financial commitment to install an on-site generation system as of December 20, 2019, must proceed to install and interconnect the system by December 20, 2020. The Complaint mentions that neither Mr. Valley nor RevoluSun timely provided the documentation required by the Company before it could perform the final inspection of the system—the last step before the system can be interconnected. Based on the record, it is clear that Mr. Valley failed to meet the requirements for legacy status despite repeated attempts by the Company to assist Mr. Valley with compliance. Mr. Valley has not provided any reasonable basis for this Commission to deviate from the requirements of Order Nos. 34509 and 34546. Consequently, Mr. Valley’s formal Complaint against the Company regarding legacy status for ten additional solar panels is denied.

ORDER

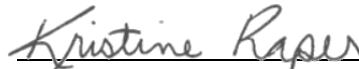
IT IS HEREBY ORDERED that Mr. Valley’s formal Complaint is denied.

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 regarding 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 9th day of December 2021.



PAUL KJELLANDER, PRESIDENT

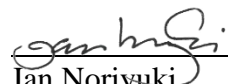


KRISTINE RAPER, COMMISSIONER



ERIC ANDERSON, COMMISSIONER

ATTEST:



Jan Noriyuki
Commission Secretary

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