

DECISION MEMORANDUM

TO: COMMISSIONER ANDERSON
COMMISSIONER CHATBURN
COMMISSIONER HAMMOND
COMMISSION SECRETARY
LEGAL
WORKING FILE

FROM: CHRIS HECHT
RILEY NEWTON

DATE: OCTOBER 11, 2022 *IPC-E-22-25*

RE: IN THE MATTER OF SARA STATZ HARTZHEIM'S REQUEST FOR A
FORMAL COMPLAINT AGAINST IDAHO POWER COMPANY.

On September 14, 2022, Sara Statz Hartzheim ("Complainant") filed an informal complaint against Idaho Power Company ("Company" or "Idaho Power"), regarding her ability to maintain the grandfathered (legacy) status of the solar array at her home that was destroyed by fire on May 17, 2022. The Company told her if the system was offline more than six months she would lose her system's legacy status. Based on the Company response, she requested the Commission open a formal complaint.

FORMAL COMPLAINT

The Complainant received final approval on the system installed on their residence June 19, 2019, and began taking service under Idaho Power Company Tariff Schedule 6. Case No. IPC-E-18-15, Order No. 34546, allowed customers whose system was complete and operational before December 20, 2020, to be grandfathered under Schedule 6 and allowed the customer to receive a one-for-one credit of each kwh it placed on the system. The four criteria to have and retain legacy status are described below:

The Company lists four criteria for grandfathering by system: (1) A customer who moves into a property with a grandfathered net-metering system gets to "inherit" the grandfathered status of the system. Likewise, when a customer moves from a property with a grandfathered system, that customer does not get to take the grandfathered status of the system with them to their next property; (2) If a system is offline for more than six months, or is moved to another site, the grandfathered status of the system is forfeited; (3) To allow for the replacement of degraded or broken panels, the customer may increase the capacity of the grandfathered system by no more than 10% of the originally installed nameplate capacity or 1 kW, whichever is greater; and (4) Grandfathered status terminates December 20, 2045. *Id.* at 5.


The fire of May 17, 2022, destroyed the house and the attached array (see attached pictures). The remaining structure had to be demolished and the lot now stands empty. In conversations with the Company, the Complainant was told if the system remained off-line for six months the system would lose its legacy status. A subsequent email conversation between Commission Staff and the Company confirmed the requirement and that there was no exception for extenuating circumstances such as fire. The Company also stated that an application to build the new system would be considered, however the new system would not qualify for legacy status. The Complainant is still in the process of getting approval for the new house plans and construction and construction which cannot be completed within the six-month timeframe. The Complainant has submitted a formal request for a formal complaint (see attached) as well as pictures of the property.

RECOMMENDATION

Staff recommends the Commission issue a Summons to the Company directing it to answer or otherwise respond to the complaint within twenty-one (21) days. Staff also recommends the Commission allow fourteen (14) days for Staff and the Complainant to reply to the Company's Answer.

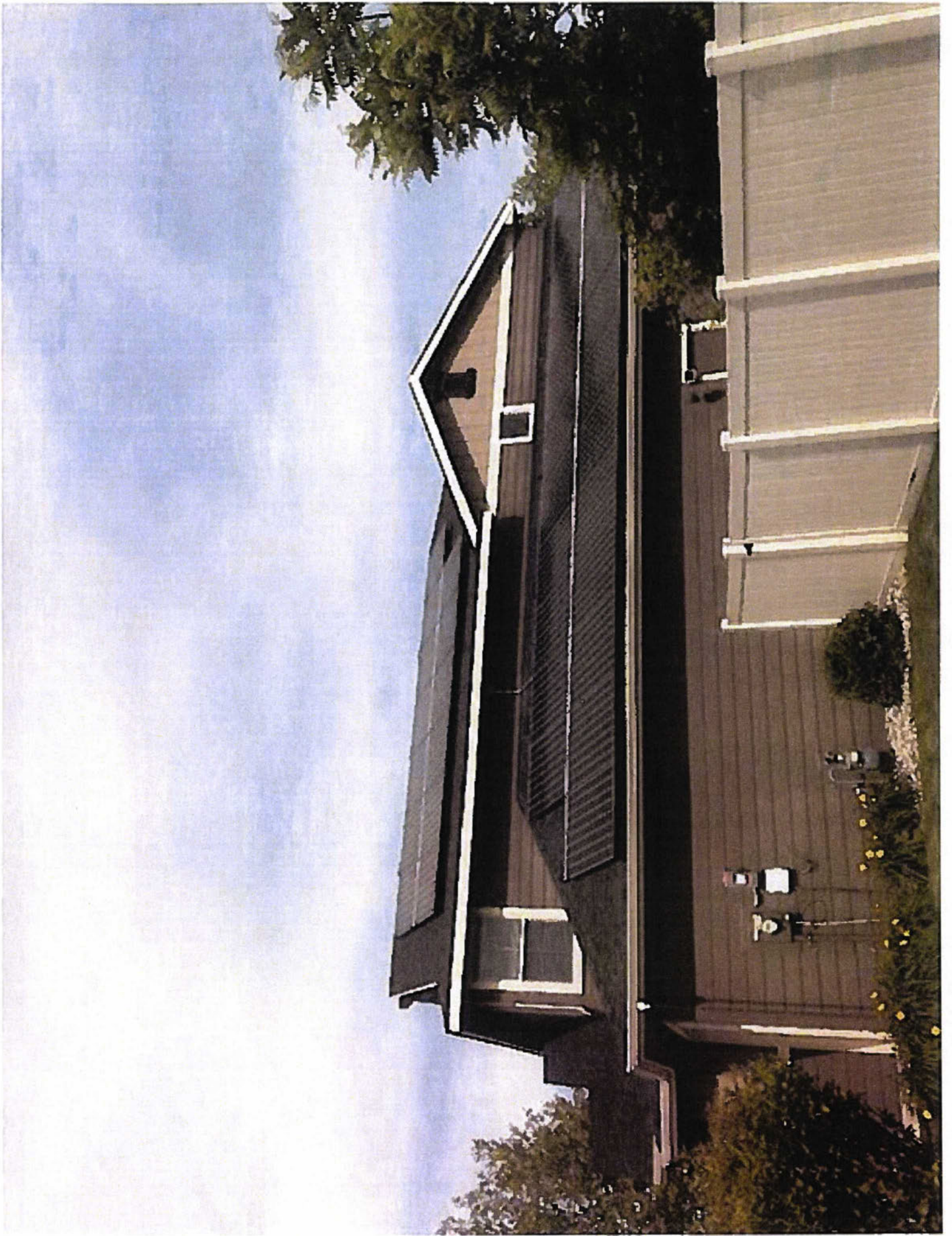
COMMISSION DECISION

Does the Commission wish to: (1) issue a Summons to Idaho Power giving the Company twenty-one (21) days to respond to the Summons? (2) allow Staff and the Complainant fourteen (14) days to respond to the Company's response?



Riley Newton

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Sara E. Statz Hartzheim & Matthew Hartzheim
356 W Hidden Meadow Way
Middleton, ID 83644
September 20, 2022

Idaho Public Utilities Commission
11331 W Chinden Blvd, Building 8, Suite 201-A
Boise, ID 83714

RE: Denial of net metering grandfathering period following solar array loss due to fire on 5/17/22
Idaho Power Account: [REDACTED]
Interconnection Date: 6/20/19

I am formally filing a complaint as we believe Idaho Power is unfairly applying the rules set forth by the Idaho Public Utilities Commission (IPUC) regarding the grandfathering clause as it applies to customer solar generation.

Our family began generating solar power at our home in 6/19 with the installation being performed by Intermountain Wind and Solar. The interconnection process was completed by Idaho Power on 6/20/19. This places our solar array well within the grandfathering period set forth by the IPUC.

Unfortunately, on 5/17/22 our family experienced an electrical fire which destroyed our home and with it our solar array. In the immediate aftermath of the fire all utility companies were contacted to alert them of our situation and be asked that our accounts be placed on hold for the time being. When I spoke with Idaho Power, I was told we would lose our grandfathering status if our solar generation system did not come back online within six (6) months. As we had just lost our entire home to fire getting our system back up within six months seemed impossible.

I later followed up with Shawn Lovewell on 6/9/22 from Idaho Power's Customer Generation group. She informed me that there was nothing Idaho Power could do to make an exception as Idaho Power was governed by the IPUC's rules and regulations.

After taking time to gather ourselves following the fire, I later reached out to the IPUC directly for more guidance regarding this matter. An online complaint was submitted on IPUC's website on 9/14/22. Chris Hecht, Utilities Compliance Investigator from IPUC, responded to my request via email on 9/16/22. Mr. Hecht agreed to speak with his Manager at IPUC and reach out to Idaho Power directly.

On 9/20/22, Mr. Hecht later informed me that Idaho Power had denied my request for an extension of time to get our solar array back online citing IPUC case IPE-E-18-15, order no. 34546.

Order number 34546 cites four (4) basic criteria for grandfathering by system:

- 1) *A customer who moves into a property with a grandfathered net-metering system gets to "inherit" the grandfathered status of the system. Likewise, when a customer moves from a property with a grandfathered system, that customer does not get to take the grandfathered status of the system with them to their next property.*
- 2) *If a system is offline for more than six months, or it is moved to another site, the grandfathered status of the system is forfeited.*

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- 3) *To allow for the replacement of degraded or broken panels, the customer may increase the capacity of the grandfathered system by no more than 10% of the originally installed nameplate capacity or 1 kW, whichever is greater.*
- 4) *Grandfathered status terminates December 20, 2045*

Respectfully, we disagree with the application of this IPUC order in our case. I will outline my argument in greater detail why we disagree with the application of this IPUC order.

The first criteria does not apply as we are not attempting to move the system or take it with us to our new home. Our family will be rebuilding our home, and our solar array, at the same location. Our building plans are in the process of being submitted to the City of Middleton for approval. Once approval is granted, we will begin the building process immediately.

Criteria two is the point our family is contesting. While we can see the intention of the IPUC order, frankly it is overbearing and punitive to enforce in situations such as ours. Our family did nothing wrong. Our system was well maintained and would have still been operational today had it not been for the housefire. No attempts have been, nor will they be made to move our system to another location. We are in the process of rebuilding our home at the same service address (356 W Hidden Meadow Way, Middleton, ID 83644) and fully intend to reinstall our solar array.

The third criteria regarding the replacement of degraded or broken panels is unapplicable in our scenario. All of our panels were irrevocably destroyed by the fire of 5/17/22. We are not able to simply restore our system by increasing the capacity by 10% or 1 kW- the entire system needs to be rebuilt. Since there is no home to place the solar panels on, this must be completed once the house is rebuilt.

The fourth criteria does not materially affect our complaint to the IPUC. While we are losing time with our solar generation system, we understand the IPUC may not be able to extend the grandfathering period by that time. Although, it would be appreciated to have the IPUC consider extension of the grandfathering period in our case by the amount of time our system will be offline. It is likely we will be unable to generate power from 5/17/22 to approximately 8/1/23 while we have been displaced by the fire and our home is being rebuilt.

I humbly asked the IPUC and Idaho Power to fully consider each of these arguments in our case as it does not appear anyone considered catastrophic damages and losses such as these when developing the grandfathering order.

Sincerely,



Sara E. Statz Hartzheim & Matthew Hartzheim
Homeowners