

REGULATORY COMMISSION OF ALASKA

TECHNICAL CONFERENCE

January 28, 2025

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1 STATE OF ALASKA
2 REGULATORY COMMISSION OF ALASKA
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4 Before Commissioners: John M. Espindola
5 Steve DeVries
6 Mark Johnston
7 Robert M. Pickett
8 John C. Springsteen

9 In the Matter of the Consideration of Regulations)
10 Implementing Legislation Governing Community) R-24-004
11 Energy Programs.)
12)
13)
14)
15 REGULATORY COMMISSION OF ALASKA
16 701 West 8th Avenue, Suite 300
17 Anchorage, Alaska 99501
18)
19 TECHNICAL CONFERENCE
20 Tuesday, January 28th, 2025
21 9:30 a.m.
22 BEFORE JEFFREY DAVIS
23 Administrative Law Judge
24
25

1 P-R-O-C-E-E-D-I-N-G-S

2 (On record - 9:30 a.m.)

3 ALJ DAVIS: On record.

4 MADAM COURT REPORTER: We're on record.

5 ALJ DAVIS: Let me shut off my speakers. Good morning.
6 It is approximately 9:30 a.m. on Tuesday, January 28th, 2025.
7 This is the time and place set for a Technical Conference in
8 Docket R-24-004 titled, "In the Matter of the Consideration of
9 Regulations Implementing Legislation Governing Community Energy
10 Programs." This Technical Conference was scheduled by Order 1
11 in this docket issued December 4th, 2024.

12 This Technical Conference is being held in the
13 Commission's East Hearing Room in Anchorage, Alaska. I'm Jeff
14 Davis, Administrative Law Judge for the Commission. Down at
15 the table is staff member, Jess Manaois. I never -- I always
16 pronounce it wrong, I'm sorry.

17 I first want to address the documents filed by Alaska
18 Public Interest Research Group for this Technical Conference.
19 They were -- I -- up on the website under the meeting. The
20 Commission is not going to be admitting these documents into
21 the record for this docket. This Technical Conference was set
22 to create a dialog and receive comments from interested
23 parties. We're not having presentations. If AKPIRG would like
24 to get that officially on the record, they may file for leave
25 to file a late-filed comment as well as anything the parties

1 might have brought. We are not going to officially take on to
2 the record, but we will informally take for our own internal
3 deliberation.

4 The tentative plan today is to go through the list of
5 Commission questions one at a time and get (indiscernible -
6 audio feedback). I turned my speaker on somehow, to go through
7 the list of questions that we provided with Order 1 and get
8 comments by the parties.

9 There are a lot of parties here. We're going to try to
10 keep this organized. First, we're going to get on the record,
11 take appearances, who you are, who you're representing. My
12 plan is to make a list and go through, so Commission question
13 one and then whoever wants to speak, we'll have a list and go
14 through and then give time for a second round of comments. I
15 don't think just being able to interject and speak it's going
16 to work with these many people, especially online. Yeah, so
17 that is the plan for today, we'll see how that works.

18 I'm going to remind everyone there's a lot of people.
19 Before you say anything, say your name on the record, make sure
20 you're speaking into a microphone that has the green light on.
21 You turn the green light on by hitting the button and -- all
22 right.

23 So, let's take appearances. We will start in the room.
24 I guess who -- you made eye contact, Mr. Clarkson.

25 MR. CLARKSON: Sure. Matt Clarkson, I'm the Chief Legal

1 Officer for Chugach Electric Association.

2 MR. RATLIFF: Dean Ratliff, I'm VP of Regulatory Affairs
3 for Chugach.

4 MR. RUDECK: Good morning, Al Rudeck, Chief Strategic
5 Officer for Chugach Electric Association.

6 MS. KILEY-BERGEN: Good morning, I'm Natalie Kiley-
7 Bergen, Energy Lead with the Alaska Public Interest Research
8 Group, otherwise known as AKPIRG.

9 MR. SCOTT: Antony Scott. I work with Renewable Energy
10 Alaska Project or REAP.

11 MR. CLARK: Tyler Clark, Senior Manager of Regulatory
12 Affairs and Financial Planning for Matanuska Electric.

13 MS. ESTEY: Julie Estey, Chief Strategy Officer for
14 Matanuska Electric Association.

15 MR. ZELLERS: Tony Zellers, Chief Operating Officer,
16 Matanuska Electric Association.

17 MR. MANAOIS: Jess Manaois, RCA staff.

18 ALJ DAVIS: Okay. I'm going to now turn to people
19 online. Oh, this is going to be -- all right. According to
20 your names, I'm going to go through who I see and get
21 appearances. I see a David -- just David, no last name, can
22 you please announce yourself for the record?

23 (No audible response)

24 ALJ DAVIS: Okay. I see a Ariana Filippenko. Can you
25 please get online and announce yourself for the record?

1 (No audible response)

2 ALJ DAVIS: Okay, this is going to be long. All right,
3 I'm going to change strategies here. Anyone online who plans
4 to comment today, please announce yourself and make an
5 appearance on the record, please.

6 MR. WALLER: Good morning, Judge Davis, this is Jeff
7 Waller, can you hear me?

8 ALJ DAVIS: I can, Mr. Waller.

9 MR. WALLER: Sorry I'm not there in person, I -- I got a
10 cold over the weekend, so I don't want to be coughing on
11 everybody, but I am here and I expect to comment.

12 ALJ DAVIS: All right, I will make sure to ask -- not
13 forget about you. Anybody else online who's planning to
14 comment today?

15 MS. BROKER: Good morning, this is Jessica Broker with
16 GVEA.

17 ALJ DAVIS: Thank you, Ms. Broker.

18 MR. BUTLER: Mathew Butler with GDS representing
19 Matanuska Electric Association.

20 ALJ DAVIS: Thank you. Next?

21 MS. CICILIO: Phylicia Cicilio representing Golden
22 Valley.

23 ALJ DAVIS: And -- okay (indiscernible - mumbling to
24 self).

25 MR. MILLER: Mike Miller, Chugach Electric.

1 ALJ DAVIS: Thank you. Anybody else?

2 MR. DeBOER: Matt DeBoer, Business Development Program
3 Manager with Matanuska Electric Association.

4 MS. MOON: Hi, this is Sarah Moon, Fieldworks Power. I
5 may or may not comment, but just wanted to introduce myself in
6 case I do.

7 ALJ DAVIS: I'm sorry, can you say your name again?

8 MS. MOON: Yeah, sorry, this is Sarah Moon at Fieldworks
9 Power.

10 MR. ABCUG: Good morning, this is Jeremy Abcug from Clean
11 Capital. Similarly, may or may not comment, so just want to do
12 appearances now just in case. Thanks.

13 ALJ DAVIS: Thank you. Anybody else? Okay. So, my list
14 shows that we have representatives from MEA, HEA, Chugach,
15 GVEA, RAPA, AKPIRG, Fieldworks and Clean Capital. Is there
16 anybody representing an entity that I have not just named? All
17 right, that is how I'm going to go through the questions is by
18 entity and you all can decide amongst yourselves who's the most
19 qualified to comment on it. Sound good? Cool.

20 All right. Now I got to find the questions. Anything
21 else we need to do before we get started or just hop right into
22 it. Jess, you got anything? All right.

23 MR. MANAOIS: Just get into it.

24 ALJ DAVIS: All right. So, the questions we sent out,
25 number one, the proposed regulations limit the nameplate

1 capacity of a community energy facility that interconnects to
2 an electric utility to one megawatt. Some states have imposed
3 a threshold for community solar programs while others do not.
4 Should there be a threshold to the nameplate capacity of an
5 interconnecting facility? If so, should the limits be in terms
6 of capacity, kilowatts or megawatts or percentage, e.g. retail
7 demand, would there be issues such as reliability and safety if
8 the proposed regulations forego a cap? And since MEA is at the
9 top of my list, I will turn to MEA. Would you like to comment?
10 Any representative?

11 MS. ESTEY: This is Julie Estey with Matanuska Electric
12 Association. We believe that the statute firmly provides the
13 authority for the utilities to establish caps and limits based
14 on specific circumstances and so, we do not believe that the
15 RCA has a role per the statute.

16 ALJ DAVIS: Thank you. HEA, do you have any comment?
17 Oh, someone's microphone wasn't working, so Ms. Filippenko, did
18 you get your microphone working? Do you wish to comment? All
19 right, moving on. Chugach.

20 MR. CLARKSON: Just generally, consistent with the
21 comments that we filed and consistent with MEA's comment that
22 Ms. Estey just made. Chugach believes that flexibly define
23 caps that can be set by each utility would be more appropriate
24 than an across-the-board limit defined in the regulation.

25 ALJ DAVIS: Thank you, Mr. Clarkson. GVEA?

1 MS. BROKER: Hi, Jessica Broker for the record. We would
2 also third MEA's comments on this. We did provide additional
3 feedback to this in our comments, but we believe the statute
4 speaks for itself on how this should be set here. Thank you.

5 ALJ DAVIS: Thank you, Ms. Broker. RAPA?

6 MR. WALLER: Hi, this is Jeff Waller. Two things, ALJ
7 Davis. First, when you gave your list of people to speak, I
8 think you might have left REAP off. I just want to make sure
9 that we hear from everybody.

10 For RAPA, we've made some comments. A couple of things.
11 The question asks should there be a threshold. When I think of
12 a threshold, I think of a minimum amount, not a maximum amount,
13 so I'm assuming the Commission was asking about whether there
14 should be a maximum, not a minimum and that's how I answered
15 (indiscernible - mumbled) stated.

16 We pointed out that these do apply, are going to apply
17 statewide. I believe the regulations -- excuse me, the statute
18 references back to the net metering, which has a 5,000,000
19 kilowatt hour threshold per annual amount. That may sound like
20 a lot, but under standard usages or average uses of a household
21 here in Alaska, that's about 800 households in a year.

22 So, we're not talking -- you know, we could pull in some
23 rather small utilities. RAPA is sensitive to what the
24 utilities are saying, but with a slightly different take on it.
25 Yeah, we need some flexibility in this, but I think that

1 flexibility needs to be justified, not just something that can
2 be picked as a random or out of the hat number by the
3 utilities, but if the utilities could come in and justify why
4 there should be a limit, that would make more sense. Thank
5 you.

6 ALJ DAVIS: Thank you, Mr. Waller. Now I feel bad about
7 forgetting REAP, so I'll go to them next.

8 MR. SCOTT: Don't feel bad, Judge Davis. For the record,
9 I'm Antony Scott on behalf of REAP. There's sort of two
10 questions embedded in this first one. I'm not totally clear
11 about that. I mean, the first has to do with a cap on the size
12 of any given facility. I struggle to understand why it would
13 be appropriate to have a cap on the size of any given facility
14 in our limited market.

15 So, I think in general, consistent with REAP's comments,
16 we just don't see that. Community facilities are, I think,
17 intended to provide ratepayer benefit. There are economies to
18 scale with these sorts of installations and so, artificially
19 limiting that doesn't seem to me to make a whole lot of sense.

20 The second issue has to do with -- which is kind of
21 related to the first, it seems like, whether there's a cap on
22 a total installation. And consistent with Judge Waller's -- I
23 mean, sorry, consistent with Mr. Waller's comments, we don't
24 see it being appropriate for caps on that to be imposed without
25 a justification. Thank you.

1 ALJ DAVIS: Thank you, Mr. Scott. AKPIRG.

2 MS. KILEY-BERGEN: This is Natalie Kiley-Bergen on behalf
3 of AKPIRG. I would second REAP's comment that I believe
4 there's some conflation happening between the regulation to cap
5 the size of a single facility versus the overall caps that are
6 proposed between utilities for community energy facilities, so
7 I'll comment on the size of project cap proposed as the
8 questions get to overall capacity.

9 We strongly support revising this requirement to be not
10 more than five megawatts. This is best practice that has shown
11 in other states. You can see this in the history of what
12 happened in Minnesota. They initially offered their required
13 one megawatt caps and there were interconnection issues and
14 cost issues and five megawatts was the revised project limit
15 and I think that cap fits with the distribution system, those
16 interconnection amounts and proves to be financially viable for
17 developers and you can see this with the costs of doing a small
18 half-kilowatt project as Chugach has been working so thoroughly
19 to pencil out.

20 So, I think allowing for more than one megawatt, ideally
21 five megawatt, based on the many states that have that limit.
22 There are various states and some worthy arguments for no limit
23 needed and allowing interconnection to determine the project
24 sizes. I don't believe it is necessarily worthy for project
25 size to be different between utilities.

1 ALJ DAVIS: Does Fieldworks have any comments?

2 MS. MOON: I think just speaking as a developer
3 experienced in, you know, developing and building these
4 projects, this is certainly -- the one megawatt to five
5 megawatt juxtaposition certainly is a point about economies of
6 scale and I echo AKPIRG's and REAP's comments. You know, if
7 this -- we're in pursuit of what's going to be best for
8 ratepayers allowing for larger projects within the overall
9 utility cap, I think, is really important. Thank you.

10 ALJ DAVIS: Thank you. Does Clean Capital have any
11 comments?

12 MR. ABCUG: For the record, this is Jeremy Abcug
13 representing Clean Capital. Regarding individual CEF project
14 capacity limits, I just want to echo the recent comments made
15 so far. We believe that a one-megawatt limit is much too
16 limiting and that if there is going to be a limit for
17 individual projects, we'd love to see it increased to five
18 megawatts.

19 I believe we might get to overall program capacity limits
20 later, but if not, just want to put in our two cents that we'd
21 love to see something individually tailored to utility service
22 territories, potentially maybe tying it to individual utility
23 load profiles or as we've sort of broached so far some type of
24 utility justification. Thanks.

25 ALJ DAVIS: Thank you. That ends the first round. Does

1 anyone have rebuttal questions or comments they would like to
2 give in reply to anything they heard?

3 MR. DRAVES: Judge Davis, this is JD Draves of Homer
4 Electric Association. We had a microphone problem on our end.

5 ALJ DAVIS: Oh yes, you're on. Great.

6 MR. DRAVES: Yes. Yeah. I just want.....

7 ALJ DAVIS: Would you like to comment on this first
8 question?

9 MR. DRAVES: Yeah, just a very brief comment, that's all.
10 I mean, most of what has been said has been said. You know,
11 from HEA's perspective, you know, we find that the one-megawatt
12 cap is probably a sufficient cap given the nature of the
13 distribution system here at Homer Electric. Most of our
14 feeders are actually two-megawatt capacity or less, so you
15 know, from that perspective, if it's a larger project, most
16 likely on the HEA system, you would need to then interconnect
17 at the transmission level.

18 So, if we are thinking distribution level, the one-
19 megawatt threshold or cap, so-to-speak, is sufficient in our
20 mind at this point. Thank you.

21 ALJ DAVIS: Thank you. Any follow-up comment? Anyone
22 want to give a follow-up comment? I'm just going to go in
23 random order. Yes, Mr. Scott.

24 MR. SCOTT: I appreciate HEA's comments about
25 distribution level size projects. I don't think there's

1 anything in the statute, which limits community energy
2 facilities to distribution interconnection. The statute, I
3 think, is actually pretty clear though that interconnection
4 costs would be borne by the project sponsor and so, again, if
5 it -- I don't think we should here, in regulation, make a call
6 about the tradeoffs between economies of scale of an individual
7 facility and the incremental costs of interconnection at the
8 transmission level.

9 ALJ DAVIS: Thank you. Any further follow-up comments?
10 Yes.

11 MS. KILEY-BERGEN: This is Natalie with AKPIRG and we
12 would second REAP's response that allowing economies of scale
13 and economies of projects to be the determining factor in which
14 projects and what size they can be within the limits of the
15 system.

16 ALJ DAVIS: All right, I'm going to move on to question
17 two then unless there is anything else. All right, question
18 two. The proposed regulations allow up to 10 megawatts of
19 interconnected facilities. Should the regulations include a
20 limit to the number of interconnecting community energy
21 facilities? Staff is aware of the restriction regarding large
22 energy facility in AS 42.05.785(e). And for this one, I'm
23 going to start on the second people on my list and go to
24 Chugach.

25 MR. CLARKSON: I'll jump in initially. Aly, you may

1 have some additional comments too, but from Chugach's
2 perspective, we don't see any reason to justifiably
3 differentiate between this program and the net metering
4 programs that exist already.

5 We would say that the total capacity limit should be
6 similar to whatever is currently existing in the utility's net
7 metering tariff, which is going to be dealing with the same
8 issues, the same justifications operationally, cross subsidy
9 wise. All of the same factors are going to be considered in
10 setting that limit, so we would say that the total limits
11 should be based on what the net metering limit is based on a
12 justification as everyone is suggesting.

13 ALJ DAVIS: Thank you. GVEA, do you have comment?

14 MS. BROKER: Yes. Oh.

15 UNIDENTIFIED VOICE: Sorry, Jess, you go.

16 MS. BROKER: Sure, I was just going -- Jessica Broker for
17 the record. So, in our comments on response to questions,
18 Commissioner questions one through four, we have a fairly like
19 blanketed statement about, you know, with the regulations as
20 proposed, you know, requiring the adoption of an
21 interconnection process. Our position is that, you know, as
22 long as the facility is going through that interconnection
23 process, we should be addressing any concerns of reliability
24 and stability through that. So, I would just reiterate what we
25 said to question one, which is a cap is not necessary. It

1 should be -- any issue should be addressed through the
2 interconnection process that will be established in tariff.

3 ALJ DAVIS: Thank you. RAPA?

4 MR. WALLER: This is Jeff Waller. Similar to our
5 comments, one thing I want to focus on slightly different than
6 most everybody said so far is we have the legislature has set
7 the policy with this law and it's our job to develop a way to
8 get that policy in place and the policy was to develop these
9 community energy facilities so that ratepayers could save
10 money.

11 And so, any artificial limits seem to be contrary to
12 that. RAPA is sensitive to the fact that the utilities aren't
13 going to have system constraints that would maybe stop a
14 project in one area of the system from working where it might
15 work in another, but again, we want to be careful about just
16 putting in a blanket limit on this.

17 We also want to be careful the other way that we don't
18 get so many community energy facilities that it makes operation
19 of the utility unreliable. So, again, we think the better
20 process would be for the utilities, under some scrutiny, to be
21 able to come in and justify what limits they believe are
22 appropriate and for that to go through a public process, we
23 understand it, we don't have to make this really expensive and
24 such like that.

25 And we're hoping that many of these projects would not

1 rise to that level, that if a small project comes in, the
2 utility will be able to say yeah, we can do that, the project
3 can go forward and there won't be a fight. But if it is one
4 that's of size or in an unusual location, then it seems like
5 the appropriate manner would be a public process to make sure
6 that this policy's carried out in a way that keeps us with
7 reliable, safe, and affordable electric service. Thank you.

8 ALJ DAVIS: Thank you, Mr. Waller. AKPIRG?

9 MS. KILEY-BERGEN: Thank you. Our response to this
10 question is -- shares aspects with other responses. We find 10
11 megawatts per utility per service arbitrary and not reflective
12 of respective utilities or the statute. And we point to
13 section 42.05.727(a)(2), which allows for utilities to
14 determine the maximum nameplate capacity for eligible
15 facilities within their service area and that evaluation every
16 two years and being that going through that process and with
17 the public with visibility and an opportunity for public input
18 and a clear path to understand how that utility set capacity
19 was determined is in -- with the statute as a way to proceed.

20 ALJ DAVIS: Thank you. REAP.

21 MR. SCOTT: Thank you, Judge Davis. This is Antony Scott
22 for REAP. So, I largely echo previous comments that have been
23 made. I think justification on the utility's part of what
24 their limits are is appropriate.

25 Having said that, I also think the Commission may want to

1 consider having some sort of safe harbor provision in terms of
2 establishing an initial cap that would apply to each utility,
3 which would then allow a utility to initially forego having to
4 justify what their cap was and thereby avoid that initial
5 expense.

6 And so, if you -- like I can imagine that for Chugach
7 Electric, 10 megawatts is no big deal, but for Homer, it might
8 be a big deal. But -- and again, I'm not supporting 10
9 megawatts as the right answer, but I am suggesting that you may
10 want to consider a safe harbor provision where you have 10
11 megawatts and if you have 10 megawatts, you don't have to
12 justify it as being appropriate. And then once you get to that
13 10 megawatts level, then it's time to come in and do some --
14 and you know, we may never get there. We have no idea whether
15 we'll actually ever get there, so I just offer that for
16 consideration to sort of reduce regulatory costs on the
17 ratepayers.

18 There was a previous comment, I think it was from GVEA
19 about interconnection issues and it's like well, we can just
20 deal with this at the interconnection level. I think that's --
21 that makes a lot of sense except for one of the really cool
22 things about this statute is that it opens the opportunity for
23 virtual net metering for pretty small installations. Condo
24 associations, potentially homeowner associations, duplexes,
25 that sort of thing. And asking under uniform and putting air

1 quotes around uniform, interconnection standards for small
2 scale interconnections like that, I think would not be
3 appropriate, but it would be appropriate to be able to extend
4 the net metering benefits to virtual net metering for dwellings
5 or even commercial residences -- commercial buildings where you
6 have multiple tenants so-to-speak.

7 So, REAP proposes that, at least, that sort of two-tier
8 approach. We do think having interconnection be a cost, that
9 stability issue and that sort of thing being an appropriate
10 guide for overall expression of limits. But I would say that
11 even then, if the interconnector is willing to pay for those
12 integration costs, then at the end of the day, I'm not really
13 clear why that should be the driving limitation. And I'd like
14 to hear other parties perspective on that if you're willing to
15 share. Thank you.

16 ALJ DAVIS: Thank you. I'm going to --- now up on the
17 list actually is Fieldworks and then Clean Capital and answer
18 this. You brought up -- I'm kind of interested because I don't
19 know, like you guys are the next two people or commenters are
20 developers and what is the demand? How prevalent are these
21 projects? Like I know I haven't even gotten a mailer for like,
22 you know, make scenic park solar farm.

23 So, like is -- like I know the technology's out there,
24 but like it seems, you know, there's costs in putting this up,
25 so I -- like I would be curious as in your -- you know, if

1 you could weave that into your answers of just how. So, I'm
2 going to go to Fieldworks and see if they have any first-hand
3 knowledge of this.

4 MS. MOON: Yeah, hi, everyone, Sarah Moon at Fieldworks
5 and apologies if my answers are a little unpolished. I'm just
6 a lowly developer here, but to answer your question
7 specifically, you know, I think the reason you're probably not
8 seeing a lot of development of this in Alaska yet is because
9 the conversation we're having right now, right? The law just
10 passed, the regulations are being set and developers need to
11 understand, if we're going to participate in this market, that
12 there is going to be a market to participate and that's
13 workable.

14 So, I think that's really where the crux of everything
15 that we're working out here, you know, comes into play, and you
16 know, for -- just speaking for ourselves, for us to invest in a
17 market like Alaska, we need to know that there's going to be
18 sufficient compensation to justify, you know, the significant
19 upfront investment that it takes to build one of these
20 projects.

21 And as a non-utility participant in the market, you know,
22 that's sort of our risk, everything that we're taking on, so
23 you know, we need to have that certainty. And I think this
24 comes into the conversation both about project size and about
25 total potential market allocation and I take very seriously

1 everything everyone's saying about total market size
2 development and safety, et cetera.

3 But to the comments made by REAP, I think the individual
4 safety and work-ability of each project kind of gets settled
5 within the interconnection process with the utility. At least
6 that's how it works in the lower 48. If it's prohibitively
7 expensive or impossible to meet safety standards to
8 interconnect a project, you know, to use the Homer Electric
9 example of anything above two megawatts on their system, the
10 development will then, you know, use that information and
11 decide whether or not to -- to build a project there and
12 whether it's cost effective.

13 So, I think from a developer perspective to justify
14 investment in Alaska, and I'd love to hear Clean Capital's
15 opinion here as well, there just needs to be a significant
16 enough runway to make it realistic that we will be able to
17 build a project that's economic.

18 I hope that's clear and I'm happy to answer any follow-up
19 questions.

20 ALJ DAVIS: That was a fantastic answer, thank you, Ms.
21 Moon. So, it's a bit of a -- dare I use the analogy, if you
22 build it, they will come situation where these regs are the
23 Field of Dreams and Shoeless Joe's going to come out and build
24 the solar farms?

25 MS. MOON: Precisely. You can think of me as Shoeless

1 Joe.

2 ALJ DAVIS: All right, perfect. Clean Capital,
3 let's.....

4 MR. ABCUG: Yeah, this is Jeremy Abcug with Clean Capital
5 again. I don't think there's any way I could say that better
6 than Sarah did at Fieldworks, so I'm mostly going to echo her
7 comments.

8 Specifically, I guess we can sort of weave this
9 conversation in with the question on an overall program cap.
10 Clean Capital mostly echoes previous comments made that not
11 only does a 10 megawatt limit feel a little arbitrary in that
12 we would like to see something more specifically tailored
13 towards individual utility service areas or utility average
14 retail demand, which I believe is somewhat similar to how the
15 current net metering capacity limit is structured.

16 But also, we believe a 10 megawatt limit would not
17 support a substantial enough market to attract outside capital
18 and essentially create a healthy community solar program. I
19 guess if we're sort of continuing this analogy of if you build
20 it, they will come, not only does a 10-megawatt limit feel a
21 little bit arbitrary, but we believe that it could not be built
22 out enough for them to come, if that makes sense.

23 And again, happy to try to answer any additional
24 questions or follow-ups.

25 ALJ DAVIS: Thank you. We'll move on to HEA. We're --

1 by the way, we are -- I got us a little off track, but we are
2 supposed to be discussing question number two.

3 MR. DRAVES: Yeah. I would just say, you know, HEA
4 basically, you know, is in support of the comments stated by
5 the utilities earlier, you know, we are worried certainly how
6 capacity works, not only for the community solar programs, but
7 it also has to work in conjunction with net metering if we're
8 going to be looking at things like what is the capacity on
9 individual feeders, et cetera.

10 One thing that I might be able to add some background on
11 is HEA did look at community solar several years, and from our
12 experience, you know, many members -- you know, we receive
13 comments, you know, from the membership saying they're always
14 interested in community solar, renewable energy, et cetera.

15 (Indiscernible) seems to be when the rubber meets the road.
16 When you ask them well, will you give us your email address or
17 phone number so when we have a project, we can contact you and
18 discuss, you know, your interest in carrying this further. You
19 know, that obviously attrits the population down even further
20 and my guess is it attrits even further once you start talking
21 to them about actual financial numbers.

22 Now this is pre-pandemic and I would say probably -- and
23 this is just for the HEA service territory given that it's got
24 some unique characteristics, say relative to maybe like
25 Anchorage and the bowl there. And that is, you know, keep in

1 mind, rooftop solar pricing has come down substantially. We
2 have tax credits, et cetera. And that kind of has to be viewed
3 as the competitor to community solar programs.

4 So, from that perspective, I would just say community
5 solar just may be a niche offering that may not have that much
6 demand in Alaska right now. So, I just wanted to add that as
7 some background. Thank you.

8 ALJ DAVIS: Thank you, Mr. Draves. And we will wrap this
9 round up with Matanuska Electric Association.

10 MS. ESTEY: Thank you, Judge Davis. Sorry, I have my
11 back to you, it's a little awkward.

12 ALJ DAVIS: I knew.....

13 MS. ESTEY: Do you want come sit (indiscernible -
14 simultaneous speech).....

15 ALJ DAVIS: I thought it was going to be -- you know
16 what, I always come down.....

17 MS. ESTEY: Come down here.

18 ALJ DAVIS: After this question.

19 MS. ESTEY: Okay.

20 ALJ DAVIS: Here, let me -- I'll -- we got it figured
21 out.

22 MS. ESTEY: It feels awkward is all I'm saying. Okay.
23 While you're moving down here, we agree with Mr. Waller's
24 comments. Again, we believe that Senate Bill 152 in AS
25 42.05.727(b) clearly provides this to be a utility-specific

1 number, and you know, I think the discussion is a good one.
2 When we survey our members, there is some interest in a program
3 like this, but not -- not a lot has been -- at least comes
4 through in our surveys. And then to JD's point, how many of
5 those then -- how many of those people actually activate on
6 this?

7 So, we're still trying to understand the demand of this.
8 I also think when you look at distributed generation, there's a
9 lot of opportunity there, but to some of the other points made
10 around the table, there are some costs associated with taking
11 advantage of it. We need to understand better impact on our
12 system, regulation and I think the goal of this statute, my
13 understanding is to provide low-cost power to as many members
14 as possible with -- while limiting the adverse effects to the
15 rest of the broader membership.

16 And so, as we think about this, we're not only looking at
17 that member in front of us that wants to participate, but also,
18 you know, membership with a capital M, the broader group of
19 members.

20 And so, Chugach's point is an interesting one in as we
21 look at the opportunity for net metering and how this connects
22 with that, what the impact to the broader membership is, as
23 that penetration increases, you know, there are opportunities
24 to use innovative rate structures, to try to adjust for the
25 system costs that are incurred to the broader membership of

1 some of these more innovative programs and we hope that as you
2 consider not only this docket, but your net metering docket,
3 that we consider some of those innovative rate structures that
4 might help alleviate the pressure on the broader membership and
5 thus provide more openness to some of these programs.

6 I also look at this as potential -- you know, when you
7 think about the market down in the lower 48 and how it's
8 working in the lower 48. There's kind of an unlimited amount
9 of opportunity for this power to go to places. As I look at my
10 own diversification efforts, you know, MEA's looking at, okay,
11 as we diversify away from all of our eggs being in the natural
12 gas basket, we're looking at wind, we're looking at solar.

13 In the summer, our load significantly decreases and so,
14 that's when these projects would be most productive. How much
15 capacity do we have for solar and so, looking at that in our
16 distribution -- or sorry, in our generation suite of
17 diversification, I think, is going to be important.

18 And then also, when I think about our current -- we have
19 several with kind of one broader company, several solar
20 contracts. And so, depending on how the economics of the value
21 flows, there's a possibility that we are going to be paying --
22 our subscribed members, as part of this program, more for the
23 power than say I'm paying renewable IPP for their RCA approved
24 contract. And is there then some sort of market distortion
25 between the community solar projects and how they compete or

1 can't compete or maybe with the unsubscribed regular solar
2 projects or other energy projects on our system from
3 independent power producers.

4 And I don't know enough to know what that answer is, but
5 I think it's something that we just need to be cautious of, to
6 be mindful of what we're doing to the general IPP market as we
7 think about the expansion of community based programs.

8 Tony, Tyler, Matt online, do you guys have any additional
9 comments? I think the other component is just making sure that
10 all of these projects are beholden to the same interconnection
11 protocols of all independent power produced projects whether
12 it's on distribution or transmission level and that costs flow
13 back to the project as we would require any of the other
14 interconnected independent power produced generation. Thanks.

15 ALJ DAVIS: Follow-up?

16 MR. SCOTT: Yeah, I have a -- this is Antony Scott for
17 REAP, I have a follow-up question for Ms. Estey, which is does
18 that notion of a uniform interconnection standard apply for --
19 there's a potential for community solar projects to be 20
20 kilowatts. I mean, does a 20-kilowatt installation on top of a
21 condominium need to go through the same sort of
22 interconnection? I mean, that just strike -- I mean, that's
23 within the existing net metering cap of 25KW for example. It
24 -- that seems a mistake to me given that the Commission's draft
25 regs, which we applaud in terms of their framework are

1 designed basically to extend the benefits of net metering to
2 people who otherwise, for whatever reason, are not in a
3 position to install their own rooftop solar assuming we're
4 talking about solar. You know, the statute's not limited to
5 that.

6 MS. ESTEY: Yeah, well, I think even now, right, we have
7 requirements for our net metering members. They have to
8 install the system so that it doesn't have feedback. We don't
9 pay for that, that's on the members. I think there's some
10 natural interconnection requirements that we have even of our
11 net metering members currently that we would expect to have in
12 the future as well.

13 And I think, you know, it's interesting to think of this
14 evolution because, right now, this is such a small percentage
15 of our power, right? And so, the costs are negligible that
16 they incur on the system, but I know there's hopes and dreams
17 of many for distributed generation to grow, whether that's
18 realistic or not, that exists, I know, even within your
19 organization.

20 And so, as that grows, I think we need to be mindful of
21 what that means and how the economic shift and if we do need to
22 have more protections or if that's just the way the trends go,
23 the utilities go, we become kind of more of a middle man with
24 all of these distributed powers, then there's new economics
25 that I think need to be followed, right?

1 And so, I think as we evolve to look at what the real
2 costs are, as distributed generation grows, there's, again, a
3 lot of opportunity, but there does come costs with increases
4 potentially to infrastructure needed to handle the level of
5 power coming in, depending on the size of the projects.

6 So, I think all of that can evolve, but I think we need
7 to ensure that the cost causer is the cost payer with all of
8 these.

9 ALJ DAVIS: Go for it.

10 MR. SCOTT: I won't take the bait on that last phrase,
11 but I would -- I'd like to clarify something because I think I
12 just maybe have made myself look silly in terms of my
13 ignorance, but my understanding is that the process that say an
14 IPP would go through, in terms of interconnection, is radically
15 different than the process that I went through when I installed
16 rooftop solar on my garage in terms of scrutiny around
17 interconnection.

18 I mean, in my case, there was virtually none. It's like
19 okay, yeah, you did it the right way, that's good. So, could
20 you all clarify that for me?

21 MR. CLARKSON: Yeah, I mean, I think to your point, I
22 agree with Julie -- Ms. Estey that uniformity is necessary, but
23 uniformity based on size because we do have differentiations
24 based on size built in right now to our tariff with respect to
25 interconnection protocol. So, I think uniformity within range

1 that are appropriate based on size.

2 MR. SCOTT: Thank you very much.

3 ALJ DAVIS: And that was Matt Clarkson for the record
4 who.....

5 MR. SCOTT: Thank you very much, Mr. Clarkson. I mean,
6 that is REAP's position on how this should work. That's all
7 and that there was a -- there's a description about uniform
8 interconnection standards for this kind of facility, which when
9 I read that literally, it means one.

10 MS. ESTEY: And this is Julie Estey for the record. That
11 is the way it currently works for MEA as well. We've got
12 standards for based on size and that's absolutely what we would
13 expect. You had brought up the example of a community solar
14 project that would be less than an existing net metering and
15 so, that's what I was addressing, but we do currently have
16 size-based interconnection protocols.

17 ALJ DAVIS: Jess, did I see your hand raising?

18 MR. MANAOIS: No, it was answered.

19 ALJ DAVIS: Okay. All right. Let's move on to topic
20 number three.

21 MS. CICILIO: Sorry, I had my hand raised.

22 ALJ DAVIS: Oh, I'm sorry, I didn't see you on the screen
23 because I moved away from my -- okay, please.

24 MS. CICILIO: Yeah, I just wanted to provide some context
25 from Golden Valley, so Golden Valley is three different

1 interconnection processes that are based on facility size and
2 also if you're connecting at the distribution or the
3 transmission level.

4 And with respect to the uniform interconnection process
5 for community energy programs, I think Golden Valley would
6 really like to highlight that we don't want to create a
7 different special interconnection process for community energy
8 programs and would really like all of those facilities or any
9 new facility connecting to a utility to go through their
10 respective interconnection processes. So, we wouldn't be
11 creating a new one. Thank you.

12 ALJ DAVIS: Go ahead.

13 MS. KILEY-BERGEN: This is Natalie for the record with
14 AKPIRG. We'd like to comment on the discussion around the
15 popularity of community solar programs and reiterating one of
16 the -- I realize we did submit quite a robust collection of
17 documents for this Technical Conference, those were really for
18 reference, things that have been useful to us for the entities
19 participating today and that includes, you know, some of the
20 legislative intent and the sponsor statement from the
21 legislature.

22 And the purpose of community solar is to address this
23 equity issue of people who can't access the benefits of the net
24 metering -- residential net metering programs in existence
25 today. And so, I think seeing that those have been popular,

1 that there's this iterative process going on of those caps
2 because the initial limits were met quickly and continue to be
3 met and there is growing interest.

4 But you can interpret a level of interest from non-
5 participants because they're ineligible and the whole point of
6 community energy is that it should create some sort of savings
7 for participants and it's hard to imagine, to me, that that
8 wouldn't be popular. We have been conveners of various
9 community energy and community solar events and the popularity
10 for those are quite remarkable and people are very interested
11 and eager to learn more. And I think the examples of Chugach's
12 project and Golden Valley's project show how much members are
13 asking, Boards are asking, member advisory councils are asking
14 for these sorts of opportunities and so, I just caution the
15 notion that there's not that much interest, that this might be
16 small. I think there should be reasonable limits for stability
17 and interconnection. We covered that, but within those
18 parameters, I hesitate to think that people won't be excited to
19 sign up.

20 And maybe Chugach is able to speak to and you have an
21 email sign-up list, I'm on it, for your community solar
22 project, but anything you've heard from your members on the
23 popularity there.

24 MR. RUDECK: Yeah, this is Al Rudeck with Chugach
25 Electric. Yeah, thank you, Natalie. We have, over two

1 different times now, surveyed our members on their interest in
2 going solar and going renewable energy and having more of that
3 of the power supply.

4 And in 2017, we had our initial pilot project. There was
5 strong interest from our members, and similarly, when we
6 surveyed them here this last year to support the current
7 community solar pilot, that the Commission recently approved
8 and that we're building right now, we have hundreds of people
9 on a waitlist right now that are looking to consider community
10 solar. And later this spring, this -- the proof will be in the
11 pudding when the subscription rate comes out and we're able to
12 offer that program to members to see, you know, when or how
13 many will sign up for the program.

14 So, we'll have more results and we have an annual
15 reporting requirement to the Commission on our pilot, so we all
16 can learn from this pilot and use that to inform this process
17 and these regulations' development.

18 While I have the floor, one other thing I would say, size
19 does matter in terms of interconnect. I agree with Phylicia
20 and we have systems in place to do that. One thing that is an
21 aggregating pack though as Julie mentioned earlier from MEA is
22 that the overall regulation requirements, as we add more
23 renewable energy, intermittent resource to the system, is
24 agnostic as to how it's put on the system, whether it's a rough
25 top, whether it's distribution or transmission, we have seen

1 limits. We've studied large 100, 150-megawatt renewable
2 problems. There are material regulation costs that need to be
3 considered in our normal integration and interconnect
4 processes.

5 So, just something to be mindful of and there will be
6 tipping points. Whether that's a voided cost project from
7 PURPA, whether that's in that metered project, whether that's a
8 project that a utility builds or whether it's a project an IPP
9 brings through a PPA. The aggregate of those need to be
10 managed and we do have low loads in the summer, we're a small
11 system with lightly loaded. In the summertime, we're -- our
12 reliability constraints become more problematic in a lightly
13 loaded system, so those are things that we, as a utility, will
14 address in our plans as we file them in this docket.

15 MR. MANAOIS: Judge, quick question. This is Jess
16 Manaois, RCA staff. So, you mentioned different sizes, right?
17 So, can the utilities handle those in their tariff meaning the
18 interconnection of those projects? Because what I hear is that
19 -- and I'm -- I was going to say Commissioner Scott, but -- so,
20 when he built his own project, there was no interconnection
21 agreement between the utility and -- to subscribers, so -- but
22 what we're seeing here is uniform interconnection. So, can the
23 utilities handle each individual project, for example, of the
24 same magnitude? Thank you.

25 MR. ZELLERS: This is Tony Zellers from Matanuska

1 Electric. We can't -- to reference Mr. Scott, he did have
2 standards he had to meet to interconnect, so because net
3 metering is limited to 25KW and below, utilities can set an
4 integration -- or interconnection standard for that. That is
5 easy for members to read and do that.

6 When you start getting above that, depending on location
7 and everything else, you're not necessarily able to set that
8 standard, because now, you have to look at it, hey, it's the
9 impact on just that distribution feeder line. You know, can I
10 take a megawatt on that line or not before it feeds back into
11 the transmission. So, there becomes more to where we have to
12 study it a little bit more in depth and to the point once we
13 get more and more of these online, there's a greater impact to
14 the overall system on whether that's more regulation and we got
15 to bring on another unit to regulate it or not.

16 And the other thing I just want to remind everybody is,
17 this is a community energy program. That -- we talk a lot
18 about solar because this is -- solar is usually the easiest,
19 but these could be other renewable sources that provide this
20 and not all generation is the same and not all generation acts
21 the same on a distribution system.

22 ALJ DAVIS: Any other comments on question two? Mr.
23 Clarkson?

24 MR. CLARKSON: Yeah, this is Matt Clarkson for Chugach
25 Electric. I mean, to your question, as far as these small

1 level facilities go, I think some level of guidance on
2 interconnection standards and requirements can be built into
3 the tariff if it isn't already there.

4 Beyond that, when you get into the site specific issues
5 with larger projects, that's where these interconnection
6 agreements come in that allow us to fine tune the deal to
7 specifically what is needed for purposes of that project. But
8 -- so, it's just going to depend on size, to Tony's point.

9 ALJ DAVIS: Any other comments? All right, let's move on
10 to question three. Should regulations address curtailments and
11 temporarily caps how much power the electric utilities may
12 accept from community energy facilities? If so, at what level,
13 should there be a provision similar to 3 AAC 50.900(b)(3) for
14 consumer net metering, which allows a utility to deny
15 interconnection with a net metering system if the utility
16 determines that the system would cause reliability issues?

17 And I'm going to start with GVEA on this question.

18 MS. CICILIO: All right. This is Phylicia Cicilio, so
19 I'll start with the second half of that question talking about
20 denying interconnection. I think if the facility is following
21 interconnection processes, there's a mechanism for that
22 developer to pay any network upgrades that are needed. So,
23 that should be handled within an interconnection process, then
24 there wouldn't necessarily be a need to deny a facility.

25 In regards to curtailments, this would also be addressed

1 in the interconnection agreement, which would come out of an
2 interconnection process. And so, allowable curtailment is a
3 part of particularly large facility interconnection agreements,
4 so say for projects maybe above a megawatt, Golden Valley needs
5 the ability to curtail that facility to any amount
6 instantaneously to make sure that we can maintain stability and
7 reliability.

8 That's not implying that there's a lot of curtailment
9 annually, but for any given hour, utilities needed to be able
10 to curtail that depending on a variety of system conditions
11 that might arise.

12 At this time, the metered facilities aren't required to
13 be curtailed, but that might change if the amount of net
14 metering facilities increases to a certain amount, that it can
15 have transmission impacts.

16 So, all in all, we think both of these items would be
17 addressed through interconnection process.

18 ALJ DAVIS: Thank you, Ms. Cicilio. RAPA, Mr. Waller?

19 MR. WALLER: This is Jeff Waller. So, I see that our
20 original response to this question was rather cryptic, so I'm
21 going to try to expound a little bit on what we were trying to
22 say.

23 So, when we stated inartfully was, you know, looking at
24 the purpose of this statute, which is these community energy
25 facilities hopefully go in a place to save Alaska ratepayers

1 utility -- cost on their utilities.

2 There's nothing in SB 152 that indicated the legislator's
3 intent was that it could have some sort of adverse impact on
4 the system as a whole and the utility system not necessarily
5 when we think about systems here in the -- in this area of the
6 state, we think of the Railbelt, but even small islanded
7 systems.

8 And so, I think we need to be careful. We obviously need
9 rules in place that the utility can't just arbitrarily curtail
10 energy from a community energy facility or arbitrarily deny
11 interconnection. So, as GVEA was just stating, if you've got a
12 set of rules in place and things that designate who pays what
13 costs and how things can get done, that should proceed forward
14 without a problem. RAPA does like regulations that make things
15 clear so the public can understand where they're going, but we
16 also don't want to get to the level of micro-managing in
17 regulations that the regulations become obstructive.

18 So, I think for this, I think the next question kind of
19 feeds a little bit more into it. Obviously, the utilities have
20 to be able to make sure they can protect the integrity of the
21 system and we don't want reliability to take a back seat to
22 affordability. We are supposed to get safe and affordable and
23 reliable electric service. Thanks.

24 ALJ DAVIS: Thank you, Mr. Waller. Natalie.

25 MS. KILEY-BERGEN: We would agree on this question wit

1 RAPA's response that we see the clear legislative intent that
2 this program should not have impacts on reliability, but that
3 we also need clear regulatory certainty for participants, for
4 developers, for specific projects so that there's not an
5 arbitrary denial or arbitrary curtailment in that those rules
6 of the road, whether determined in the regulations or in each
7 tariff, are clear, have a level of public scrutiny and a
8 reasonable process so that participants can fairly participate.

9 ALJ DAVIS: Thank you. REAP?

10 MR. SCOTT: So, there are multiple parts of the question.
11 This is Antony Scott for REAP and I was confused reading it
12 because, on the one hand, there seems to be discussion of
13 curtailments as to capacity and the other is to energy. When I
14 read curtailment, I think about energy.

15 The comments that have been made thus far about -- I
16 really appreciated Golden Valley's comments about curtailing
17 energy. It makes a lot of sense that having clear standards
18 that a utility can curtail energy from any given installation.
19 I assume that would be worked out in terms of the
20 interconnection agreement with that utility, but in general, I
21 would assume it's the case that you would want those
22 curtailments to be made only for reliability purposes. You
23 certainly wouldn't want -- we only have co-ops here, so this is
24 going to sound a little far-fetched, but in a market context,
25 you wouldn't want potential curtailing of this producer as

1 opposed to that producer when you have obligations that are
2 otherwise to receive the power.

3 So, I think, if we're talking about curtailments, I think
4 if the intent is to maintain stability, that makes a lot of
5 sense. And I start scratching my head when we talk about
6 curtailing capacity because it falls back on our previous
7 discussion, I think, in terms of overall limits.

8 And so, I think we beat that horse pretty hard, I'll just
9 be quiet about that. Thank you.

10 ALJ DAVIS: Thank you, Mr. Scott. Ms. Moon, do you have
11 any comments on question three?

12 MS. MOON: Yeah. I just want to add, for the group, that
13 you know, from a finance-ability standpoint, I mean, I
14 completely agree, you know, every utility needs to do, you
15 know, what's right for them from a reliability standpoint, but
16 you know, I definitely agree with the comments that REAP is
17 making. I think it has to be, to some extent, limited and
18 regulated for these community energy facilities, but also, you
19 know, if I'm, again, Shoeless Joe here trying to determine
20 whether or not to build a project in Alaska, if there's going
21 to be arbitrary curtailment of my project that I can't predict,
22 and you know, I'm uncertain about how much energy my project
23 might produce and how much value I'm going to get for that, I'm
24 not going to be able to invest and build a project, so I do
25 think, you know, typically in community solar programs that

1 I've worked in, you know, curtailment's usually reserved for
2 larger scale projects, not the distribution connected projects
3 we're talking about here. But even if let's say curtailment
4 were to be considered, the project would still be compensated
5 for energy produced at the project meter, so there is
6 predictability and finance-ability of that project. And so,
7 yeah, I just want to add that from the developer perspective.

8 ALJ DAVIS: Thank you. Clean Capital.

9 MR. ABCUG: For the record, this is Jeremy Abcug from
10 Clean Capital. Not much to add here, but just largely echoing
11 the sentiments of REAP and Ms. Sarah Moon that predictability
12 is great from a developer perspective. And I guess just in
13 general, our understanding in how it's worked, in my experience
14 with other community solar markets, is that these projects are
15 going to be required to undergo different interconnection and
16 integration studies based on different utility standards.

17 So, broadly speaking, as long as there is transparency
18 and predictability, we're happy with that.

19 ALJ DAVIS: Thank you, Mr. Abcug. HEA, Mr. Draves.

20 MR. DRAVES: Yes, JD Draves for the record. Yep. HEA,
21 we are in favor of having a provision similar to 3 AAC
22 50.900(b)(3). I mean, we do need to have that ability to
23 curtail should the situation arise. I mean, that is going to
24 be basically, yeah, dependent upon the conditions of the system
25 at any particular point in time, so from our view, you know,

1 there should be some flexibility in the sense that, you know,
2 the RCA should probably be looking at this as maybe sort of --
3 if you're talking about curtailments, maybe in a general
4 framework in trying to stay away from anything particular
5 prescriptive.

6 And just thinking going forward too, you know, we're
7 going to have a change in energy mix here going forward over
8 the coming years and if you say, for example, have a lot of --
9 take rooftop solar, community solar and we also have PPAs, you
10 know, coming down the road from utility scale solar. On a
11 summer day, you add all this up, one on top of the other, who
12 are you going to curtail.

13 Now generally speaking, you know, like our previous
14 commenters suggested, if you're a large project, you will have
15 the curtailment compensation as part of the contract, so -- but
16 you know, right now, we don't curtail any of our rooftop solar,
17 net metering customers, but you know, as we go forward in the
18 future and say, for example, you get a bright, sunny day and we
19 start having system stability issues, just something to be
20 mindful of. Thank you.

21 ALJ DAVIS: Thank you, Mr. Draves. Ms. Estey, does MEA
22 have comments?

23 MS. ESTEY: Thank you, Judge Davis, this is Julie Estey
24 with Matanuska Electric Association. We agree with comments
25 made by several other companies including Golden Valley.

1 I think they did a great job of outlining and we think that
2 this

3 would be handled in that community energy plan established in
4 42.05.727.

5 We agree with REAP's comments that they should be, you
6 know, really reliability focused, but we'd also like to add
7 safety as when there's outages, we can't have power back
8 feeding on this system. For instance, we've had several
9 outages this last couple days. Princess Lodge has been out now
10 for, what, 36 hours, maybe 48 because of some lines over the
11 Chulitna River that are down. If they, for instance, had a
12 community energy facility, they would be unable to bring power
13 to our members and we don't believe that they should. We
14 believe that that would be another example of a good time to
15 curtail. And because we're a member-owned not-for-profit
16 cooperative, we don't believe that our members should pay for
17 the power that's not being delivered to them. This was built
18 on the premise of consumer -- power -- lower cost power for
19 consumers and so, we would think that our members shouldn't pay
20 for the power that's being curtailed, so that cost of
21 curtailment shouldn't rest solely on our membership.

22 We agree with Clean Capital's comments about transparency
23 and predictability and find that essential for this system to
24 work.

25 And then I'll also give Matthew the opportunity from GDS.

1 I know that he's seen some examples in the lower 48, if there's
2 anything that you'd like to add?

3 MR. BUTLER: Yeah, thank you. I think it's important to
4 note that curtailments and caps are two very different things
5 as many folks have already mentioned. From the reliability and
6 system and safety curtailment perspective, I think the
7 interconnection process is usually pretty good at addressing
8 system impacts and cost incurrence and assure that those
9 projects incur cost to safety integrate their electrons onto
10 the system.

11 At the end of the day, if there is significant
12 curtailment occurring, it probably means that the volume of
13 this program has out-paced what's reasonable and got into an
14 unhealthy place.

15 As it relates to capacity curtailment or limits or caps
16 on the overall program, I think the focus should be on the
17 legislation's requirements to avoid adverse impacts for the
18 other ratepayers and so, that will, in and of itself, drive a
19 limitation on the overall size of the program as a share of
20 total capacity on the specific utility's system.

21 There's plenty of precedence elsewhere in the country
22 whereby over-incentivization of virtual or direct behind-the-
23 meter generation has created significant system and market
24 impact issues. And I think Alaska's probably a place where you
25 want to avoid those circumstances.

1 ALJ DAVIS: Thank you. Chugach, you're the last on the
2 list.

3 MR. CLARKSON: I got a couple comments and then feel free
4 to jump in, but I think to Mathew's point for GDS, I see a
5 difference, I think, primarily between systemic curtailment
6 situations and emergency curtailments. So, I think from a
7 system stability constraint, other operational issues
8 standpoint, the utility always has to have the ability to
9 curtail power from these facilities in order to maintain
10 operational integrity for the entire system.

11 But if you're running into a situation where you are
12 seeing curtailments occur on a systemic basis for these
13 projects, then it means from my standpoint, the two-year review
14 of what you can handle from a utility standpoint, isn't working
15 and you need to make sure that your limit, from a total
16 capacity on the system, is appropriately set, otherwise, you
17 need to make sure that you're undergoing additional upgrades to
18 the system and that those costs are being borne appropriately
19 by their respective class of customers so that the power can be
20 accommodated without ongoing systemic curtailments.

21 But I view it sort of as being two issues. I think from
22 an operational emergency standpoint, yes, the utility has to
23 have the ability to be able to curtail. And then I think the
24 more systemic issue we deal with through the flexible utility
25 cap review process that we're talking about where we can look

1 on an ongoing basis as to what our current system can sustain
2 and then what upgrades would be required to potentially expand
3 those limits and then how much is it going to cost and then
4 who's going to pay those costs and working through those
5 processes on an ongoing basis is where we're going to need
6 flexibility to be able to do. Al, do you have any additional
7 comments?

8 ALJ DAVIS: Does anyone have a follow-up comment on
9 question three?

10 MR. WALLER: Your Honor, it's Jeff Waller with RAPA.

11 ALJ DAVIS: Please proceed.

12 MR. WALLER: I just wanted to respond in part. It's been
13 done somewhat to Fieldworks comments, which I understood to be
14 something along the lines that if there is a curtailment, that
15 the utility should still pay for the energy curtailed. While
16 that's an attractive thought for a community energy facility,
17 there are some issues.

18 First off, the statute that was passed in SB 152 says
19 that the Commission shall adopt bill credit reference to some
20 numbers, consider the full economic value provided by the
21 community energy facilities. It would have been simpler if it
22 had just said the full economic value of the energy provided by
23 the energy facility, but I'm not aware of any intent in the
24 statute that these energy facilities are supposed to replace
25 utility capacity so that you would be paying for capacity like

1 you would under PURPA.

2 So, I think we have to be careful there. While that's an
3 attractive idea to go through, we don't want to force the non-
4 participating ratepayers to have to pay for energy that isn't
5 received. There was a comment that, I think maybe by MEA, that
6 we also shouldn't put this on the member owners, but I'll
7 remind everybody that these will be statement applicable, so
8 AEL&P planned down in Juneau and AP&T out in Tok and areas like
9 that are investor-owned. And even for those utilities, we
10 wouldn't want to force the non-participating customers to pay
11 for energy that was basically curtailed and not provided.

12 So, I think there's probably a reasonable solution to
13 that. I just want to make sure we're careful that we don't go
14 down a road of shifting those costs. And I see that Ms. Moon
15 has a response to me. Thank you.

16 ALJ DAVIS: Thank you, Mr. Waller. Ms. Moon?

17 MS. MOON: Yeah. Thank you, Your Honor. Thank you, Mr.
18 Waller. I completely understand, you know, the points that are
19 being made here about, you know, avoiding undue cost burden to
20 others for valuing energy that's not delivering real value to
21 all members of the cooperative. I just -- the only point I
22 wanted to make, and I think it's just one that needs to
23 continue to be thought about in this conversation, is if -- you
24 know, the program rules and regulations essentially just give a
25 carte blanche to curtail energy at any time and in any way.

1 It's not going to be something that we'll be able to build, you
2 know, as a third party.

3 And I believe there's a provision in the bill, you know,
4 that asks the regulations to consider and to make sure that,
5 you know, all -- there is an equal chance that, you know, a
6 utility that can recover costs through ratepayers and a third
7 party can develop these projects and justify that capital
8 input.

9 So, I recognize that Alaska's a unique market, and you
10 know, maybe my experiences from the lower 48 don't exactly
11 apply here, but I do think that it would be just important to
12 think about. To Jeremy's point from Clean Capital, that if
13 there is curtailment, it's predictable and understandable so we
14 can build that into our model and determine whether or not we
15 can justify the expense to build that project knowing that
16 risk. I hope that is helpful.

17 ALJ DAVIS: Thank you, Ms. Moon. Is there any follow-up
18 -- further follow-up comments on question three?

19 MR. WALLER: Your Honor, this is Jeff Waller again. Yes,
20 for clarity, for Fieldworks' recent comments, you know, RAPA is
21 not saying that there should be willy-nilly arbitrary
22 capricious curtailment. We do not believe that's appropriate,
23 so yeah, we're not trying to say that the utilities could just
24 curtail just because they feel like it. You know, it has to be
25 measured, understood and justified. Thank you.

1 ALJ DAVIS: Thanks. All right. We are going to move on
2 to question four. Should rules regarding curtailment of
3 applicants for interconnection be included in the regulations
4 or in the community energy tariff? And I'm going back to Mr.
5 Waller because you're next on my list.

6 MR. WALLER: Thank you. This is Jeff Waller. Yeah,
7 again, we had a rather cryptic answer. Rules regarding
8 curtailment of applicants could be taken a couple of ways, you
9 know, whether we're talking about curtailment of energy or are
10 you going to limit the number of applicants? Either way, I
11 think it's important for the tariff to be understandable to the
12 public and I understand -- also understand that most of the
13 public doesn't read the tariff, but the tariff is the contract
14 between the utilities and the public and those rules often
15 spill over into other areas on the utilities' websites where it
16 explains there's a community energy facility going in. If you
17 want to sign up, here's where to go.

18 As far as limiting the overall number of individuals that
19 could be part of a facility, I don't know why that would be
20 needed. You can always have a situation where you have a
21 waiting list, and as people come and go in and out of the
22 state, those people could get in. If we have sufficient enough
23 waiting list, that might encourage other developers to see that
24 there's a demand for further projects.

25 So, depending how you read the question, those are my

1 thoughts for this morning. Thank you.

2 ALJ DAVIS: Thank you, Mr. Waller. Natalie and AKPIRG.

3 MS. KILEY-BERGEN: Forgive me, Judge Davis. Am I able to
4 ask for clarity on the intent of this question and the -- what
5 the intent of applicants here (indiscernible - simultaneous
6 speech).....

7 ALJ DAVIS: You may ask anything. Whether you get an
8 answer is (indiscernible - simultaneous speech).....

9 MS. KILEY-BERGEN: Okay, I'm going to exercise my right
10 to ask and see what happens. Can anyone provide clarity on the
11 intent for the terminology of curtailment of applicants and
12 whether it's projects or subscribers to projects?

13 ALJ DAVIS: I'm going to turn to staff.

14 MR. MANAOIS: Let me try. So, I think the intent here is
15 to first, whether curtailment should be in the regulations or
16 in the tariff. And then when we say curtailments of
17 applicants, the reason why we put limits earlier is that we
18 don't want monopoly, so we're limited to one megawatt per
19 project, right? And the cumulative is 10 meg.

20 If I'm capable of building like six -- if one project is
21 one megawatt each, then it can build six. I mean, I don't
22 think that's fair. I think that's the point of discussion.

23 And so, with -- also with subscriptions, sorry, let me
24 put that. So, we're trying to avoid monopoly, you know,
25 planning the game as well, so instead of sharing like 20 solar

1 panels, for example, if two or three persons are just
2 subscribed, I mean, I don't think that's fair. I think that --
3 again, I think that's the intent of the question.

4 MS. KILEY-BERGEN: Thank you very much. Then in
5 response, we agree and have voiced in our written comments an
6 interest and a priority in seeing that projects of various
7 sizes are feasible so that the condo and multi-plex community
8 building opportunities that are going to be relatively small,
9 dozens of kilowatts, and then the utility scale or independent
10 power producer, tribal independent power producers you're
11 seeing with solar for all funding that's gone to the Tanana
12 Chiefs Conference and other entities that the regulations
13 should ensure that all -- that various sizes of projects are
14 feasible while also layering the nuance of communities of scale
15 that have been discussed thoroughly specifically to curtailment
16 of applicants.

17 If -- also going with the REAP framed, you know,
18 curtailment of capacity versus I think we thoroughly discussed
19 curtailment of energy. I do look to the net metering approach
20 that there's a clear process for the communications needed if a
21 project is not going to be interconnected, if it's -- the
22 capacity is being curtailed, if that's how this is being
23 positioned and that provides a clear back and forth.

24 And I think it's quite remarkable that this statute has
25 this two-year reevaluation process and I think that was just

1 referencing Chugach's responses for the curtailment of energy,
2 but I think there's a lot that's going to be achieved by that
3 continued iterative process and the opportunity to revise from
4 what is learned and what happens in those cycles.

5 And so, I think making sure that the requirements for
6 those -- the tariff and for those reevaluations in the public
7 process for that evaluation is most important. And I trust the
8 process that the utilities will be able to ensure that their
9 capacity, when it's -- what's reasonable, and therefore, there
10 should be very minimal curtailment of applicants through this
11 really robust iterative approach.

12 ALJ DAVIS: Thank you. REAP?

13 MR. SCOTT: Thanks very much. Antony Scott on behalf of
14 REAP. Curtailment of applicants for interconnection. I am
15 leery of the Commission, through regulation, trying to set up
16 ground rules that ensure robust competition between potential
17 community solar providers.

18 I appreciate that that's, you know, a concern. What if
19 that happens and then the subscribers don't offer good deals to
20 consumers? On the other hand, recognize there are economies to
21 scale with this stuff and there are also economies of scope and
22 so, if I'm a developer entering into Alaska, we've already
23 heard this. If I'm going to enter the market, I don't want my
24 opportunity so limited that I can't pay for actually all the
25 development costs of entering into that market, which are

1 significant.

2 So, I would recommend against the Commission trying to
3 design regulations that ensure a workably competitive market is
4 the framework economists use. I appreciate the desire, but I
5 don't think it's actually feasible, especially given how small
6 this stuff is.

7 I think you should trust that, if you have a pretty open
8 process with reasonably high limits, that you'll have
9 competitive entrants and if you have competitive entrants,
10 they'll sort it out amongst themselves as to how to provide
11 consumers with best deals. That's my kind of conservative
12 economist hat.

13 In terms of rules for -- then imagine the circumstance in
14 which there are established limits for a utility -- I mean,
15 that the -- you know, have been established, like we're going
16 to accept this much community solar at least in the next two
17 years on our system or community energy I should say. And just
18 as the utilities have provisions in their tariff for limiting
19 net metering entrants because hey, that's a problem for feeder
20 lines, I think it's reasonable to have that sort of provision
21 with the proviso that the exercise of that discretion, the
22 reason for exercising that discretion be laid out clearly as
23 opposed to well, we just need flexibility. I appreciate that,
24 but flexibility needs to not be arbitrary and there needs to be
25 some clarity, I think, at least in this tariff that the

1 flexibility will be exercised in a non-discriminatory fashion.
2 And I know nobody wants to be discriminatory and so on,
3 but I think it's important that we keep that stuff clean.

4 Jess, in your comments explaining this question, I
5 thought you went to the issue of whether this question also
6 extended to subscribers of a given facility. And I appreciate
7 the concern there. Again, I'm -- I think it's very problematic
8 to try to establish what that -- limitation on subscribers in a
9 facility in regulation. I would suggest that you not try to do
10 that.

11 Again, rules around curtailment of applicants for
12 interconnection within a cap, I think you could have a
13 regulation outlining that your tariff must be clear about how
14 you are exercising that discretion consistent with state law.
15 But other than that, I think it's probably more appropriate to
16 leave it at the tariff level. Thank you.

17 ALJ DAVIS: Thank you. To add some context, I think one
18 of the fears is like once these regs are passed, what if
19 Weidner comes in and says we're putting solar panels on all our
20 apartment buildings and all of a sudden, that capacity is just
21 filled up and no one else in their little non-corporate owned
22 apartment complex then can get onto and do it. But I think
23 that was the fear and that's just to add some context of what
24 was going on.

25 So, who was up next? Ms. Moon, does Fieldworks have

1 comments?

2 MS. MOON: Yes, thank you so much. I think -- my brain
3 goes to a lot of different places in this question and I think
4 I have thoughts on the interconnection process in general, but
5 I also really appreciate the consideration of, you know, making
6 sure that there's enough room in this program for, you know,
7 everyone to participate who wants to or as many people as
8 possible, maybe not everyone.

9 And I, at the same time, having the tension of, you know,
10 making sure that there's enough of a competitive market that
11 people are able to choose from projects that they want to
12 participate in that maybe have better offers or choose the
13 project that meets the characteristics that they want. I mean,
14 something we see in the lower 48, subscribing customers is that
15 they tend to choose, you know, first and foremost, what's the
16 best savings proposition for them. But second, you know, what
17 project is tangible to them, which one's located most closely
18 to where they live or meets characteristics that they're
19 interested in some other way.

20 So, I agree setting regulations that limit that open
21 market could have a lot of unintended consequences and limit
22 choice and potentially even possible savings to customers, but
23 I also, in the lower 48, I don't believe there's anything like
24 this in the existing bill or legislative language. There is
25 sometimes a developer cap or a project owner cap that's

1 instituted that no individual, you know, developer can own more
2 than a set percentage of the program capacity or maybe by
3 utility. And I believe there's already limitation on how much
4 of the capacity can be owned and operated by the utility
5 themselves. So, that's -- not trying to add a wrench into
6 things, but just food for thought based on my experience with
7 these programs elsewhere.

8 And if I can just add one more point on the
9 interconnection piece, you know, I think what's important here
10 from my perspective as a potential future participant in this
11 market is just that there's a transparent way for whatever
12 project sizes are allowed to work with the utility to see what
13 their interconnection costs would be.

14 This is another element of the competitive market, you
15 know, that I think we'll see once this program is established
16 in Alaska. If the cost is prohibitive because it's not a good
17 place to interconnect, you know, and the upgrades required to,
18 you know, shoehorn a project in at a specific portion of the
19 grid just isn't workable, the project just won't get built.
20 You know, I think that's more applicable to the one megawatt
21 and above, you know, project sizes rather than the specific
22 small apartment complex virtual net metering example that was
23 discussed, but I just wanted to add that point. Thank you.

24 ALJ DAVIS: Thank you. Clean Capital?

25 MR. ABCUG: Yeah, thanks. This is Jeremy Abcug

1 representing Clean Capital. Mostly agreeing and echoing
2 comments from Sarah Moon in Fieldworks, but also wanting to
3 expand on a couple points here. I think there's a lot to this
4 question and I might not get to every single point, but
5 broadly, I think Capital recommends against including too -- I
6 guess too much specific rules on curtailment in the broad
7 regulations and would rather, as we've been discussing and
8 we've been hearing in some other comments, rather seeing it on
9 a more utility tariff level.

10 We -- Clean Capital and other comments so far have really
11 pushed for a transparent reasoning and we would love, as Sarah
12 Moon was discussing, to have a chance to work with utilities on
13 getting a transparent and fair reasoning for any curtailment.

14 I also wanted to briefly touch on this aspect of a
15 competitive market for third-party developers. I think we can
16 very much appreciate the need to keep this market competitive,
17 to provide as much savings to ratepayers and potential
18 subscribers as possible, but also just wanted to bring up the
19 point that developers in these programs need to obtain
20 subscribers and I think Sarah Moon was getting at this a little
21 bit in her comments.

22 But there is an inherent competition among developers when
23 trying to get subscribers and I don't think that should be lost
24 or forgotten here as well. Thanks.

25 ALJ DAVIS: Thank you, Mr. Abcug. HEA.

1 MR. DRAVES: Yes, JD Draves for the record. Yeah, HEA,
2 you know, we like to see the other Commission, you know,
3 provide the utilities, you know, that discretion to deny
4 applications for interconnection simply because, you know, we
5 hold the CPCN, you know, it's our obligation to provide safe
6 and reliable power, so should an applicant come in that doesn't
7 fit that, you know, we should have the ability.

8 From our perspective, we think that, like I stated
9 earlier, this -- if it's to be in regulations, it should be a
10 very high level. You know, that should be more a matter for
11 the utility tariffs as we submit those plans.

12 Dealing with, you know, some of these other issues that
13 have come out, you know, we kind of interpreted this question
14 in a rather narrow sense. I think, you know, when you look at
15 community solar, the community energy programs, you know, also
16 just have to keep in mind the net metering capacity. On HEA's
17 system, we don't have that much capacity and I think it was
18 you, Judge Davis, who raised the point that we had thought of
19 that here earlier at HEA is the ability for a developer to come
20 in and simply soak up all the capacity on various feeders and
21 what if, say, someone wants to come along later, wants to do
22 their own, say, rooftop solar on their house and there was no
23 capacity available, what does that individual do then?

24 So yeah, that point had come -- had entered our minds, so
25 yeah, also considering net metering and all of this, just

1 something to keep in mind going forward. The two kind of have
2 to go together. Thank you.

3 ALJ DAVIS: Thank you. We're going to go to MEA and just
4 a point of order, after this question, we're going to take a
5 15-minute break and stretch our legs and then we'll come back
6 and do the last three.

7 MS. ESTEY: Thank you, Judge Davis. Julie Estey,
8 Matanuska Electric Association. MEA agrees with AKPIRG that we
9 shouldn't limit opportunities for a variety of participants in
10 community solar.

11 And you know, one of the things that we've also been
12 thinking a little bit about is that consumer protection element
13 of this, the member protection element of this and where that
14 due diligence requirement lies. I think some of it, when you
15 read the statute, falls within that community energy plan.
16 What must be in place for the utility to check that box?

17 But then after that, if they check all the boxes, it
18 really rests with the regulatory Commission according to the
19 statute for some of those protections, at least against costs
20 and other things.

21 And we know that there's a lot of risks in developing a
22 project. We deal with them all the time as utilities. And
23 ideally, as we launch this program, we get more entrants into
24 the market. A lot of these folks have not developed projects
25 in Alaska before, things like, you know, building for the

1 tougher weather, things like forecasting solar up here. A lot
2 of those are going to be unknowns for those folks and if some
3 of these developers, it's almost like a buyer beware, if some
4 of these developers get that wrong, where do those risks sit?
5 Is that with our members, is that with the utility, is that
6 with the developer? Who wears that risk and how can -- what
7 role does the utility have in that, what role does the RCA have
8 in that and what role does just the member in like a buyer
9 beware have in that?

10 And so, as we're looking through the provisions in the
11 statute for what we're allowed to do and what the RCA
12 requirements are, there's still some unknowns there and going
13 back to the point of certainty, we want to make sure that these
14 programs are successful, that the developers up here are
15 successful and that the members actually do receive benefits
16 from these programs and so, what protections can we put in
17 place either through our tariff or through regulation that
18 ensures that our members are protected from some of these
19 development risks, especially with a lot of these likely new
20 entrants into the market.

21 And there is some authority granted to the Commission,
22 42.05.731(b) allowed the Commission to add extra requirements
23 to protect for safety and reliability, but that doesn't
24 necessarily cover some of these development costs as well.

25 So, I think, you know, all of these are swirling in our

1 mind, I don't know that we have an answer yet, but those are
2 things that we would expect the Commission to understand their
3 responsibility granted in statute and required in statute and
4 pick up where our responsibility is limited. The statute very
5 much limits the utility in what we're able to protect against.

6 And so, where we have to let go of that control over the
7 ability to protect our members, we expect that the Commission
8 would pick up some of that responsibility as well.

9 Tony, Tyler, any additions or Mat online? Thank you.

10 ALJ DAVIS: Thank you, Ms. Estey. Mr. Clarkson, does
11 Chugach have.....

12 MR. CLARKSON: Yeah, Matt Clarkson for Chugach. I guess
13 just sort of walking this through a little bit, from a system
14 limit standpoint, I think we've already had this conversation.
15 The utility is going to have to have the ability to determine
16 what the maximum it is and then curtail ongoing applications to
17 install new projects based on those limits of ability to be
18 able to incorporate them operationally until they've been
19 upgraded and they can then deal with the costs accordingly.

20 But from a project subscription basis, I don't know that
21 I'm sure at this point. Net metering -- so Chugach's tariff
22 right now, we've got a 25KW limit per installation in our
23 tariff, which I think serves probably two purposes. One, it
24 limits the exposure of larger projects and the ongoing
25 operational impacts you may have with larger installations.

1 And then two, it also allows for the spreading of the ability
2 or the availability of the program to a larger number of
3 residents in the service territory.

4 But with respect to how the statute sets this program up,
5 the subscription is really a direct contractual relationship
6 with the project owner and so, whether the utilities want to
7 wander into the middle of that relationship, I'm not really
8 sure at this point. The project owner may need some
9 flexibility with respect to how they're designing subscription
10 sizes. They may need the ability to attract anchor tenants
11 that are going to suck up larger amounts of subscriptions to
12 make the project viable as far as setting a subscription fee
13 for other residents.

14 And I don't know that there's really a perverse incentive
15 for anyone to come in -- it's going to -- well, this is going
16 to lead into the next question on how you're going to value
17 these credits and how long it's going to roll over. But I
18 don't know that there's really that much of a perverse
19 incentive for your average retail consumer who this program is
20 really supposed to be applicable to making this more available
21 to residents in your service territories.

22 There's not really much of a perverse incentive to
23 subscribe for more than what you're demand is because you're
24 only going to get a rollover -- from Chugach's perspective,
25 you're only going to get a rollover of voided cost rate credit

1 going forward.

2 Now depending on whether or not the retail rate rolls
3 for a number of months. There may be a little more incentive
4 to buy up more than you otherwise would and then you could sort
5 of shape your demand throughout the year. That's the next
6 discussion, but I think right now, I'm not fully resolved and
7 Chugach probably isn't fully resolved on whether we should
8 weigh it in to trying to set subscription limits instead of
9 letting these project owners work with their subscribers
10 individually. Al, do you have any thoughts on that?

11 MR. RUDECK: Yeah, Al Rudeck with Chugach Electric. Not
12 particularly on that topic, Matt, but just kind of echoing our
13 comments that we sent in to both these questions that we
14 believe these curtailment rules should apply at a higher level
15 in regulation and then the specifics in our tariff and have
16 each utility have the ability to tailor those to meet the
17 requirements of our system and our membership that we have in
18 total.

19 So, and we think that provides uniformity for the program
20 to be successful from a Railbelt perspective, but also the
21 flexibility needed for each utility to maximize the benefit for
22 members to be able to install these on different load pockets
23 in our service territory.

24 So, we kind of see a need for both, kind in a nesting or a
25 layering perspective on how curtailment rules will be applied.

1 ALJ DAVIS: Thank you. And finally, does GVEA have
2 comment, Mr. Draves?

3 MS. BROKER: Hi, Jessica Broker for the record. So, I
4 appreciate the discussion on this so we can think on this a
5 little bit more. I think we misinterpreted the question in our
6 written responses, but our response still somewhat applies.

7 So, I think at a high level, you know, we would support a
8 lot of the comments made here that any process should be pretty
9 broad and not prescriptive, but I also think we need to think
10 about this one a little bit more now that we better understand
11 the intent behind this question. Thank you.

12 ALJ DAVIS: Thank you. Does anybody have any follow-up
13 comments on this or -- all right, let's take....

14 MS. ESTEY: Wait, sorry.

15 ALJ DAVIS: Oh, sorry. Go.

16 MS. ESTEY: I guess standing between everybody and break.
17 I think another interesting question that has arisen as we
18 talked to folks who might be interested in this, is
19 discrimination of applicants to the community solar project.
20 For instance, say a tribal entity or a church that's interested
21 in doing this for their specific membership or shareholders.
22 And that's something that has not been addressed in any of the
23 questions. I don't know that MEA has an opinion of it, but I
24 just think if there is going to be a limit, I think that should
25 be very transparent and -- because it is something that we have

1 heard conversations about from potential developers in our
2 service territory.

3 And if that needs to be part of our tariff or if that's
4 something that will show up in regulation, it would be helpful
5 to understand. Thanks.

6 ALJ DAVIS: Anyone got a comment? Natalie?

7 MS. KILEY-BERGEN: Thank you to Julie and MEA for that
8 point. We'd like to bring a comment just in response to that
9 on the importance of ensuring that tribal governments have the
10 ability to work with this program and work with their members,
11 their citizens and get benefits directly into their
12 communities. There's federal funding distributed to tribal
13 entities on the Railbelt, as I referenced, specific to this
14 point and I think tribal governments, tribal sovereignty needs
15 to be treated independently, that's government to government
16 dynamics. These are sovereign entities versus other potential
17 groups that could form on the system and want to participate
18 and so, we very much hear this question and want to point out
19 the difference between tribal governments looking to bring
20 benefits back to their community members and other entities,
21 and at this time, not a decision on how to handle other
22 entities.

23 ALJ DAVIS: Mr. Scott.

24 MR. SCOTT: On this point, Judge Davis, this is Antony
25 Scott for REAP. The statute makes clear the community energy

1 facilities are not public utilities and that means the -- at
2 least as I understand that, the way I read it, the natural read
3 is the -- 42.05's normal provisions around non-discrimination
4 of offerings and so forth do not apply. I don't think there's
5 statutory reach, at least when I read it, to ensure those
6 concerns. Just a point, I mean, I had consultations with
7 AKPIRG when they were developing this legislation and so on and
8 this was actually one of my real concerns. It's like well,
9 wait a minute, you don't want a wild west here where you can
10 have consumers potentially ripped off by unscrupulous
11 developers.

12 Original versions of the legislation contained provisions
13 that would have ensured against that eventuality. What passed
14 is not and I think right or wrong, the Commission should
15 embrace what passed. I mean, that's a reasonable policy call
16 and we should embrace it, my view. Thank you.

17 ALJ DAVIS: Anybody else? Okay, we're going to take a
18 break, we're going to be back at 11:30. Get a snack because
19 we're going to go hard and we're going to get through the last
20 three of these questions in here. Go eat a late lunch. Off
21 record.

22 (Off record)

23 ALJ DAVIS: All right, we are back on record with the
24 Technical Conference. We're going to move -- we're going to
25 actually change up the -- or I'm throwing a surprise curve ball

1 for you guys. We're going to move question number five down
2 because after question number five, we have some bonus
3 questions that we're going to -- I'm going to put up on the
4 screen we're going to throw out to the group. Yeah.

5 MR. SCOTT: Judge Davis, how late are we going?

6 ALJ DAVIS: How late do you have to.....

7 MR. SCOTT: I don't know, just asking.

8 ALJ DAVIS: We'll go until -- if we're still going until
9 1:00, we're going to take a break.....

10 MR. SCOTT: Okay.

11 ALJ DAVIS:and get an actual like lunch and take an
12 hour break, sound good? All right.

13 All right, so question number -- what would be a new five
14 is, if an electric utility owns a community energy facility,
15 what should the cap of the generated power for the community
16 energy program be, if any? And I'm starting with AKPIRG on
17 this one.

18 MS. KILEY-BARGEN: Natalie here with AKPIRG and I was
19 pretty ready to answer question five, so pivoting gears here, I
20 think in our comments, and in particular to the way that this
21 regulation was framed and the language in the regulation seemed
22 to suggest that the utilities could only have 30 percent of
23 capacity of total generation and didn't name it to the capacity
24 limit, so almost like the utility had to keep pace with what
25 else is online and that seemed untenable as -- if limits are to

1 be imposed, should be around factual cap rather than like in
2 parity with how other entities are filling that cap because if
3 no other entity develops, then the utilities wouldn't be able
4 to develop and we can see some utilities are already taking
5 that.

6 I think the notion of limiting participation whether it's
7 utilities or as was referenced online of how, in other places,
8 developers can be limited in one way or another, I
9 think really depends on project size caps and overall area caps
10 and I think we harp back on this point of wanting lots of
11 different types of projects at different scales from multi-
12 plexes and community buildings, tribal entities, IPPs,
13 utilities to be able to participate with reasonable economies
14 of scale.

15 And I think with the iterative process and the speed with
16 which these things happen, which is not particularly fast, that
17 we're hesitant to put limits in at this time and want to see
18 what gets developed and who's taking interest at this time.

19 ALJ DAVIS: That was a good pivot. Commissioner Scott -- sorry,
20 Mr. Scott?

21 MR. SCOTT: Thanks Natalie, you ended up where I wanted to
22 sort of emphasize. I -- Commission staff appropriately looks to
23 what other jurisdictions do when they put together a framework
24 for thinking about a new program, but it's important to
25 remember what we're not generally -- in important ways, we're

1 off and not like other jurisdictions. In particular, we are
2 far, far away, we are expensive and we are small and so, the
3 concern about like well, what do we do to make sure we don't
4 look like California and their net metering program and the
5 duct curve and all of that or -- we want to make sure that we
6 don't get monopoly taking over all of the program and so on.

7 Granted, those are valid concerns, but I think, in
8 general, my bigger concern is that nothing will actually
9 materially happen under this program unless we allow big enough
10 market opportunities. We need to allow and realize for
11 economies of scale and scope.

12 So, that's sort of my covering comment for a lot of these
13 sort of questions and it also goes to the issue of utility-
14 sponsored community solar, which may surprise some of my
15 friends on the utility side, but I don't think, at this point,
16 it makes sense to try to regulate how that works. I think, if
17 we get to a point where like oh my God, we had this community
18 solar program and all of the utilities just jumped the gun and
19 they took up all of the available space and now it's all
20 subscribed, it raises questions then subsequently around well,
21 okay, in terms of integration costs, maybe we should look at
22 relaxing how we look at that going forward because there was a
23 certain amount of integration ability already, which kinds of
24 get sucked up.

25 But I mean, those questions can be handled on a case-by-

1 case basis going forward, so this sort of -- I'm always
2 long-winded, but my -- the short answer is on this, I don't
3 think you should try to limit utility participation at this
4 point if -- again, if there are problems, there'll be an
5 opportunity to deal with those. Thank you.

6 ALJ DAVIS: I have a question for you two who are involved
7 in this and this is just context. Is there any -- like was
8 there any overarching desire by the legislature? Was this
9 passing this to save consumers money or get us off gas because
10 those seem like two different goals and often, they -- it
11 sounds like they could be conflicting goals to find ways to get
12 off gas and also to like utilize this. And -- which brings me
13 to the question, do we care if a monopoly comes in and takes
14 over and fills it up within a year or is that a good thing?
15 Does that mean like we now have that much more solar in green
16 energy, who cares who owns it?

17 MR. SCOTT: This is Antony Scott for REAP. The
18 legislature's mind is a many splendored thing, hard to define.
19 Having said that, you know, this is not a bill that REAP worked
20 or lobbied for particularly in Juneau last session. We're
21 supportive, but it's not something where we worked hard on
22 unlike AKPIRG.

23 MS. KILEY-BERGEN: Thank you for the question and I do have
24 my colleague, Phil Wight, on the line who may want to chime in
25 on our behalf. I would say the real intention of this

1 bill, and you can see it in the sponsor statement in the
2 hearing questions and in things that we've put out around the
3 bill, is to address an equity issue of who has access to the
4 cost saving benefits of renewable energy and also, the overall
5 benefits of renewable energy, which will get -- you know,
6 there's aspects to that that will be discussed in question
7 five.

8 But the -- when you talk about getting off gas versus
9 saving people money, I think it depends on your timeline of
10 whether those are conflating or whether they are potentially
11 collaborative concepts. But I think first and foremost, wanting
12 to save consumers money in a way that also addresses the
13 inequity of who can access a currently existing cost saving
14 approach, but an acknowledge that putting this kind of
15 generation on the system helps us get off of gas dependency
16 facing increasingly gas contracts at this time.

17 ALJ DAVIS: That was helpful. Okay. We're going to continue on
18 with answering these questions. I again got us off track.
19 Who's up -- oh, Ms. Moon, do you have any comments on whether
20 an electric utility owns a community energy facility and what
21 should the cap of the generated power for the community energy
22 program be, if any?

23 MS. MOON: No comments on that point right now. Thanks.

24 ALJ DAVIS: Thank you. What about Mr. Abcug and Clean
25 Capital?

1 MR. ABCUG: Yeah, similar. Appreciate the opportunity to
2 comment, but Clean Capital doesn't have any recommendations on
3 this right now. Thanks.

4 ALJ DAVIS: Thank you. Homer Electric.

5 MR. DRAVES: Yes, for the record, JD Draves. In terms of
6 the individual project size, you know, HEA, if it were to build
7 community energy program facility, it would be sized given, you
8 know, our capacity strengths like we discussed earlier. You
9 know, two megawatts on a feeder. Essentially, we would be
10 sizing it to whatever our capacity was on that feeder.
11 Now in terms of the broader, there's the language regarding
12 say the 30 percent restriction on utility owned community
13 energy programs that's mentioned in the bill. That raises a few
14 questions in our minds, so if it's 30 percent, it almost
15 suggests that the market has to develop first before a utility
16 could go in with its own project and to make sure it's, you
17 know, compliant with the regulations.

18 But it also raises questions, you know, what happens say
19 you build a project, it's at 30 percent and say a developer
20 owned project for whatever reason. There's an incident or
21 something and project's no good going forward. And now the
22 utility is over the cap, what is the solution? Are we going to
23 tell the utility no, you're subscribers, you're going to get
24 kicked off? You know, just general questions like that. And I
25 think the way HEA views this is if the utility is doing a

1 project like this, it may very well be because it's a provider
2 of last resort potentially, so you know, just keep that in mind
3 if it's -- we're potential provider of last resorts, the 30
4 percent, you know, that's not very helpful. Thank you.

5 ALJ DAVIS: Thank you, Mr. Draves. Ms. Estey?

6 MS. ESTEY: Yes, thank you. Julie Estey, Matanuska Electric
7 Association. Again, I think MEA is still of the position that
8 we want to promote a variety of opportunities. That
9 being said, I don't think that there's anything in the statute
10 that limits utility development of projects, so my read of
11 this, and others can chime in, is that there can be no limit
12 imposed on utility development.

13 And when you think about, again, the basis for why we're
14 doing this, provide opportunities for folks to participate in
15 community solar, if the utility can do it cheaper, which it may
16 be able to, if a utility can do it in a way that even reduces
17 that cross subsidy, which it may be able to, I don't see any
18 reason to limit the utility participation.

19 So, and you know, I think there's -- I know that part of
20 the reason that was talked about in the legislature for doing
21 this was to save consumers money and I do think there are
22 jurisdictions where that's clearly happening in the lower 48.
23 There's also jurisdictions where community solar power is sold
24 at a premium and people are making a choice to have that power,
25 so not all business models result in lower cost to the

1 consumers. In some cases, it just offers the opportunity to buy
2 green power.

3 So, I do think it's going to depend on the business model
4 that's employed here, but I think the -- your original question
5 on question six, we don't believe that the statute enables any
6 limitation of a development beyond the usual RCA scrutiny of
7 projects. Thank you.

8 ALJ DAVIS: Thank you. And Mr. Clarkson, does Chugach have
9 comment?

10 MR. CLARKSON: Yeah, this is Matt Clarkson for Chugach. I
11 guess our standpoint is from within the statute, we don't see a
12 basis for differentiating between the utility and third-party
13 potential project owners. The statute requires you to set a net
14 and maximum and nameplate capacity for eligible community
15 energy facilities within your tariff service area and those can
16 be owned by other utility and/or third-party project owners.

17 ALJ DAVIS: Mr. Scott?

18 MR. SCOTT: Just point of confusion here, Mr. Clarkson. Mr.
19 Draves referred to the statute at 42.05.733(a). Community
20 energy facilities owned by an electric utility may not generate
21 more than 30 percent of total nameplate capacity of the
22 community energy facilities in the service territory. That
23 seems to be a limitation, but -- to me, but I may not be
24 understanding that correctly.

25 MR. CLARKSON: It would help if I had that page from the

1 statute in my binder, so 733(a) says 30 percent is the limit
2 for utilities within the program?

3 MR. SCOTT: Let me just go ahead and make sure what I'm
4 looking at.

5 MR. CLARKSON: I believe you.

6 MR. SCOTT: Yeah, 722(a) reads in its entirety, "An
7 electric utility-owned entity contracting to sell output to the
8 utility may own a community energy facility. Community energy
9 facilities owned by an electric utility subject to 725 through
10 735 may not generate more than 30 percent of total nameplate
11 capacity of community energy facilities in the utility's
12 service area." Poorly written statute. You know, generating in
13 terms of nameplate capacity, but we understand, I think, what
14 is meant.

15 MR. CLARKSON: Then I appreciate the clarification and the
16 reference to the statute, which I think directly answers the
17 question, so I will defer to the statutory language and the 30
18 percent limit.

19 ALJ DAVIS: Yes?

20 MS. KILEY-BERGEN: I'm looking at both the original bill
21 that was introduced and the enrolled bill and I'm only finding
22 section 733.

23 MR. SCOTT: Okay. So, then I'm looking at the wrong
24 version.

25 ALJ DAVIS: Oh.

1 MR. SCOTT: Which is why I asked the -- I mean, that's why
2 I asked the question.

3 MS. KILEY-BERGEN: Someone should check me, I'm checking
4 this.

5 MR. SCOTT: I mean, I'm not trying to assert like I know
6 the answer, like I just.....

7 ALJ DAVIS: Let's get on the Alaska legislator website.

8 MR. CLARKSON: Do you have it, Julie?

9 MS. ESTEY: So, I pulled this off the legislative and it's
10 -- but it is (a) I'm realizing and it did say it was the final
11 bill, but it does include the 30 percent and as Antony was
12 reading that, I thought no, no, no, no, we talked about that
13 because I know at least MEA talked to several legislators about
14 that could unnecessarily limit the amount of community solar
15 available to our members if we don't, say, have a developer
16 that wants to come in, but we're already at that 30 percent or
17 we want to build one, but we have to twiddle our thumbs until
18 we get, you know, 100 megawatts so we can add 30 or whatever --
19 I mean, I know that's a bad example, but making the math
20 simple.

21 And so, I think we need to make sure we're looking at the
22 right approved legislation because this is the one, again, I
23 pulled off, but I look and it does say 152(a), so I think
24 clarification is in order.

25 MR. SCOTT: So, I think -- this is Antony Scott for the

1 record. I think Natalie is actually correct in terms of the
2 enrolled version. I think I was looking at maybe the wrong one.

3 ALJ DAVIS: All right, I'm about to put up on.....

4 MR. SCOTT: Please, thank you, Judge.

5 ALJ DAVIS: This is -- I pulled this off the 2024
6 legislative session, session laws and resolves, so I'm going to
7 share this with Webex (indiscernible - voice lowered) somehow.
8 Share. Share. (Indiscernible - voice lowered). There we go. All
9 right.

10 MR. SCOTT: Yeah, I do see that.

11 (Indiscernible - simultaneous speech)

12 MR. SCOTT: That happens (indiscernible - simultaneous
13 speech).....

14 ALJ DAVIS: This is the enrolled SB 152. I don't see 733.
15 (Indiscernible - simultaneous speech)

16 MR. SCOTT: They dropped it and (indiscernible - voice
17 lowered).

18 (No one is at the microphone)

19 MR. CLARKSON: So, to clarify my response, if the correct
20 version of the bill has a cap, then I would say the cap
21 governs, otherwise, we see no reason to differentiate.

22 ALJ DAVIS: Thank you, Mr. Clarkson, and I apologize, Madam
23 Court Reporter, for the last five minutes. I just realized we
24 were.....

25 MADAM COURT REPORTER: Not a problem.

1 ALJ DAVIS:all jabbering. Okay. With that, GVEA, do
2 you have a comment on this question?

3 MS. BROKER: Hi, Jessica Broker for the record. I don't
4 have anything new to add other than what's already been said. We
5 agree to cap -- there should be no cap for utility-owned
6 community energy facilities for many of the reasons stated,
7 thank you.

8 ALJ DAVIS: Thank you. And finally, Mr. Waller, you get to
9 round this out.

10 MR. WALLER: Thank you, Judge Davis, Jeff Waller. Thank you
11 for pulling up that version of the bill. I have it up on my
12 computer and I was certain, but all the drugs I'm taking for my
13 cold that I must have gotten the wrong version of the bill
14 because I didn't see a 733, so thank you for clarification.
15 For RAPA's comments, I do want to clarify a little bit. I
16 hadn't really -- or we hadn't really thought of it along the
17 lines of a situation to where the utility can come in and take
18 up all the capacity of community energy projects and the
19 utility do them all and squeeze out the IPPs. And I think an
20 anecdotal story of that happening down in Arizona with rooftop
21 solar, I don't know if that's true or not, but to that point,
22 RAPA would again go back to the purpose of the bill. The purpose
23 of the bill was to help consumers in the state save money on
24 their electric bill and whoever gets that done is who gets it
25 done.

1 And I understand that IPPs and different entities that
2 might want to invest money may not want to have to compete with
3 the utilities, but I don't recall anything in the bill that
4 showed a preference one way or the other, other than trying to
5 get these facilities going the best way possible so that
6 ratepayers can save money, so that's RAPA'S comments. Thank you.

7 ALJ DAVIS: Thank you, Mr. Waller. Do we have any follow-up
8 on this topic? I think we beat this one into the ground.
9 Let's move on to question seven. What timeline should be
10 imposed for building community energy facilities, if any? Let's
11 start with Mr. Scott with REAP.

12 MR. SCOTT: I don't understand the question.

13 MR. MANAOIS: I believe -- so, when -- this is premised on
14 -- we set a time for the utility to submit your tariffs and say
15 here's what it is and then when we -- when they get an
16 application to interconnect, I think we want to know how long
17 before they build the community energy facilities, and what
18 we're trying to avoid is for the utility to wait a very -- and
19 the customers to wait a very long time before it becomes to
20 fruition.

21 So, I think that's why we want to know if we need to
22 impose a time limit on building the facilities.

23 MR. SCOTT: Thank you very much, Jess. Antony Scott for
24 REAP. I appreciate wanting to protect the consumers on this. I
25 also see it fraught with unintended consequences. Project

1 developers run into things that are unavoidable, whether it's
2 tariffs on solar panels in China and you have to resource them
3 from someplace else or environmental hiccups or what have you,
4 land owner dispute, you name it. I just don't know how you craft
5 a one-size-fits-all appropriate timeline unless the timeline is
6 soft, which you know, is potentially an alternative like, you
7 know, subject to -- I mean, the problem is, is if you get into
8 defining a subject force majeure, then you have to get into what
9 counts as force majeure. So, that makes me a little concerned.

10 Thanks.

11 ALJ DAVIS: Before I move on, I think with this one, the
12 utilities are answering, you would think in the contract with
13 the community program, there would be some sort of like you
14 have to be up and running by this date or this contract is null
15 and -- you would think there'd be some sort of time limit, I
16 don't know.

17 So, I'll move on to -- well, here's someone who might
18 know. We're going to go to Ms. Moon with Fieldworks.

19 MS. MOON: Thank you so much and I just want to echo and
20 add a little bit more detail to what Mr. Scott said. As a
21 developer building these projects, yes, lots of unintended
22 consequences and things can come up despite having the best laid
23 plans and the most precise project timelines and the best of
24 intentions. So, I agree that there's a balance here, and you
25 know, just to make a quick -- a side note on the consumer

1 protections piece. There's a lot of really good best practices
2 in terms of consumer protections that I think any reasonable
3 developer, and I would like to place myself in that category,
4 would be very open to practicing and I believe some of those
5 materials were attached, you know, some references from that by
6 AKPIRG to this Technical Conference.

7 So, I think that's an important piece to consider here and
8 I do think the project timeline is an important component of
9 that. I think one way these programs have been successful in
10 other states is, again, thinking about it from the lens, you
11 know, of a developer who has to justify an investment that
12 that's their own capital, their financier's capital, you know,
13 putting that capital at risk to go through the process of
14 building a project from the ground up. There needs to be some
15 -- going to have a position in the program if you do make that
16 investment.

17 So, with a capped capacity, having a way to apply and
18 receive notice that you -- you know, if you've established
19 certain maturity requirements and you're a good candidate, you
20 can reserve capacity in that program for a certain amount of
21 time. And then with that, there is usually a construction
22 timeline that is asked for from a commitment standpoint from
23 the developer, but oftentimes, the way to kind of create that
24 flexible, you know, expected timeline with flexibility that Mr.
25 Scott referenced, there's usually an ability to ask for a good

1 cause extension, you know, which is meant to demonstrate that,
2 you know, things have been started and there's material
3 progress made on the construction, the development of the
4 project, but there's a reason why, you know, an extension of
5 let's say six months is needed and usually there's a cap on the
6 number of extensions that are available so that, if the project
7 is unable to be built, that capacity can go back and be
8 available to someone else.

9 So, I hope I didn't introduce too many new concepts there,
10 but I think that's the best practice from the lower 48.

11 ALJ DAVIS: I appreciate the inside baseball we just got
12 there. I'm doing a lot of baseball references, I apologize.

13 MS. MOON: Hopefully we can hit a home-run here.

14 ALJ DAVIS: Perfect. All right, Mr. Abcug and Clean
15 Capital, do you have a comment?

16 MR. ABCUG: Yeah, thanks so much. This is, for the record,
17 Jeremy Abcug, representing Clean Capital essentially echoing a
18 lot of points made from Sarah Moon of Fieldworks. However, also
19 quickly wanting to -- while touching on best practices for
20 consumer protections, I guess I also like to think that Clean
21 Capital is a reasonable and responsible developer. In our
22 comments, we included sort of a policy guide book of best
23 practices from CCSA or the Coalition of Community Solar Access,
24 which takes a lot of experience from different community solar
25 markets in the lower 48 and touches a lot on consumer

1 protection and responsibility.

2 Regarding timeline specifically, definitely agree about
3 including some type of good faith or good cause exception for
4 things that could be outside of any reasonable developer or any
5 reasonable parties hands. I also wanted to bring up the idea
6 that we've seen some other community solar markets of --
7 attached with this sort of good cause exception is some type of
8 per kilowatt or per capacity deposit made by the developer. I'm
9 not necessarily recommending that in this case, but just
10 bringing it up that it is a possibility and we've seen it be
11 successful to -- in cases of these extensions having a
12 developer pay per kilowatt deposit to maintain its position
13 within like the program queue.

14 And we believe that sort of strikes the balance between
15 being able to ensure commitment and good faith commitment from
16 the developer while also accounting for any issues that might
17 be outside of our control. Thanks.

18 ALJ DAVIS: Thank you. Per kilowatt deposits, very -- I've
19 never heard of that, that's smart. All right, HEA.

20 MR. DRAVES: Yes, for the record, JD Draves. From our
21 perspective, we have no particular timeline to offer. You know,
22 generally speaking, I'm thinking it probably could be something
23 like 24, 36 months like the other participants here have said,
24 you know, some sort of good faith effort, et cetera, would work
25 well. I think the concept of a penalty you have constructed by

1 a certain -- you know, milestone so-to-speak. You know, by date
2 X, you pay some sort of penalty, some reason. You know, the
3 second milestone comes, you don't meet the milestone, there's
4 another penalty. I mean, that's one way of dealing with this.
5 I would say that, in general, if it's a large project with
6 PPA, these type of provisions are usually included in the PPA
7 regarding construction milestones and so forth. So, that's all
8 we have to offer.

9 ALJ DAVIS: Thank you. Ms. Estey and MEA?

10 MS. ESTEY: Thank you. Julie Estey, Matanuska Electric
11 Association. You know, typically, we will handle this with any
12 sort of independent power producer through the PPA provisions
13 around penalties of delay. Likely, that would be just as good.
14 I think having -- if there is a timeline, having some sort of
15 ability to come into the RCA for a relief, making a good faith
16 effort. Appreciated Clean Capital's comments about the deposit,
17 you know, some sort of provision. You know, I think that it's
18 in everybody's best interest to get these projects up and
19 running as far as the developer. They want to start that income
20 on their development costs as soon as possible.
21 I think what we would want to avoid is an occasion where
22 our members have put in some sort of subscription dollars
23 expecting a return and there's an unreasonable delay in that
24 happening. And because either something stalled or they didn't
25 get enough subscribers or whatever that business arrangement

1 is.

2 The utilities have no right to protect our members from an
3 occasion like that within the statute and so, we would expect
4 there to be some sort of protections through regulations to
5 prevent that from happening, if possible.

6 But otherwise, I mean, we would expect everybody would be
7 in good faith effort to get these up and running as soon as
8 possible. And if there are timelines established that are
9 broken, there should be provisions to handle that. Thank you.

10 ALJ DAVIS: Thank you. Mr. Clarkson?

11 MR. CLARKSON: This is Matt Clarkson for Chugach. To Mr.
12 Scott's earlier point, since the project owner's not a public
13 utility, I don't know that I see a role for the RCA; however,
14 there are existing statutes, regulations that deal with
15 consumer protection. Alaska's got the Unfair Trade Practices
16 Act. There's also going to be contractual arrangements and
17 agreements between the project owner and the subscriber that are
18 going to define what the relationship is, what the expectations
19 are, project timelines and/or excuses for not going forward with
20 the project.

21 So, I would say it needs to be left to the contractual
22 relationship between the project owner and the subscriber
23 subject to the subscribers being able to go after project
24 owners or developers for unfair and/or breach of contract as a
25 group or individually.

1 ALJ DAVIS: Thank you. And finally, GVEA. Whoops, sorry, we
2 got RAPA after this and a couple other people.

3 MS. BROKER: Hi, Jessica Broker for the record. So yeah,
4 our understanding is that in practices, this would be handled in
5 the -- or addressed in the PPA or interconnection agreement. And
6 I think Sarah Moon had covered how we see that process going --
7 she articulated that pretty well, so no to the timeline adoption
8 in tariff as it would be specific to the facility and their
9 needs and their timelines and agreed to in the PPA.

10 ALJ DAVIS: Thank you, Ms. Broker. Mr. Waller?

11 MR. WALLER: Jeff Waller with RAPA. RAPA appreciates
12 staff's desire to protect consumers from possible bad outcomes
13 in something like this. One of the difficulties is this idea
14 presents two possibilities. If it is a community energy
15 facility owned by the utility and the utility's members or
16 customers become subscribers and there is a problem, then the
17 RCA's consumer protection section could cover a complaint
18 because the RCA has jurisdiction over the utility.

19 But as Mr. Clarkson pointed out from Chugach, one of the
20 difficulties becomes is this statute did not give the
21 Commission jurisdiction over any kind of IPP or developer
22 decided to do something. So, Mr. Scott presented a perfect
23 example earlier. Mr. Scott put solar panels on his garage. If
24 he had bought those solar panels from his electric utility and
25 had them put up and had a problem, they could probably come to

1 the RCA. If he bought them from a third party, he cannot come
2 to the RCA to complain, he has to go to the court or go to
3 consumer protection or something.

4 So, we need to be careful that whatever is developed, make
5 sure it's clear that, if this is a utility and customer
6 relationship, then there are remedies the Commission can
7 provide. But if it is a customer and non-utility relationship,
8 I think it's questionable that the RCA could handle a consumer
9 complaint or a contract dispute between those parties.

10 As some of the utilities have indicated, they would expect
11 their interconnection agreements to cover this. I could see
12 that the Commission could require the regulation that the
13 utilities, in their tariff, make sure they cover things like
14 this to the overall timeline as RAPA pointed out, this is
15 Alaska and I swear every time I have something built here,
16 somebody tells me it's going to take X and it takes 3X to get it
17 done, so we've got to be careful there too. So, thank you for
18 allowing me time to comment.

19 ALJ DAVIS: Thank you, Mr. Waller. And finally, Natalie.

20 MS. KILEY-BERGEN: Natalie for AKPIRG here. I want to
21 acknowledge and appreciate the input on the question of
22 statutory authority for the Commission to make a regulation
23 around timeline and we'll defer to the Commission on the
24 assessment on whether there is that statutory authority and
25 legal authority to do so.

1 That said, given the suggestions that were provided,
2 AKPIRG did include, in our comment, a link to the code of
3 Maryland regulations that do have a queue process with that cost
4 per kilowatt for the extension and that's -- they have a 24-hour
5 month timeline when you're in the queue to be interconnected and
6 have capacity and then a 12-month extension opportunity for that
7 cost. I think it's both incredibly important to balance the
8 remarkably challenging construction conditions and supply chain
9 dynamics of work in Alaska with the parameters of having
10 capacity limits and these project size limits and not wanting a
11 project to have kind of a hold on capacity that is not being
12 developed for the long-term and have some suggestions on how
13 it's been handled in other states, but with the caveat that, if
14 that was pursued, a very generous construction timeline would be
15 important.

16 ALJ DAVIS: Mr. Scott.

17 MR. SCOTT: Yeah, I'm sorry, I mean, on the question of
18 statutory authority, I'm looking at part (c) of what I think is
19 the statute, part (c) of 731 where it addresses what the
20 Commission shall do. And under part four of (c), the Commission
21 shall facilitate creation, financing and accessibility of
22 community energy facilities, so I think at some level, staff's
23 motivation for considering timelines is well-founded. If people
24 could get in a queue and then just indefinitely sit on it, that
25 would, I think, run contrary to statutory intent.

1 And part two of (c) gives the Commission authority to
2 require a utility to modify its existing interconnection
3 standards fees and processes and that also could go to the
4 question of queue and potentially, you know, deposits per kWh
5 or something like that, so I think there probably is statutory
6 authority, at least as I read this, for doing something, but I
7 would caution against establishing any particular timeline
8 because I think that's going to be problematic.

9 But certainly, you could require that incentives be
10 created or if you are going to have initial timelines, have
11 escape clauses in terms of good cause, if that can be
12 appropriately drafted in tariff. Thanks.

13 ALJ DAVIS: Any further follow-up comments on this
14 question? Okay. So, we are at the point where we have a
15 slightly modified version of number five and we also have about
16 six questions after that, which you have not seen yet. Would you
17 like me to print out multiple copies or email online, we take an
18 hour lunch, you have the chance to actually look at these or do
19 you just want to go right in -- okay. She's going right in. I'm
20 going to share my screen then.

21 MR. SCOTT: (Indiscernible - not by microphone) screens.

22 ALJ DAVIS: Yeah, if I click it up on here, can we go to
23 like view the presentation only, whoever's controlling it, they
24 should be able to click it. See how it's very small right
25 there? We need to get that big. I need to text our LOAs who

1 are running the Webex.

2 MR. SCOTT: Or maybe we could take a five-minute break.

3 ALJ DAVIS: Let's take a five-minute break and go off
4 record and we'll figure out how to get this big. Off record.

5 (Off record)

6 ALJ DAVIS:record and now I have copies of the
7 questions and so, we are going to start.....

8 MR. MANAOIS: Judge Davis?

9 ALJ DAVIS: Yes.

10 MR. MANAOIS: The one that's on the board, those are not
11 the questions?

12 ALJ DAVIS: Those are not the questions. That's because I
13 have the wrong same share. Did I somehow log off Webex? There's
14 no Webex. What is going on? (Indiscernible - voice lowered).
15 Sorry everybody, this is the weirdest thing. Okay. There we
16 go. I got off that (indiscernible - voice lowered). Glad we
17 went back on record for this. There we go, all right, question
18 number one. The enabling statute AS 42.05.729 requires adoption
19 of bill credit rates for electric utilities that consider the
20 full economic value provided by community energy facilities.
21 What factors should be in the regulations to determine full
22 economic value? In other words, how should full economic
23 value be measured? Is the bill credit system for individual
24 net metering applicable for the community energy program? If
25 not, how should the credit system for community energy program

1 work without discriminating against net metering customers?
2 I forget who I started with last time, so Mr. Abcug, I
3 haven't started with you yet.

4 MR. ABCUG: Sure. This is -- for the record, this is Jeremy
5 Abcug from Clean Capital. I can take a stab at answering some
6 aspects of this question. From a Clean Capital perspective, we
7 believe firmly that the full economic value of energy created
8 by the community energy facilities or CEFs need to really
9 incorporate all of the benefits that a CEF would provide. So,
10 this includes avoided costs of generation, capacity and
11 transmission and distribution, but also additional benefits
12 such as increasing resiliency through increased energy
13 diversity. I mean, there's also locational benefits. You
14 could think of reduced lined losses from having generation
15 that's closer to the actual loan demand. And then, of course,
16 you have emissions reductions and other environmental
17 benefits.

18 Essentially, it goes above and beyond what a more typical
19 purpose style of avoided costs compensation structure would
20 look like. And while also recognizing that Alaska's obviously
21 a very unique area and energy market, it's almost important to
22 note that what we've seen in community solar programs that
23 we've been a part of in the lower 48, it's important to note
24 what we've seen as being generally ineffective.

25 This avoided cost compensation only from like a PURPA

1 style compensation structure, in our opinion, would just make
2 it very difficult and is generally ineffective in creating a
3 strong community energy market. And on top of that, these rates
4 aren't exactly very accurate, and you know, don't really reflect
5 the full value and the full benefits of the energy created by
6 CEFs.

7 ALJ DAVIS: Thank you. HEA?

8 MR. DRAVES: Yeah, for the record, JD Draves. You know,
9 from HEA's perspective, you know, the economic value of the
10 community energy facilities, you know, we believe that, you
11 know, preservation for both the value of the energy placed onto
12 the system as well as the main offsite facilities, that should
13 all be taken into account.

14 So, you know, as previous -- as Clean Capital stated
15 earlier, you know, that way it includes such benefits such as
16 carbon, the fact that, (indiscernible - mumbled) you know,
17 providing energy that is not natural gas given our Cook Inlet
18 situation. But we also need to consider, you know, items like
19 network integration, regulation, capacity, et cetera.
20 You know, from our perspective, you know, we always want to
21 make sure that, you know, by the same token, that there's no
22 cost shifting going on so there's nothing that is being shifted
23 to the people who elect not to participate, our members who
24 don't participate (indiscernible - garbled).
25 By the same measure, you know, I hate to say it, the

1 language in the bill, there are some ambiguity and questions
2 and answers, so for example, like Recs for example, who owns the
3 Recs and while they're not the financial attributes of that, who
4 owns them and so forth.

5 Another question I would have is, you know, the
6 unsubscribed energy that could be potentially placed onto the
7 system, what value does that have? You know, so the question
8 is, you know, at least regarding say net metering customers,
9 you know, HEA takes the view that they should be treated equally
10 and by the same measure to R dockets should be trying to move in
11 parallel to make sure one doesn't get ahead of the other and
12 there's no, you know, undue consequences there. Thank you.

13 ALJ DAVIS: Thank you, Mr. Draves. Ms. Estey?

14 MS. ESTEY: Julie Estey, Matanuska Electric Association.
15 Similar to HEA, MEA submitted comments in the docket really
16 highlighting believing that one type of generation project
17 should not have value or rules that are inequitable to another,
18 so we think that the full economic value should be consistent
19 with Commission considerations as it currently reviews and
20 approves any PPA. I think there are many factors that could go
21 into that and it should include both the benefits to the system
22 and the comps. I think community energy has a potential to
23 bring both costs and benefits and both should be considered in
24 that value. But from a capacity seasonality, operational
25 availability, the ability to both help and potentially disrupt

1 reliability. So, there's both benefits and drawbacks of the
2 longevity of the project, how long the utilities will be able to
3 count on it, capacity constraints, regulation, these are all
4 elements that MEA takes into account when we're considering any
5 PPA and this should be -- we believe this should be consistent.
6 I'd also like to throw it up to Mathew from GDS to provide
7 any additional comments for how this might be handled in other
8 jurisdictions.

9 MR. BUTLER: Yeah, Mathew Butler with GDS. I think
10 everyone's aware, the economic value of a kilowatt hour just cut
11 back from the grid really depends on the system, the location,
12 the timing, the utility operator's access to incremental energy.

13 The tangible economic value is almost the same thing as
14 avoided cost in this context or at least what can be measured
15 as a true value. Any electronics purchased by the utility for a
16 premium above those avoided costs does not create savings for
17 ratepayers, but actually the exact opposite. It increases costs
18 for ratepayers, that is, in my view or interpretation of
19 legislation, that's contra to the expectations of what's been
20 written.

21 In addition, it creates an incentive for participants to
22 oversize their requested share of any system if you compensate
23 above of what it costs or above what they might be paying their
24 contractor for access to that energy.

25 Regarding the specific avoided cost components of what

1 might contribute to full economic value, I don't see how
2 anything other than the avoided fuel cost would contribute
3 significant value to -- relative to the avoided cost given what
4 I know about when peaks occur in Alaska and the types of
5 generation resources that are utilized there in the state. I'm
6 happy to talk more about that as much as anyone else wants.
7 Specifically, and I think this is important, it's
8 recommended or I would recommend the policy implementation
9 except the Commission's authority for driving how avoided costs
10 are calculated. Anything otherwise might result in a difference
11 between how some DER projects that put electrons back on the
12 grid are compensated versus others. And then it seems like an
13 unfair and likely unattractive outcome to most.

14 ALJ DAVIS: Does MEA have any more comments or is that all?

15 MS. ESTEY: Tony or Tyler? That completes our comments,
16 thank you, Judge.

17 ALJ DAVIS: Thanks. Chugach?

18 MR. CLARKSON: Sure. This is Matt Clarkson, I'll start off
19 and then Al or Dean, if you have any comments, jump in. I agree
20 with Mathew, from the utility standpoint, the full economic
21 value truly is the avoided cost (indiscernible - background
22 interference) the avoided costs (indiscernible - background
23 interference).....

24 ALJ DAVIS: I need someone out there to mute their phone,
25 please. Everyone please mute.

1 MR. CLARKSON: All right, thank you. Are we good? Oops, not
2 yet (indiscernible - background interference).

3 ALJ DAVIS: Tom DeLong, can you please mute your phone?
4 Thank you.

5 MR. CLARKSON: All right. So, I agree with MEA as
6 representative Mathew, that the economic value to the utility
7 of this power is the avoided cost; however, I want to highlight
8 that last sentence in the first question, which is if not, how
9 should the credit system for community energy program work
10 without discriminating against net metering customers? I would
11 add the word unduly before discriminating, but in all respects,
12 Chugach is concerned with setting up a regime of bill credits
13 that differentiate between net metering customers and community
14 solar participants without some justifiable basis for the
15 distinction, some reason for the discrimination. Otherwise,
16 there really shouldn't be a difference in the bill credits that
17 are applied to the two sets of customers.

18 So, I think our position is that the bill credits should
19 be based on -- similar to the net metering system, the retail
20 rate within the 30-day period and then bought out at the
21 avoided cost rate on a monthly basis for any excess energy
22 that's produced.

23 And then just to clarify, Judge Davis, Chugach would
24 request an opportunity to file written responses to all of
25 these requests if time permits in this docket.

1 ALJ DAVIS: I have no problem with the parties filing
2 written comments on these. The more information, the better.
3 GVEA?

4 MS. BROKER: Hi, Jessica Broker for the record. So, we
5 provided some comments on this. We see the economic -- the full
6 economic value for projects under one megawatt to be the retail
7 rate including all charges but for the flat system fee such as
8 our customer charge in GVEA's case. I mean, this is similar to
9 our net metering program right now. Any member that is over-
10 subscribed would be paid out with the -- under the QF1 rate.
11 So, projects larger than a one-megawatt, at that point, we
12 would anticipate the cost being set by the PPA or the
13 interconnection agreement.

14 ALJ DAVIS: Thank you. Mr. Waller, does RAPA have comment?

15 MR. WALLER: This is Jeff Waller. Yes, thank you, Judge
16 Davis. I will state that RAPA grappled with this question a
17 good bit because it seems to be simply stated, but it is
18 difficult. Part of that is because when you talk about economic
19 value, I see it defines along the lines of the value a person
20 places on a good or service based on what they get from it, the
21 benefit they get from it, so it can be very subjective.

22 We obviously pointed out our standard ratemaking
23 principle, which is there shouldn't be any cross subsidy, but I
24 want to make sure we're clear on the point RAPA's making there.

25 So for example, if there is a residential customer that

1 lives closer to Plant 2A in Chugach's service area and I live
2 further away, that residential customer technically would be
3 subsidizing some of the distribution system to get power to my
4 house because I live further away from the source of the
5 generated power.

6 So, we're not talking about that kind of difference, we're
7 talking about something that's more meaningful than that when
8 we talk about there should be no cross subsidy. One of the
9 difficulties in this case is that the legislature used the
10 phrase the full economic value provided by community energy
11 facilities. I'm not sure what that exactly means. It could be
12 subjective, a lot of people could come up with different ideas.
13 One of the areas that RAPA struggled with is that there's a
14 tendency to go to like the avoided costs under PURPA, but up
15 here, we haven't seen PURPA being overly successful in spurring
16 a lot of QRs to be set up. There are some, to be fair, but that
17 may not be the right amount.

18 If -- stated another way, if the legislature had intended
19 this to be the avoided cost under PURPA, they could have just
20 said they'll adopt a bill credit that's consistent with what it
21 costs under PURPA, but they didn't. They used different words,
22 so we have to give those words effect.

23 And so, for RAPA, it seems like it's got to be somewhere
24 between that and to the other extreme, which would be, if you
25 generate one kilowatt hour of electricity, that's what you get

1 credit for, but if you did that, then there would be no cost to
2 move the power from the community energy facility to your house
3 and the utility had to put that plant in place to be able to
4 move things over to the distribution system of the transmission
5 system if it gets involved and so, there is a cost. It might be
6 a very small marginal cost, but it is still a cost.

7 So, unfortunately RAPA doesn't have a really good answer
8 for this other than we need to be careful. We do note that, in
9 the net metering regulations, it was -- the burden was put on
10 the utilities to propose an amount in the regulations for this
11 type of credit for net metering and that may end up being a
12 similar result here. Thank you.

13 ALJ DAVIS: Thank you, Mr. Waller. I'll move to AKPIRG.

14 MS. KILEY-BERGEN: Thank you. I will defer to my colleague
15 Phil Wight who's on the line as this is an area of particular
16 focus of his.

17 MR. WIGHT: Hi, folks, just to make sure that you can hear
18 me loud and clear.

19 ALJ DAVIS: We can.

20 MR. WIGHT: Excellent. So, Phil Wight here with AKPIRG,
21 W-i-g-h-t for my last name. Big meaty question here, but I would
22 echo the -- what Mr. Abcug from Clean Capital said. You know,
23 AKPIRG believes that the Commission should consider a wide range
24 of values when calculating the full economic value of community
25 energy. You know, just as Mr. Waller said, if the legislature

1 had intended for this to be avoided cost, they would have said
2 so. I think we've heard from other folks on the call including
3 Ms. Moon with Fieldworks Power that, if avoided cost is the
4 compensation structure for these facilities, they're not going
5 to get billed and that would also run counter to the legislative
6 intent of this statute.

7 When we think about the different values that should be
8 included here, I would really underscore avoided costs for
9 generation, especially natural gas conservation, right? I don't
10 think I need to tell anybody in this room that we are facing
11 significant gas shortfalls and what we've seen is that net
12 metering has actually been fairly successful in helping the
13 Railbelt build distributed energy, right? We've built 16
14 megawatts on the Railbelt since net metering regulations were
15 enacted.

16 And it -- you know, my understanding, the legislative
17 intent of this is really to give folks who were not able to get
18 the benefits of net metered rooftop solar for those folks, you
19 know, renters, condo association owners, people who might not
20 have an 800 FICA score or might have a tree over their roof. To
21 be able to give those folks some of the same benefits that
22 rooftop solar owners have received. And of course, rooftop
23 solar owners have gotten those with full retail rates under net
24 metering.

25 So, AKPIRG fully acknowledged that net metering is a blunt

1 instrument. It has its limitations. We are open to other
2 compensation mechanisms beyond net metering, but we also
3 recognize that the states who have undergone that, right, look
4 no further than New York in their compensation stack, right?
5 That's a really complicated analysis there, so you know, AKPIRG
6 is certainly open to a modified version of net metering, but
7 what I would underscore here is that this can be an iterative
8 process, right? AKPIRG believes that it's important that we
9 have a compensation rate here that is close to full retail
10 rates to get these projects off the ground, get them built and
11 the Commission can always return to this question at a future
12 time and adjust as needed.

13 And you know, finally I would just conclude by saying that
14 AKPIRG applauds the Commission and Commission staff for the
15 proposed full retail rate, which we see as an important element
16 to giving community energy subscribers a similar value
17 proposition that homeowners with rooftop solar have been able
18 to earn. And we would also underscore the provision in the
19 statute, 42.05.731(c)(4), which specifies that the Commission
20 shall facilitate the creation, financing and accessibility of
21 community energy facilities included those owned by non-utility
22 third parties. And again, I would underscore that evidence from
23 other community solar markets demonstrates that facilitating
24 the creation of these facilities will require a bill credit
25 that is close to full net metering. Thank you.

1 ALJ DAVIS: Thank you. Yes, please try to not -- it was
2 getting hard to hear people, like even in this room with people
3 talking. Thanks. Thank you. Moving up next to Mr. Scott with
4 REAP.

5 MR. SCOTT: Thank you, Judge Davis. Antony Scott with REAP.
6 I want to start with where Mr. Wight ended off, which is really
7 partly in answer to part six of your question, which is what
8 the statutes require in terms of Commission facilitating
9 creation, financing and accessibility of community energy
10 facilities.

11 I don't think you need separate criteria, I think those
12 are criteria, which guide the rest of your rule making and how
13 you approach this whole thing.

14 And with that as background then, I'll return to question
15 one. I applaud the Commission's staff's initial approach of
16 suggesting that community energy facilities that the
17 compensation for subscribers should mirror that of net metering
18 customers. And I am heartened to hear that Chugach Electric
19 also sees that as a reasonable approach. I think that's
20 actually the right answer.

21 As you probably know, REAP actually is supportive of any
22 net metering. We think that's actually the right answer, but
23 given that the standard currently is monthly, I think that's
24 a reasonable place to end up.

25 The statute says full economic value. It doesn't say full

1 economic value that's easy to measure. So, in contrast to the
2 remarks of the gentleman from GDS, you can't just look at the
3 stuff that's easy to measure in an engineering perspective, you
4 have to consider it all. Now there's a huge temptation to
5 ignore things that are hard to measure and say that they don't
6 really care, but I would note that the Commission is
7 statutorily directed, under 141(d) when considering natural gas
8 contracts, to consider things like fuel diversity and contract
9 diversity in terms of the benefits that are ultimately provided
10 to consumers. Distributed generation of this sort should be
11 looked at, I think, in the same way, like this is a -- there are
12 a whole suite of benefits that sort of count.

13 And so, given that we can't precisely measure all of these
14 things, I think that the right answer is to treat community
15 energy facility credits on all fours with net metering
16 customers. It is not just an avoided cost compensation regime
17 that should prevail, and in fact, I think the developers on the
18 line would be able to tell you we're not going to see community
19 energy facilities from any independent party of any scale if
20 avoided cost is all that there is because it's hard enough to
21 get these things going as it is as an IPP. If you have to
22 address all of the soft costs of getting subscribers, it just
23 isn't going to happen, so that's why I started my comments in
24 terms of the commission's need to facilitate the creation of
25 these sort of things. You know, we have to think about sort of

1 general and rough compromises. I think it's a very reasonable
2 place to start.

3 Now having said all of that, I think there are some very
4 important complications that should not be ignored and I hope
5 that the IPPs on the line can fill this in because I'm not
6 quite sure how this should work, but I think it is quite
7 possible, if not likely, that we will see some community energy
8 facilities, the proposed ones, that bring batteries to the
9 table along with their energy.

10 And those sorts of facilities bring the kinds of
11 regulation benefits potentially to third parties and the rest
12 of the system that everybody's concerned about on the cost side
13 and there should -- we should think about those as providing
14 significant additional value. You know, the utilities
15 themselves are already in the midst of significant best
16 construction and deployment, so I think it would be fool-hardy
17 to not recognize that there is material value when those kinds
18 of projects get brought to the table and I don't know how best
19 to try to write regulations to address those, but maybe you
20 just say that, you know, utilities tariffs have to --
21 especially if there are batteries brought to the table have to
22 negotiate in good faith to capture the system benefits of those
23 batteries. Thanks very much.

24 ALJ DAVIS: Thank you, Mr. Scott. I know Ms. Moon sent a
25 text that she had stepped away. Is she on here? Nope. Okay,

1 that is the first seven questions. It is now 12:52, we have to
2 take a break within the next 27 minutes so I can find a plug
3 for my computer because that is how much time I have left on
4 the laptop. Do we want to take a break or you want to keep
5 going? Do we have an idea? Anybody? You guys are just -- keep
6 on going? All right, let's keep on going. Let's see if we can
7 get through these.

8 All right, we're going to move on to question number two
9 on the new ones. The Commission, as required.....

10 MS. ESTEY: Excuse me, Judge.

11 ALJ DAVIS: I'm sorry.

12 MS. ESTEY: I wasn't sure if you were going to ask for kind
13 of any follow-up on the last question?

14 ALJ DAVIS: Oh, I'm sorry, yes, do you have follow-up?

15 MS. ESTEY: Well, I think this -- it's interesting to think
16 about -- I brought it up at the beginning of some comments
17 about the potential market distortions paying more for
18 community solar power say at full retail than say I pay Clean
19 Capital and Jen Miller for their solar project, which could be
20 determined to have similar benefits.

21 And so, I think we need to understand -- I mean, for MEA,
22 that's about three times as much power, so it -- it is
23 different. It provides a much different price for power than
24 we're currently in contract for paying IPPs and so, not only is
25 that a question from a market perspective, but also why our

1 members should pay three times more for community solar power
2 versus ones produced by an independent power producer.
3 And I don't know that I have an answer for that, but I
4 think it just needs to be in consideration as we're talking
5 about why this one particular generation source has preference
6 and higher payments than others and what that might do to
7 either the market, the cost of power or member bills who are
8 not participants. Thanks.

9 ALJ DAVIS: Please.

10 MR. ZELLERS: Yeah, I just want to build on that just a
11 little bit and build a little bit on Mr. Waller's comments from
12 RAPA. Everybody's kind of looking at the net metering and
13 saying full retail rate. The net metering for MEA, in
14 particular, they get full retail rate for power they offset and
15 use in their house. Once they put it onto our system, they get
16 our small facility power producer rate, which is not full
17 retail rate.

18 So, in other words, we're transmitting that power
19 elsewhere, so with the community energy project, we are
20 transmitting that power through our system, so you know, if
21 you're giving them full retail rate for that power, then we're
22 creating another subsidy.

23 ALJ DAVIS: Mr. Scott?

24 MR. SCOTT: Sure. The concept of subsidy's grossly
25 misinterpreted by non-economists. No seriously, we need to

1 recognize that utilities have an obligation to serve within
2 their service territory. They can't discriminate and say well,
3 you're a cheap customer to serve, so I'm going to serve you and
4 you're farther away, so you're expensive to serve, which means
5 actually that there's no cross subsidy.

6 If legally there's a requirement to serve everybody, then
7 serving everybody is, in essence, a fixed cost because we're
8 all part of the utility system. There's not a marginal cost for
9 serving you, right? If I don't have an obligation as a
10 regulated monopoly to serve, I can say you're expensive to
11 serve, you're going to have to pay a higher rate or I'm not
12 going to bother and that's how the free market generally works
13 where there's free entry and exit that's not a problem, but
14 that's not the industry we're in.

15 The issue of cost shifting is also much ballyhooed. I
16 mean, if you -- but also mistaken. If you subtract billing
17 determinants from the utility system, yes, there are rate
18 consequences. There are, unquestionably, there are rate
19 consequences, but that doesn't mean there's a cross subsidy.

20 You know, if you go to pick and choose which customers you
21 got to serve, some customers are going to be more expensive to
22 serve and some customers are going to be less expensive to
23 serve, but that doesn't invoke the issue of cross subsidy.
24 I think Ms. Estey's concern about the rates compensated to
25 IPPs versus net metering customers, I am a net metering

1 customer. Most of the time that I'm actually generating, I am
2 generating in excess in that moment of the amount of energy
3 that I'm consuming, right? I am using the distribution system
4 in that instance, right? I'm also potentially, depending upon
5 the time of day or what -- and the configuration of my system,
6 providing incremental benefit to the system as a whole, so
7 especially as our utility systems evolve, they're going to get
8 more resilient as we continue to add more batteries and
9 distributed generation increases and I think one of the things
10 that gets -- we get mistakenly hung up on is focusing too much
11 on thinking incrementally about now as opposed to potential
12 benefits over a longer time span.

13 We are, right now, pre-investing in the utility grid, the
14 next version of the utility grid. It's just going to look
15 different in 15, 20 years and there's some growing pains around
16 that, so anyway. I earlier said I wasn't going to take the bait
17 on cross subsidy and I just did. I swallowed it all the way
18 down, but I felt like a cavilling view needed to be brought to
19 bear on it for the record. Thank you.

20 ALJ DAVIS: Thank you, Mr. Scott. Any further follow-up?

21 MR. CLARKSON: Just to engage in the conversation a little
22 bit because I think it's a good one.

23 ALJ DAVIS: Yeah.

24 MR. CLARKSON: Can I follow up on that?

25 ALJ DAVIS: Please.

1 MR. CLARKSON: So, Matt Clarkson for Chugach and I agree
2 with your observation that all utilities have an obligation to
3 serve; however, utilities and the Commission have an obligation
4 to set just and reasonable rates that aren't discriminatory,
5 right?

6 And so, we go through this process of establishing
7 cost-of-service base rates that are inevitably trying, although
8 not perfectly, to match cost causes with cost payers. And I
9 understand your position on this, but it -- I mean, in some
10 sense, it's more of an art than a science. I like to view it as
11 a hybrid. It's an attempt to try and -- I mean, otherwise, we
12 would just have flat rates. There wouldn't be rate classes, we
13 would charge one rate to all customers and you would just say
14 there is no subsidy because everybody's being served by the
15 same utility.

16 But I mean, the entire purpose of that whole mechanism
17 that's been developed over decades is to try and attempt to
18 match light customers with light customers as far as the rates
19 they pay.

20 So, I guess to the point of cross subsidy, dealing with
21 the regime of regulatory rate oversight that has been handed
22 down through precedent over time, I think there's still
23 legitimate arguments to be made that when a customer that is
24 pushing power onto the system is using the distribution system
25 in excess of what other customers are, it is adding to the cost

1 of the system and it can be quantified through this
2 cost-of-service based approach and there's actually -- New
3 Mexico is going through a similar process right now with their
4 Community Solar Act that was passed there recently. And they
5 have specifically a distribution cost impact offset to the
6 retail rate credit that's being given.

7 And so, they've recognized sort of the distribution cost
8 impact associated with these programs, they've quantified it
9 based on the last approved cost-of-service study that was done
10 by the utility and then that is an offset to the retail rate
11 (indiscernible - voice lowered).

12 And I think, you know, right now, Chugach's position is
13 let's just treat it like net metering because that's really the
14 goal here. It's virtual net metering, I think that there are
15 some additional costs to Tony's point and I think, at some
16 point, if this program becomes sizeable enough that each
17 utility's Board ultimately makes a decision that we don't think
18 that this cross subsidy is appropriate, it's become material
19 enough that we need to deal with it, the utility can then
20 update its tariff to come up with a rate that now accounts for
21 certain offsets associated with costs that are being incurred
22 to handle the program.

23 But I think that we can grow into that over time as this
24 program potentially grows in size, and right now, we feel like
25 the easiest way to slip into this and get it moving is really

1 to treat it like the analog that exists already, which is net
2 metering. But just to push back a little bit and engage in the
3 conversation and I am not an economist, so.....

4 ALJ DAVIS: Yes, Natalie.

5 MS. KILEY-BERGEN: Natalie with AKPIRG. I appreciate the
6 discourse in the discussion and I want to second Matt's
7 contribution, but this is -- this program is emerging, this
8 program is new. There is this great analog that's been existing
9 for years and we want to set, as the statute says, creating the
10 -- facilitating the creation of these programs. And so, setting
11 a rate that makes that possible for the market to create where
12 we want more action and more things happening here on our
13 system, that we need to set a rate that allows for the growth
14 and the develop of community energy and I think -- I was
15 surprised to see the question of community energy
16 discriminating against net metering customers because I think
17 it's somewhat reversed that net metering has had a much longer
18 runtime to be developed is less accessible to ratepayers. It's
19 very specific circumstances under which you can participate.

20 And so, I think reorienting that question around how do
21 you make community energy facilities possible without letting
22 net metering discriminate -- residential net metering
23 discriminate against those programs is an important frame of
24 reference and fits with the intention of the bill. That's why
25 the legislature passed this, was to expand access.

1 One other small point just I think as we're talking about
2 the retail rate and it's, you know, great to frame it into
3 numbers, unlike a residential net metering system where the
4 upfront costs are paid in bulk and getting your system set up
5 on your house and that's all handled, you know, internally. The
6 benefits folks are receiving will be smaller because of the
7 structure of community energy as well that you're paying a
8 subscription fee along the way and so, it's just important to
9 keep -- as we talk about this, I don't think it's been named,
10 you know, that when we're talking about the credit, the actual
11 credit the customer will see will be minus the cost of
12 subscription that they pay through the subscription
13 organization.

14 And so, we're talking about an even smaller benefit to
15 consumers and to say it too many times, the goal is to create a
16 benefit for consumers.

17 ALJ DAVIS: Thank you. Any last follow-up?

18 MR. ABCUG: Hey, this is Jeremy Abcug from Clean Capital
19 online. I just wanted to also put in my two cents on this.

20 ALJ DAVIS: Go for it.

21 MR. ABCUG: Undue -- yeah, undue cross subsidization and
22 this idea if a cost shift is obviously a very big talking point
23 and rightfully so. Clean Capital's very appreciative of that as
24 a worry for ratepayers and utilities.

25 We just also want to ensure that the same scrutiny we

1 might place on identifying and calculating any costs from CEFs
2 that might be put on to non-participating ratepayers, that we
3 place the same scrutiny and effort on fairly compensating CEFs
4 for the benefits that they might provide to non-participating
5 ratepayers and we don't believe that just using an avoided cost
6 structure really accurately or fairly compensates CEFs for
7 these benefits. These benefits that we believe could go beyond
8 just net metering or virtual net metering facilities.

9 And again, echoing some earlier stakeholders, we'd love to
10 provide a more in-depth response to this through some written
11 comments. Thank you.

12 ALJ DAVIS: Thank you, Mr. Abcug. Any final comments?

13 MR. SCOTT: Just a thought. It occurs to me -- I'm thinking
14 about the RTO tariff proceeding, which is yet to start, it
15 hasn't been filed, but I think the thought there is that
16 transmission costs of the system as a whole get allocated based
17 on billing determinants within each of the separate utilities
18 and maybe demand and some other things too. But -- and that's
19 your business, utilities business to hash out and I'm -- it'd
20 be fun to watch the blood on the floor, but it strikes me that
21 one of the things utilities might want to consider is that
22 there will be a reduction of transmission use and billing
23 determinants both associated with community energy facility
24 customers because of -- in a -- or at least there could be.
25 That's certainly the case for net metering customers. I mean,

1 with net metering customers, you get a certain number of
2 billing determinants that just sort of disappear.

3 But again, given that most of these facilities are
4 distribution level, I think at least potentially there are some
5 tangible, measurable benefits associated with these things
6 going in. Thanks.

7 ALJ DAVIS: We're going to officially take a 15-minute
8 break because my computer has shut down. I am officially out of
9 juice and need a plug, so we're going to take a break. We'll be
10 back at 1:25 and we'll keep going. All right, off record.

11 (Off record)

12 ALJ DAVIS: All right, we are back on record and I
13 over-talked earlier, but there -- before we wrap this up, we
14 are going to allow two weeks for response, written responses
15 and we'll publish these on the website, which would make the
16 final date -- oh, let me pull my calendar. How about February
17 14th, Valentine's Day is when these are due and when I will be
18 getting on a plane.....

19 MR. SCOTT: That's awesome.

20 ALJ DAVIS: I'll read your comments on the cruise ship. So,
21 we did have one final question and that was AKPIRG had brought
22 up Alaska Native Corporation -- well, they brought up tribal
23 sovereignty and we were wondering how that actually applied
24 with Alaska's unique ANGSA based corporate configuration and
25 how that -- like if, you know, if they would actually be exempt

1 or not. I'm not expecting anyone to be an ANGSA expert, but
2 that is something to add to the list if you can broach that
3 topic.

4 Okay, other than that, is there anything else we need to
5 -- anyone wants to discuss comment on?

6 MR. CLARKSON: Are you going to issue these questions via
7 an order in the docket and then have the deadline for
8 responses?

9 ALJ DAVIS: I think that's probably the appropriate
10 way.....

11 MR. CLARKSON: Okay.

12 ALJ DAVIS:to go with that.

13 MR. CLARKSON: And then obviously, include your ANGSA
14 question as well?

15 ALJ DAVIS: Yeah. We can add that on (indiscernible - voice
16 lowered). Let me think of other weird little thing. All right,
17 with that, yeah, we will get an order out and that's what I'll
18 go do now.

19 This Technical Conference is adjourned. Thank you.

20 (Off record)

21 (This proceeding was concluded at 1:34)

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