

JOHN R. KROGER
Attorney General



MARY H. WILLIAMS
Deputy Attorney General

DEPARTMENT OF JUSTICE
GENERAL COUNSEL DIVISION

May 3, 2011

Attention: Filing Center
Public Utility Commission of Oregon
550 Capitol Street NE, #215
PO Box 2148
Salem, OR 97308-2148
puc.filingcenter@state.or.us

Re: *In the Matter of Revising Net Metering Rules Regarding Aggregation of Meters on
Different Rate Schedules*
PUC Docket No.: AR 548
DOJ File No.: 860115-GB0642-10

Enclosed are an original and five copies of Staff's Comments in the above-captioned matter for filing with the PUC for today.

Sincerely,

Stephanie S. Andrus
Senior Assistant Attorney General
Business Activities Section

Enclosures
SSA:mme/#2744029
c: AR 548 Service List

1 **BEFORE THE PUBLIC UTILITY COMMISSION**
2 **OF OREGON**

3 **AR 548**

4 In the Matter of Revising Net Metering Rules
5 Regarding Aggregation on Meters with
6 Different Rate Schedules.

STAFF COMMENTS

7 Under ORS 757.300, customers that have energy generating facilities may receive credit
8 from public utilities for energy generated and used by the customer (“net metering.”). In 2007,
9 the Public Utility Commission adopted rules to facilitate net metering.¹ At that time, the
10 Commission adopted a rule allowing customers to “aggregate” energy purchased from utilities
11 and measured by multiple meters on the customers’ premises (or property contiguous to the
12 customers’ premises), as long as the aggregated meters were subject to the same rate schedule.
13 The Commission declined to authorize customers to aggregate meters subject to different rate
14 schedules for the purpose of net metering, but noted that the rules could be later modified to
15 permit additional forms of aggregation “as appropriate.”²

16 Since the Commission adopted the net metering rules, Staff has had multiple contacts
17 from interested persons that would like to aggregate energy subject to different rate schedules for
18 purposes of net metering. Accordingly, Staff convened informal workshops in late 2010 to
19 discuss a proposal to allow net metering participants to “aggregate meters” subject to different
20 rate schedules.

21 At the first two workshops, no participant opposed the general idea of allowing
22 aggregation of meters subject to different rate schedules. At the workshop on April 13, 2011,
23 however, representatives of Portland General Electric Co. (“PGE”) noted that they are concerned
24 about the increase in program costs that will be caused by allowing aggregation of meters subject
25

26 ¹ Order No. 07-319; OAR 860-039-0005 *et seq.*, (“net metering rules”).

² Order No. 07-319 at 14.

1 to different rate schedules. The representatives were concerned that this increase in costs, which
2 will be spread to all ratepayers, may outweigh the potential benefits from the aggregation.

3 Staff disagrees with PGE's assessment of the relative costs and benefits of allowing
4 aggregation of meters subject to different rate schedules. This relatively modest change in the
5 Commission's policy regarding aggregation of meters is consistent with the intent of ORS
6 757.300. Also, increasing opportunities for net metering is likely to yield broader and beneficial
7 experience for customers and utilities. One of the benefits of net metering is integration of solar
8 and other net-metered generation as utilities' resource options and costs change. Net metering is
9 a potentially valuable tool to address a future that could include high natural gas prices or
10 regulation of carbon emissions.

11 Staff recommends that the Commission adopt rules allowing customer-generators in a
12 utility's net metering program to offset generated energy against energy measured by meters
13 subject to different rate schedules. Staff recommends that the Commission adopt the rules
14 published by the Secretary of State in the February 1, 2011 edition of the Oregon Bulletin, with
15 some, but not all, of the modifications suggested by stakeholders.

16 **A. Rule revisions to OAR 860-039-0005 to clarify contiguous and customer-generator.**

17 **1. Contiguous.** Staff proposed revisions to OAR 860-039-0005(3), which includes
18 definitions used in the rules, to clarify the meaning of "contiguous" and "customer-generator."
19 Staff's original proposal was to partially define "contiguous" as follows:

20 **860-039-0005 (Scope and Applicability of Net Metering Facility Rules)**

21 * * * * *

22 (3) As used in OAR 860-0390-0010 through 860-039-0080:

23 * * * * *

24 (d) **"Contiguous" has the meaning given on OAR
860-038-0005(60)(b)(C).**

25 The rule referred to in this proposed revision, OAR 860-038-0005(60)(b)(C), provides:

26 Land shall be considered to be contiguous even if there is an intervening
public or railroad right of way, provided that rights of way land on which

1 municipal infrastructure facilities exist (such as street lighting, sewerage
transmission, and roadway controls) shall not be considered contiguous.³

2 The meaning of contiguous is pertinent to net metering because the Commission has
3 specified by rule that customer-generators may offset energy measured by multiple meters only
4 if the meters that are on the same premises as the generating facility or are on a property that is
5 contiguous to such premises.⁴ Staff proposed a new rule regarding “contiguous” to ensure that
6 customer-generators with property land divided by a right of way are not disadvantaged by the
7 existence of the right of way.

8 The City of Portland opposes Staff’s proposed clarification of “contiguous.” The City of
9 Portland asserts that meter aggregation should be limited to a customer’s meters behind a
10 particular feeder, rather than to meters located on a customer’s premises and contiguous
11 properties.⁵ In any event, the City of Portland suggests that properties owned by a municipality
12 that are connected by the municipality’s utilities or streets should be contiguous properties for
13 purposes of net metering.

14 The Interstate Renewable Energy Council (“IREC”) generally supports Staff’s proposed
15 qualification to “contiguous,” but recommends the Commission define “contiguous” in the net
16 metering rules, rather than refer to a rule in another division of Chapter 860. IREC suggests the
17 following language:

18 “Contiguous” means a single area of land that shall be considered to be
19 contiguous even if there is an intervening public or railroad right of way, provided
20 that rights of way land on which municipal infrastructure facilities exist (such as
street lighting, sewerage transmission, and roadway controls) shall not be
considered contiguous.”

21 IREC also recommends that the Commission define “premises” for purposes of the net
22 metering rules as follows:
23
24

25 ³ OAR 860-038-0005(60) defines “site” for purposes of direct access statutes and regulations and includes this
clarification on the “contiguous.”

26 ⁴ See OAR 860-039-0065(1)(a).

⁵ City of Portland March 1, 2011 Comments at 1.

1 “Premises” means all of a customer’s owned, leased or rented and real property and
2 apparatus employed on contiguous parcels of land and managed as part of the same
property. This includes, but is not limited to, condominium projects, community
associations, business parks, merchant associations, farms, and campuses.

3 Staff recommendation:

4 Staff recommends that the Commission adopt IREC’s proposed rule defining
5 “contiguous.” Providing a complete definition of contiguous is likely to be less confusing to net
6 metering applicants, participants and utilities than the reference to a Division 39 rule initially
7 proposed by Staff.

8 The Commission should reject the City’s recommended changes to the meaning of
9 contiguous and to net metering aggregation policy. The City’s suggestion that the Commission
10 allow net metering participants to aggregate all meters behind a feeder, as opposed to limiting
11 aggregation to meters on the customer’s premises and contiguous properties, is beyond the scope
12 of the Notice of Proposed Rulemaking in this docket. A change such as that suggested by the
13 City should be made only after investigation into the legality of such a proposal, as well as the
14 costs that would be incurred by utilities and ultimately spread to all ratepayers.

15 Finally, the Commission should reject IREC’s proposal to define “premises.” First, it is
16 not necessary to refine the plain meaning of “premises” for purposes of the net metering rules.
17 Second, IREC’s definition of “premises” is inconsistent with OAR 860-039-0065, which
18 distinguishes between a customer’s “premises” and a customer’s property that is “contiguous” to
19 a customer’s premises. Under IREC’s definition, premises would include contiguous properties.

20 **2. Customer-generator.** Staff’s other proposed revision to OAR 860-039-0005
21 clarifies that a “customer-generator” for purposes of the net metering rules is a customer that has
22 a net metering facility *and* is enrolled in a utility’s net metering program.

23 ~~(de)~~ “Customer-generator” means ~~a customer-generator as defined in~~
24 ~~ORS 757.300(1)(a)~~ **the person who is the user of a net metering**
25 **facility and who has applied for and been accepted to receive**
electricity service at a premises from the serving public utility.

26 No party has opposed this proposed revision and Staff recommends that the Commission adopt
it.

1 **B. Limit on size of generating facilities in net metering program.**

2 If the Commission allows customers to aggregate meters subject to different rate
3 schedules, the Commission must clarify whether the capacity limit for residential or non-
4 residential customers is applicable when a customer aggregates meters subject to both residential
5 and non-residential rate schedules. The rule revisions initially proposed by Staff (and published
6 by the Secretary of State on February 1, 2011), specify that if a customer-generator aggregates
7 meters subject to residential and non-residential rate schedules, the two megawatt capacity limit
8 applicable to non-residential customers applies to the customer-generator's generating facility.⁶

9 PGE opposes this proposed rule revision, recommending that the Commission use the
10 rate applicable to the meter physically attached to the generating facility (the "designated meter")
11 to determine the appropriate capacity limit for the generating facility. If the designated meter is
12 subject to a residential rate, the generating facility may have a capacity no greater than 25
13 kilowatts. If the designated meter is subject to a non-residential rate, the applicable capacity
14 limit is two megawatts. PGE asserts that the 25-kilowatt limit applied to residential customers
15 should apply when the designated meter is subject to a residential rate to ensure that oversized
16 facilities are not installed. PGE notes, "a residential net metering facility that requires substantial
17

18 ⁶ The rule published on February 1, 2011, provides:

19 **OAR 860-039-0010 (Net Metering Kilowatt Limit)**

20 **(1) OAR 860-039-0005 through 860-039-0080 apply to:**

- 21 **(a) For residential customer-generators of a public utility or residential customer-generators**
22 **that have an aggregated residential meter under OAR 860-039-0065 and whose net metering**
23 **facilities have a generating capacity, these rules apply to net metering facilities that have a**
24 **generating capacity of 25 kilowatts or less;**
- 25 **(b) Residential customers-generators of a public utility that have an aggregated non-residential**
26 **meter under OAR 860-039-0065 and whose net metering facilities have a generating capacity**
of two megawatts or less; and
- 27 **(c) Non-residential customer-generators of a public utility whose net metering facilities have a**
generating capacity of two megawatts or less.
- 28 **(2) For non-residential customers of a public utility, these rules apply to net metering facilities**
that have a generating capacity of two megawatts or less.
- 29 **(3) Nothing in these rules is intended to limit the number of net metering facilities per customer-**
generator so long as the net metering facilities in aggregate on the customer-generator's
contiguous property do not exceed the applicable kilowatt/or megawatt limit.

1 interconnection review and service upgrades strictly to allow aggregation is not consistent with
2 the fundamental application of the net metering statute.”⁷

3 IREC supports Staff’s initial recommendation to allow customers with aggregated meters
4 subject to both residential and non-residential meters to have a generating facility with a capacity
5 of up to two megawatts because such customers may have large loads to offset. IREC also
6 “encourages” the Commission to modify the capacity limit by basing it on customers’ historical
7 consumption, rather than the uniform ceilings established by current rule.⁸

8 The City of Portland asks the Commission to revise the rules for a potential biomass
9 facility at the City’s Columbia Boulevard Wastewater Treatment Plant. The City proposes that
10 the Commission authorize the City to net meter energy from a yet-to-be-built generating facility
11 with a capacity exceeding two megawatts, but limit to two megawatts the amount of energy that
12 the City can deliver to the grid through PGE’s distribution system.⁹

13 Staff recommendation:

14 Staff supports PGE’s recommendation to use the designated meter to determine the
15 capacity limit for generating facilities owned by customer-generators aggregating meters subject
16 to residential and non-residential rates. Under Staff’s initial proposal, a customer-generator’s
17 facility could become grossly oversized if the customer’s non-residential load decreased.
18 Further, the limitation recommended by PGE will reduce the likelihood of excessive flows of
19 electricity from the customer to the utility through the small residential service drop and “pole”
20 transformers. Accordingly, Staff recommends that the Commission not adopt many of the
21 revisions to OAR 860-039-0010 set forth in the Notice of Proposed Rulemaking published on
22 February 1, 2011, and adopt only the revisions to OAR 860-039-0010 set forth below.

23 ///

24 ///

25 _____

26 ⁷ AR 548 – PGE Initial Comments at 6.

⁸ Opening Comments of IREC at 6-7.

⁹ City of Portland March 1, 2011 Comments at 2.

1 **OAR 860-39-0010 (Net Metering Kilowatt Limit)**

2 (1) For residential customer-**generators** of a public utility, these rules
3 apply to net metering facilities that have a generating capacity of 25
4 kilowatts or less.

5 (2) For non-residential customer-**generators** of a public utility, these
6 rules apply to net metering facilities that have a generating capacity
7 of two megawatts or less.

8 (3) Nothing in these rules is intended to limit the number of net metering
9 facilities per customer-generator so long as the net metering facilities
10 in aggregate on the customer-generator's contiguous property do not
11 exceed the applicable kilowatt/ or megawatt limit.

12 Staff further recommends that the Commission revise OAR 860-039-0065 to implement
13 PGE's suggestion to use the "designated meter" to determine the capacity limit of a customer-
14 generator's generating facility. This rule revision is discussed in Section C. of these comments.

15 The City of Portland's request for an exception to the two megawatt capacity limit is not
16 pertinent to the analysis of Staff's proposed rule modifications to allow customer-generators to
17 aggregate meters on different rate schedules and is not appropriate in this docket.

18 Similarly, IREC's request to replace the two megawatt and 25 kilowatt capacity limits
19 with limits based on customer usage is also outside the scope of the Notice of Proposed
20 Rulemaking. In any event, Staff does not support IREC's proposal. The current cap for
21 residential customers is large relative to use. Assuming a ten percent annual capacity factor, a 25
22 kW system will produce almost 22,000 kWh. This is nearly double the average use of PGE and
23 PacifiCorp residential customers.

24 **C. Mechanics of aggregating meters.**

25 OAR 860-039-0065 specifies how a customer-generator must ask a utility to aggregate
26 meters in the net-metering program and currently prohibits customer-generators from
27 aggregating meters subject to different rate schedules. The rules in the February 1, 2011 Notice
28 of Proposed Rulemaking omit the requirement that aggregating meters be subject to the same
29 rate schedule as the designated meter, and also, specify how a utility should offset charges for a
30 customer-generator's consumption when the meters are subject to different rate schedules, which

1 is by the rank order designated by the customer-generator. In addition to clarifying how public
2 utilities must net energy measured by aggregated meters, Staff's initial proposal clarified that a
3 customer-generator's energy requirements do not include charging electric vehicles that they do
4 not own or lease, and also prohibit a customer-generator who received a Business Energy Tax
5 Credit ("BETC") from aggregating a residential meter beyond those included in the tax credit for
6 the net metering facility.¹⁰

7
8 ¹⁰ These revisions are as follows:

OAR 860-039-0065 (Aggregation of Meters for Net Metering)

- 9 (1) For the purpose of measuring electricity usage under the net metering program, a public
10 utility must, upon request from a customer-generator, aggregate for billing purposes **a the**
11 **meter to which the net metering facility that** is physically attached **to the net metering**
12 **facility** ("designated meter") with one or more meters ("~~additional~~**aggregated** meter") in
13 the manner set out in this ~~section~~ **rule**. This rule is mandatory upon the public utility only
14 when:
15 (a) The ~~additional~~ **aggregated** meter is located on the customer-generator's
16 **premises or property that is contiguous to the premises associated with the**
17 **designated meter property;**
18 (b) The electricity measured by the designated meter and any additional
19 aggregated meters is primarily used to measure only electricity used for the
20 customer-generator's requirements, **where requirements do not include**
21 **electricity for charging electric vehicles that are not owned by or rented**
22 **for the use of the customer-generator;**
23 (c) ~~The designated meter and the additional meter are subject to the same rate~~
24 ~~schedule; and~~
25 (c)(d) — The designated meter and ~~the additional~~ **any aggregated** meters are
26 served by the same primary feeder.
27 (d) **If any entity received an Oregon Business Energy Tax Credit for the**
28 **customer-generator's net metering facility, meters beyond those in the**
29 **approved tax credit are subject to a non-residential rate schedule.**
- 30 (2) A customer-generator must give at least 60 days notice to the utility to request that
31 additional meters be included in meter aggregation. The specific meters must be identified
32 at the time of such request. In the event that more than one additional meter is identified,
33 the customer-generator must identify the rank order **within the categories in section (5)**
34 **of this rule** for the ~~additional~~ aggregated meters to which net metering credits are to be
35 applied, in accordance with sections (3) and (4) of this rule. **At least 60 days in advance**
36 **of the beginning of the next annual billing period, a customer generator may**
37 **annually amend the rank order for the aggregated meters.**
- 38 (3) The aggregation of meters will apply only to charges that use kilowatt-hours as the billing
39 determinant. All other charges applicable to each meter account will be billed to the
40 customer-generator. **If the number of kilowatt-hours applied to the meter equals the**
41 **number of kilowatt-hours of use for the meter for the billing period, kilowatt-hour**
42 **charges will be zero for the meter. Unless otherwise specified by the rate schedule for**
43 **the meter, the average per kilowatt-hour charge that would have applied, absent**
44 **kilowatt-hour credits for the billing period, will be used to credit kilowatt-hours to**
45 **the applicable billing period in section (4) of this rule.**

1 IREC opposes the proposal to restrict how a customer-generator must rank aggregated
2 meters for purposes net metering. IREC asserts that “[a]llowing customers as much flexibility
3 as possible in ranking their meters allows them to do so in a way that best fits their individual
4 situation. At the same time, it should not be any more difficult for the customer’s utility to
5 administer.”¹¹

6 PGE opposes many of the proposed modifications to OAR 860-039-0065 published in the
7 Oregon Bulletin on February 1, 2011. First, PGE opposes the rule revisions that specify how a
8 utility must offset energy consumed by the customer-generator if the energy generated is not
9 fully offset by energy measured by the designated meter. PGE also opposes Staff’s proposed
10 qualification to the meaning of a customer-generator’s “requirements” and the rule relating to
11 BETCs on the ground they are difficult to enforce and beyond the scope of the policy decision

12
13 (4) If in a monthly billing period the net metering facility supplies more electricity to the
14 public utility than the energy usage recorded by the customer-generator’s designated
15 meter, the utility will provide apply credits to be applied to the customer’s next monthly
16 billing period for the excess kilowatt-hours. The utility will first apply the kilowatt-
17 hour credits to the charges for ~~to the designated meter, and then to the charges for~~
18 additional aggregated meters in rank order, that have the same charges as the
19 designated meter, and finally to other additional meters.

20 (5) The rank order of aggregated meters is as follows:

21 (a) All meters subject to the same rate schedule as the designated meter;

22 (b) All non-residential meters if the designated meter is a non-residential meter;
23 and

24 (c) All other meters.

25 ~~If an additional meter changes service to a rate schedule that is different than the designated~~
26 ~~meter, the additional meter is not eligible for net metering credits for the remainder of the~~
27 ~~billing year and until such time as the additional meter receives service on the same rate~~
28 ~~schedule as the designated meter.~~

29 (6) If the designated meter or an aggregated meter becomes subject changes service to a
30 different rate schedule, the utility will amend the rank order of the aggregated meters to
31 be consistent with section (5) of this rule. If the rank order changes, the utility will
32 provide a timely notice of the change to the customer-generator and provide an
33 opportunity to change the rank order within the categories in section (5) of this rule. The
34 customer-generator must notify the utility of any changes within 60 days of the notice
35 from the utility. of net metering credits is not allowed for the remainder of the billing
36 year and may not occur until such time as the additional meters receive service on the
37 same rate schedule as the designated meter.

38 (7) With the Commission’s prior approval, a public utility may charge the customer-
39 generator requesting to aggregate meters a reasonable fee to cover the administrative costs of
40 this provision pursuant to a tariff approved by the Commission.

¹¹ Opening Comments of IREC at 5.

1 underlying the removal of the prohibition on aggregating meters that are not subject to the same
2 rate schedule.

3 Staff recommendation:

4 Staff agrees with PGE that the policy considerations that underlie Staff's proposed
5 modifications to the definition of a customer-generator's "requirements" and prohibiting a
6 customer from aggregating a meter subject to a residential rate when a BETC¹² has been issued
7 for the generating facility are different than those that underlie the Commission's decision
8 whether to allow customer-generators to aggregate meters subject to different rate schedules for
9 purposes of net metering. Accordingly, Staff recommends that the Commission not adopt
10 Staff's initial proposed rule revisions regarding a customer-generator's "requirements" and the
11 regarding the BETC.¹³

12 Staff disagrees with any opposition to Staff's current proposal to include "primarily" in
13 OAR 860-039-0065(1)(d). ORS 757.300(1)(d)(D) allows net metering customer-generators to
14 net meter energy used "primarily" for their own requirements. That flexibility should remain in
15 rule. Accordingly, customer-generators should be allowed to aggregate meters that measure
16 energy used primarily for the customer-generator's requirements.

17 Staff agrees with some of PGE's proposed modifications regarding how the utilities
18 should offset energy consumed by meters subject to different rate schedules, provided that the
19 rules require the utilities to specify in tariff how the kWh credits will be applied when aggregated
20 meters are subject to rate schedules with non-uniform kWh charges. Staff also agrees with PGE
21 that Staff's initial proposal had an error as to when a utility must apply kWh credits. Finally,
22 Staff agrees with IREC that the rule should specify that the requirement that the meters are

23

24

25 ¹² PGE stated at the April 13, 2011 workshop that it would work with the Oregon Department of Energy to include
26 in net-metering agreements between customers and PGE language that clarifies a customer cannot aggregate meters
subject to a residential rate if a BETC has been given for the customer's generating facility.

¹³ These rule modifications are found in OAR 860-039-0065(1)(b) and (d) published by the Secretary of State on
February 1, 2011.

1 served by the same feeder applies at the time of application.¹⁴ Staff now recommends that
2 Commission revise OAR 860-039-0065 as follows:

3 **OAR 860-039-0065 (Aggregation of Meters for Net Metering)**

4 (1) For the purpose of measuring electricity usage under the net metering
5 program, a public utility must, upon request from a customer-generator,
6 aggregate for billing purposes ~~the meter to which the net metering facility~~
7 **that** is physically attached **to the net metering facility** (“designated meter”)
8 with one or more meters (“~~additional aggregated meter~~”) in the manner set
9 out in this **section rule**. This rule is mandatory upon the public utility only
10 when:

11 (a) The **additional aggregated** meters **is are** located on the customer-
12 generator’s **contiguous premises or** property **that is contiguous to**
13 **such premises;**

14 (b) ~~The additional meter is used to measure only electricity used~~
15 **electricity recorded by the designated meter and any aggregated**
16 **meters is primarily** for the customer-generator’s requirements; **and**

17 (c) ~~The designated meter and the additional meter are subject to the~~
18 **same rate schedule; and**

19 (c)(d) The designated meter and the **aggregated additional** meters are
20 served by the same primary feeder **at the time of application.**

21 **(2) When a customer-generator aggregates one or more meters that are**
22 **subject to a different rate schedule than the designated meter, the**
23 **facilities capacity limit in OAR 860-039-0100 is determined by the rate**
24 **applicable to the designated meter.**

25 **(2)(3) A customer-generator, or their designee, must give at least 60 days notice**
26 **to the utility to request that additional meters be included in meter**
27 **aggregation. The specific meters must be identified at the time of such**
28 **request. In the event that more than one additional meter is identified, the**
29 **customer-generator must designate the rank order for the ~~additional~~**
30 **~~aggregated~~ meters to which net metering credits are to be applied, ~~in~~**
31 **~~accordance with section (4) and must rank aggregated meters subject~~**
32 **~~to the same rate schedule as the designated meter above any other~~**
33 **~~meters. At least 60 days in advance of the beginning of the next~~**
34 **~~annual billing period, a customer-generator may amend the rank~~**
35 **~~order of the aggregated meters, subject to the requirements of this~~**
36 **~~rule.~~**

37 **(3)(4) The aggregation of meters will apply only to charges that use kilowatt-**
38 **hours as the billing determinant. All other charges applicable to each**
39 **meter account will be billed to the customer-generator.**

40 **(4)(5) The utility will first apply the kWh credit to the charges for the**
41 **designated meter and then to the charges for the aggregated meters in**
42 **the rank order specified by the customer-generator. If in a monthly**
43 **billing period the net metering facility supplies more electricity to the**
44 **public utility than the energy usage recorded by the customer-generator’s**
45 **designated ~~and aggregated~~ meters, the utility will apply credits to the**
46 **next monthly bill for the excess kilowatt-hours first to the designated**
47 **meter, then to ~~aggregated additional~~ meters, in the rank order specified**

¹⁴ See Opening Comments of IREC at 4-5.

1 by the customer-generator. that have the same charges as the
2 designated meter, and finally to other meters. Public utilities subject
3 to OAR 757.300(2) through (8) shall specify in tariffs how the kWh
4 credits will be applied when rate schedules have non-uniform kWh
5 charges.

- 6 (5) ~~If an additional meter changes service to a rate schedule that is~~
7 ~~different than the designated meter, the additional meter is not~~
8 ~~eligible for net metering credits for the remainder of the billing year~~
9 ~~and until such time as the additional meter receives service on the~~
10 ~~same rate schedule as the designated meter.~~
- 11 (6) ~~If the designated meter changes service to a different rate schedule,~~
12 ~~aggregation of net metering credits is not allowed for the remainder of~~
13 ~~the billing year and may not occur until such time as the additional~~
14 ~~meters receive service on the same rate schedule as the designated~~
15 ~~meter.~~

16 (7) With the Commission's prior approval, a public utility may charge
17 the customer-generator requesting to aggregate meters a reasonable fee to
18 cover the administrative costs of this provision pursuant to a tariff
19 approved by the Commission.

20 **D. IREC's proposal to allow multiple customers to aggregate for purposes of net**
21 **metering.**

22 IREC recommends that the Commission adopt a rule that allows multiple tenants of a
23 building with individual accounts with a utility to aggregate meters for purposes of net metering.
24 IREC's proposal is beyond the scope of the Notice of Proposed Rulemaking published in the
25 February 1, 2011 edition of the Oregon Bulletin and should not be addressed in this rulemaking
26 proceeding.

27 **CONCLUSION**

28 For the reasons stated above, the Commission should adopt Staff's proposed rule
29 revisions.

30 DATED this RD 5 day of May 2011.

31 Respectfully submitted,

32 JOHN R. KROGER
33 Attorney General

34 

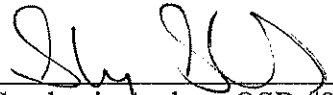
35 Stephanie S. Andrus, #92512
36 Senior Assistant Attorney General
Of Attorneys for Staff of the
Public Utility Commission of Oregon

CERTIFICATE OF SERVICE

I hereby certify that on the 3rd day of May 2011, I served the foregoing Staff's Comments upon the persons named on the service list, by mailing a full, true and correct copy thereof and to such persons waiving such service by mail who were served at their e-mail address as listed on the service list.

W Erik Anderson Pacific Power & Light erik.anderson@pacificcorp.com	W Christa Beary Idaho Power Company cbeary@idahopower.com	W Gordon Feighner CUB gordon@oregoncub.org
W Ryan Flynn PacifiCorp ryan.flynn@pacificcorp.com	W J. Richard George PGE richard.george@pgn.com	W Jennifer Hall Synchrosolar jeni@synchrosolar.com
W Harold Harman lynhartconsult@hotmail.com	W Heath Kearns Lite Solar Corp heath@litesolar.com	W G. Catriona McCracken CUB catriona@oregoncub.org
W Glenn Montgomery OSEIA glenn@oseia.org	W Raymond Myers CUB ray@oregoncub.org	W Oregon Dockets PacifiCorp, dba Pacific Power oregondockets@pacificcorp.com
W Patrick Schellerup Lite Solar Corp Patrick@litesolar.com	W David Tooze City of Portland – Planning & Sustainability david.tooze@portlandoregon.gov	W Sandra Walden swalden@r-e-s.us
W Joseph F. Weidman Interstate Renewable Energy Council jwiedman@irecusa.org		

DATED: May 3, 2011



 Stephanie Andrus, OSB #925123
 Senior Assistant Attorney General