

BEFORE THE ARKANSAS PUBLIC  
SERVICE COMMISSION

IN THE MATTER OF AMENDMENTS TO THE )  
ARKANSAS PUBLIC SERVICE COMMISSION'S )  
NET METERING RULES )

DOCKET # 12-001-R

SURREPLY COMMENTS WILLIAM BALL, pro se.

Reading through the Reply Comments of the Parties discussing indemnification and insurance impediments, I am encouraged. As one who is what I will refer to as an educated laymen, I applaud the due diligence, thought and depth of discussion in the Comments. The arguments from Parties favoring the removal of any indemnification requirements from net metering contracts differ, in approach and recommended solutions. I am hopeful that the convincing arguments and the variety of recommendations put forth by the AG, State Agencies, APSC Staff and myself will persuade the Commission to decide that indemnification requirements should be removed from net metering and interconnection contracts, and that no other insurance requirements be substituted in lieu thereof.

In Order #1 of this Docket, the Commission asks to receive comments on indemnification and any other provisions of the NMR that could present impediments to the development and use of net metering facilities in Arkansas. Providing arguments in my Initial Comments that four additional impediments exist in Arkansas' NMR, I accepted that some of my recommendations might be viewed to be outside consideration by the Commission in this Docket, or may exceed the statutory authority of the Commission. True or not, this view does not diminish the existence of these impediments and the need to address them.

In the Reply Comments provided by the APSC Staff, they point out that the *“Commission is charged with establishing appropriate rates, terms, and conditions for net-metering contracts and must do so in accordance with the legislative intent.”* As one of the principal architects of the Arkansas Renewable Energy Development Act of 2001, I argue that the legislative intent of the Act provides the Commission more authority than may be expressed by other Parties.

It is clear that the Commission has authority to consider aggregation of meters as evidenced in the Act, where in the Commission is empowered to *“establish appropriate rates, terms, and conditions for netmetering*

*contracts, including a requirement that **metering equipment** be installed to both accurately measure the electricity supplied by the electric utility to each net-metering customer and also to accurately measure the electricity generated by each netmetering customer that is fed back to the electric utility over the applicable billing period”*

In Reply Comments, Staff states that “*evidence in the record at this point in time does not support aggregation of multiple meters*”. In my Initial Comments, I provided evidence that net metering facilities are suffering because of their inability to aggregate meters and supported the argument with the existing wind energy installation in Burdett, Arkansas. Additionally there is anecdotal evidence suggesting that a farmer, with dozens of meters serving irrigation pumps scattered about his property, will benefit if he or she has the option of installing one single net metering facility capable of offsetting electricity used by entire farm.

Staff further states that aggregating meters “*could have significant ratemaking impacts, including potential impacts upon other customers*” and that “*Mr. Ball has not presented any evidence addressing the potential impacts of the aggregation of multiple meters that would share generation from a single net metering facility including an examination of the potential costs and benefits therefrom.*” In asserting that the inability to aggregate meters is an impediment, I did not deem it necessary to address above concerns introduced by Staff, but merely to point to the impediment. Furthermore, I believe it is incumbent upon the Commission and the Parties to evaluate such issues. I would point out that in light of the very low number of net metering facilities in Arkansas, and less than .5mW of name plate capacity, there have been no significant impacts on rulemaking or other customers. While Arkansas struggles to reach one half of one percent of it's electrical energy from new renewable resources, many states are reaching 15% with minimal ratepayer impacts.

With regard to raising capacity limits, payment for net excess generation and expanding NMR to provide for long term feed in contracts, I hope the Commission finds authority to consider the merits of the arguments and takes steps to reduce the barriers to a more robust development of Arkansas' renewable energy resources.

Sincerely,



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## CERTIFICATE OF SERVICE

I, William Ball, hereby certify that a copy of the foregoing has been served on all parties of record by forwarding same by electronic mail, this 30<sup>th</sup> day of March, 2012



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