

BEFORE THE IOWA UTILITIES BOARD

IN RE:)
) **DOCKET NO. WRU-2015-0038-0156**
MIDAMERICAN ENERGY)
COMPANY)
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The Environmental Law & Policy Center (ELPC) and Iowa Environmental Council (IEC) file this petition to intervene and these comments pursuant to 199 Iowa Administrative Code § 7.13. In support of their position, intervenors state:

THE PARTIES

1. The Environmental Law & Policy Center (ELPC) is a non-profit corporation with an office in Des Moines and members who reside in the State of Iowa. ELPC's goals include promoting clean energy development and advocating for policies and practices that facilitate the use and development of clean energy such as solar and wind power including the use of third-party power purchase agreements to finance renewable energy systems. ELPC has invested significant time and resources into promoting clean energy development in Iowa and nine other states in the Midwest.

2. The Iowa Environmental Council (IEC) is a non-profit corporation organized under Iowa law. The IEC is a broad-based environmental policy organization with a mission to create a safe, healthy environment and sustainable future for Iowa. The IEC represents a broad coalition of Iowans including over 70 diverse member and cooperator organizations ranging

from agricultural, conservation, and public health organizations, to educational institutions, business associations, and churches, along with hundreds of individual members. IEC's work focuses on clean water, clean air, conservation, and clean energy, including the promotion of policies that would facilitate the development of clean energy and clean energy jobs.

3. On December 30, 2015, MidAmerican Energy Company (MidAmerican) filed a request for a waiver from the requirements of 199 Iowa Administrative Code § 45.9(1)(a) to the extent necessary to allow MidAmerican to approve a Level 2 interconnection request for Bacon Hill LLC, a customer looking to interconnect an 45 kW solar array without unnecessary delay and cost.

4. The intervenors are parties with an interest in promoting renewable energy in Iowa by establishing a policy and regulatory framework to facilitate and support renewable energy. Interconnection requirements and how those requirements are implemented are an important part of the regulatory framework affecting renewable energy.

5. The intervenors have been involved in other proceedings relevant to interconnection requirements in Iowa. ELPAC and IEC participated in the rulemaking that adopted Iowa's interconnection requirements (Docket No. RMU-09-08). ELPAC and IEC have participated in Docket No. NOI-2014-0001 on distributed generation. This docket has specifically addressed Iowa's interconnection requirements. The intervenors have also participated in similar interconnection waiver dockets for both Interstate Power and Light Company (IPL) (WRU-2014-0011-0150) and MidAmerican (WRU-2015-0037-0156).

6. Level 2 interconnection is addressed in 199 Iowa Administrative Code § 45.9. Subpart (1) provides the screening criteria for a Level 2 interconnection. The screening criteria are intended to assist the utility to "evaluate the potential for adverse system impacts." 199 Iowa

Administrative Code § 45.9(1). One screening criteria is at issue in this waiver request, section 45.9(1)(a) provides: “For interconnection of a proposed distributed generation facility to a radial distribution circuit, the total distributed generation connected to the distribution circuit, including the proposed distributed generation facility, may not exceed 15 percent of the maximum normal load normally supplied by the distribution circuit.”

7. The current interconnection rules provide the utility with the discretion to conduct additional review when a facility fails to meet one or more of the Level 2 screens. 199 Iowa Administrative Code § 45.9(6). Under the existing rule, the additional review has been interpreted to require a waiver from the Board. *See, e.g., In Re: Interstate Power and Light Company*, IUB Docket WRU-2014-0011-0150, Order Granting Waiver (September 3, 2014). In that Order, the Board stated: “Until such time as the interconnection rules are modified, waivers are the appropriate way to deal with situations like those presented here [failing of the 15% screen]. The way the rules currently stand, the Board does not believe it can order the interconnection here without first granting the waiver.” *Id.* at 4.

8. We support MidAmerican’s request for a waiver and believe the Board should grant such a waiver expeditiously.

9. We have made this point in multiple filings, but we think that it is worth repeating again here. We do not think that it is necessary or sustainable to continue with the waiver process in the long term. This is the fifth waiver for the exact same set of circumstances – the failing of the 15% screen when the utility has determined that such a system can be interconnected safely and reliably. We anticipate significantly more waivers for the failing of this screen in the future. Each time that there is a waiver process, the utility is forced to needlessly spend time and resources on a filing; interested parties need to weigh whether or not to intervene and spend time

and resources on the issue; the Board must spend time and resources on the issue; and the customer has their project delayed potentially complicating financing and risking eligibility for tax credits that become fully subscribed.

10. The Board acknowledged that the interconnection rules could be modified to address this situation. This issue has been extensively discussed in NOI-2014-0001. On April 7, 2015, ELPC, IEC, MidAmerican, and IPL filed joint comments supporting the incorporation of a supplemental review process into the interconnection rules. However, in the draft proposed changes to Chapter 45 interconnection rules that the Board released in its September 1, 2015 order, the Board did not create a supplemental review process to address this issue. On October 9, 2015, the Board issued an order soliciting additional comments on the proposed rules. ELPC, IEC, the Interstate Renewable Energy Council (IREC), MidAmerican, and IPL again submitted joint comments supporting a supplemental review process to address situations like the one here and eliminate the need for a waiver process. The Office of Consumer Advocate and the Alliance for Solar Choice also supported such a change. We urge the Board to adopt the supplemental review rules jointly proposed by IPL, MidAmerican, ELPC, IEC, and IREC and end the need for waiver filings like this one.

11. The names, mailing addresses, and telephone numbers of the intervenors are:

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12. The intervenors will be represented in this docket by the Environmental Law & Policy Center. Joshua T. Mandelbaum is a resident attorney licensed to practice in Iowa and working out of ELP's Des Moines office.

Therefore, ELP and IEC respectfully request that the Iowa Utilities Board grant us leave to intervene and be treated as a party to any proceeding in order for us to fully participate. We further request that the Board expeditiously grant this waiver and allow this interconnection to proceed. Finally, we recommend that the Board continue the work in Docket No. NOI-2014-0001 and update its interconnection standards consistent with FERC's updated SGIP standards as proposed by IPL, MidAmerican, ELP, IEC and IREC.

Dated: January 4, 2016

Respectfully submitted,

/s/ Joshua T. Mandelbaum
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