4/18/2017

To: IPWG

In response to the proposed SIR contract revisions, and on behalf of solar installers of retail systems, the undersigned strongly oppose the inclusion of an insurance requirement and separately the indemnification requirement for the Power Utility in any manner. Not only are these requirements unnecessary, it unfairly burdens smaller solar installers whose business model differs from that of MW Scale PPA /Community solar installers. We, the undersigned, urge that this rule be immediately removed from consideration or revised appropriately to prevent any infringement on the competitiveness of an important market sector.

The provision requiring indemnification of the Power Utility must be completely removed. Other regulated public utilities—such as phone, cable, or water—do not require any form of indemnification. We welcome the Joint Utilities to present evidence to the contrary, or to provide adequate reasoning for its inclusion.

Regarding the insurance requirement, the current language proposed is overly broad and creates an impediment in selling solar to new residential and small commercial customers that will be required to procure their own insurance at the prescribed amounts. In addition requiring the meter holder to be the incumbent party is inappropriate in certain situations such as when the meter holder is not the owner of the solar facility. In order to address these two concerns, we propose that the insurance requirement be limited to systems above 1 MW AC and that the developer may stand in the place of the owner regarding procurement of liability insurance.

These positions are not well represented as the majority of the small number of solar companies developing MW scale farms are not necessarily affected by this regulation. These solar companies do not sell solar facilities to customers, rather enter into power purchase agreements. Therefore, because the MW solar company owns the solar facility, it is required to obtain insurance rather than the customer. This burden lies with our customers but not theirs.

Other states, such as California and New Jersey, exempt customers from holding liability insurance for systems smaller than 1 MW. If New York were not to provide the same exemption, our solar industry would become uncompetitive. IREC model rules support this threshold.

In summary, having such indemnity and insurance requirements would hinder the future market and job growth of the industry in NYS. We trust that the PSC will remove consideration of this regulation or amend it such that it will not directly damage every smaller solar installer in the state.

Signed,

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Jeff Irish, CEO Hudson Solar

Scott Maskin, CEO SUNation

Jeevan Goff, CEO Lotus Solar

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