



August 29, 2017

Via Electronic Filing

TO:

Honorable Kathleen H. Burgess
Secretary to the Commission
New York State Public Service Commission
Empire State Plaza, Agency Building 3
Albany, New York 12223-1350
secretary@dps.ny.gov

FROM:

Richard Umoff
Regulatory Counsel and Director
Solar Energy Industries Association
600 14th St. NW Washington, D.C.
Suite 400, 20005

RE: Case No. 17-01276 Regarding the Value of Distributed Energy Resources Phase 2 Tariff

Dear Secretary Burgess,

Please find the comments of the Solar Energy Industries Association, Vote Solar, the Coalition for Community Solar Access, Pace Energy and Climate Center, the Natural Resources Defense Council, and Acadia Center (the Clean Energy Parties), on a proposed fast track mechanism for the Value of Distributed Resources (VDER) Phase 2 process.

Sincerely,

/s/ Richard Umoff

Richard Umoff

Regulatory Counsel and Director
Solar Energy Industries Association
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At the August 22, 2017 Phase 2 Value Stack working group meeting, Department of Public Service (DPS) Staff stated an interest in developing a mechanism for fast-tracking issues for Public Service Commission (Commission) decision to facilitate speedy resolution of issues where possible.¹ The Clean Energy Parties support this mechanism as a tool for reducing administrative burden and advancing the Commission's goals in a timely manner.

Below are the Clean Energy Parties' proposed guidelines for implementing a fast track mechanism. We welcome comments or questions from the Commission, DPS Staff, and other stakeholders. Further, we encourage adoption of a fast track mechanism as quickly as possible.

Proposed Fast Track Mechanism

1. The issue presented is straightforward.
 - a. The issue does not require substantial new technical analysis or complex legal considerations.
2. The issue presented is ripe for resolution.
 - a. The issue has been teed up by previous orders, filings in the record and/or stakeholder discussions.
 - b. There is relatively little additional process necessary, but the fast-tracked issue will still be subject to SAPA.²
 - i. In certain instances, an issue may be ripe for Commission decision without a SAPA process where there is little or no substantive work remaining before the issue can be decided. The test here is akin to the legal test for summary judgment – “no remaining issue of fact.”
3. There is significant support to resolve the issue from a wide range of stakeholders.
 - a. Unanimity should not be required, but if many different stakeholders believe that significant further analysis is necessary before a decision can be rendered, that weighs strongly against fast-tracking an issue.

The Clean Energy Parties appreciate the opportunity to weigh in on this issue, and look forward to working with DPS Staff and stakeholders through the Phase 2 process.

Sincerely,

/s/ Richard Umoff

Richard Umoff

Regulatory Counsel and Director
Solar Energy Industries Association

¹ Case No. 17-01276, Value Stack Working Group, Value of Distributed Resources Phase 2 Tariff

² New York State Administrative Procedure Act

/s/ Jeff Kramer
Jeff Kramer
Executive Director
Coalition for Community Solar Access

/s/ Sean Garren
Sean Garren
Regional Director, Northeast
Vote Solar

s/ Miles Farmer
Miles Farmer
Clean Energy Attorney
Natural Resources Defense Council

/s/Sheryl L. Musgrove
Sheryl L. Musgrove
Staff Attorney
Pace Energy and Climate Center

/s/Mark LeBel
Mark LeBel
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