

Party	NMR Reference	Party Comments	Party Proposals	Reply to Proposals	Sur-Reply Comments
Scenic Hill	Rule 1.01	"does not provide legacy customers with their statutory right to legacy protection through June 1, 2040"	Proposal: Rule 1.01 Definitions The following definitions shall apply throughout the Net-Metering Rules (NMRs) except as otherwise required by the context , and any references to the NMRs shall include these definitions, except as required by context or by Ark. Code Ann. § 23-18-604(c)(11)(A).		
Staff	Rule 1.01	Add explanatory definitions to 1.01. i.e. Rule 5.01 Gaming Defined			
AECC	Rule 1.01(a)	"to capture additional qualifying criteria from the CSPA, specifically Ark. Code Ann. §§ 23-18- 604(d)(2)"	<p>Proposed changes/additions: A meter associated with the Net-Metering Customer's account that the Electric Utility Net-Metering Customer may applies credit to with Net Excess Generation or Net-Metering Surplus from the Net-Metering Customer's Generation Meter....</p> <p>1.01(a):7) shall be located within a one-hundred (100) mile radius of the Net-Metering Facility unless the Net-Metering Facility qualifies for an exemption under Ark. Code Ann. § 23-18-604(d)(2)(A)(i)(a)-(b); and 8) shall not qualify for interruptible service unless the Net-Metering Customer qualifies for an exemption under Ark. Code Ann. § 23-18-603(9)(B).</p>	<p>AAEA/Entegrity: Do not agree with changing "Net-Metering Customer may credit" to "Electric Utility applies credit."</p> <p>No Objection to the addition of new parts 7 and (8 as reflected in AECC's redline to Rule 1.01(a)</p>	
AECC	Rule 1.01(g)			AAEA/Entegrity: proposed change to reference the definition of Distribution Cooperative to "as defined in Ark. Code Ann. § 23-18-901(3)" must be in error. Ark. Code Ann. § 23-18-901(3) does not exist."	
AECC	Rule 1.01(h)	"add specific reference to Ark. Code Ann. § 23- 18-603(11)(e) to the definition of what is not an Electric Utility"	As defined in Ark. Code Ann. § 23-18-603(3). Pursuant to Ark. Code Ann. § 23-18-604(e), A person who acts as a lessor or service provider as described in Ark.	AAEA/Entegrity: The rule as proposed by the Commission cites the correct sections, § 23-18-603(9)(A)(ii) or (iii)	
AECC	Rule 1.01(j)	<p>"changed the reference from Ark. Code Ann. § 23-18-604(c)(1)(ii), to instead reference Ark. Code Ann. § 23-18- 604(c)(9)(B) because the Facilities Agreement is intended to address the interconnection costs that an Electric Utility will incur, and correspondingly, the Net- Metering Customer must contract to pay for."</p> <p>"removed the reference to Ark. Code Ann. § 23-18- 604(c)(11)(A)(ii), as the definition of a Facilities Agreement should extend beyond the scope for a legacy Net-Metering Facility."</p> <p>"included language to specify that Facilities Agreements are unique to each Electric Utility's tariffs."</p>	<p>An private agreement between a Net-Metering Customer and an Electric Utility specific to a potential Net-Metering Facility that provides terms of the NetMetering Customer's payment appropriate portion of the direct costs for interconnection facilities and associated expenses that the Electric Utility incurs required...</p>	<p>AAEA/Entegrity: The Commission has clearly chosen that the net-metering customer will be subject to the "appropriate portion of the costs and associated expenses"</p> <p>The word "associated" should not be stricken from the rule because it is directly from Act 278</p>	

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Carroll Electric	Rule 1.01(j)	<p>"not opposed in a general manner to the definition of "facilities agreement" as proposed by the Commission"</p> <p>"important to understand that actual make-ready costs will not be known when a "facilities agreement" would be signed"</p> <p>"note that the costs referred to in a "Facilities Agreement" would not be those that are referred to in Ark. Code Ann. §23- 18-604(c)(1)(A), as those costs are to be part of the appropriate rate structure."</p> <p>"costs referred to be paid within the Facilities Agreement should be those costs that the Net- metering customer must pay under subsection (c)(9)(B)(ii), which are the direct costs of interconnection and any grid upgrades required to connect the net-metering customer's net-metering facility ("make ready" costs)."</p>	<p>Proposal: An agreement that provides the Net-Metering Customer's a good-faith estimate, based on the results of a Facilities Study, for the Net-Metering Customer's appropriate portion of the make-ready costs and associated expenses required to provide service to the Net-Metering Customer and enable the Net- Metering Customer's interconnection to use of the Electric Utility's facilities and to cover the direct costs of interconnection and any grid upgrades required to connect the Net-Metering Facility pursuant to Ark. Code Ann. § 23- 18- 604(c)(9)(B)(i) and (ii). (A); including all applicable costs of constructing the Electric Utility facilities necessary to interconnect a Net-Metering Facility pursuant as referred to in Ark. Code Ann. § 23- 18- 604(c)(11)(A)(ii).</p>		
EAL	Rule 1.01(j)	<p>Has "three levels of technical study that the Company has had in place since before the existence of net-metering and that again are applicable to all customers desiring to interconnect to EAL's distribution system (including those that are not net-metering)."</p> <p>"Requiring EAL, or any other utility, to abandon their established, time- tested systems and processes used with all of their customers just to narrowly create a separate process only for net- metering customers is not likely to provide more certainty to net-metering customers."</p> <p>"will force EAL (and other utilities) to develop and use new systems at a time when net-metering customers are likely to be the most time sensitive due to the deadlines in CSPA."</p>		<p>EAL: Continues to advocate that the Commission maintain the status quo and not add unnecessary complications to this part of the system that has been time-tested successfully. Supports Staff's recommendation that the Commission not expend its limited resources and time available between now and December 31, 2023</p>	
AECC	Rule 1.01(k)	<p>"for the purpose of simplicity and clarifying the definition of how the Facilities Study is utilized in the interconnection process."</p> <p>"included reference to the discretionary transmission level operation language found in the CSPA at Ark. Code Ann. § 23-18- 603(10)(D)"</p>			

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Carroll Electric	Rule 1.01(k)	<p>“not generally opposed to the Commission’s proposed definition”</p> <p>“should also be revised to make it clear that the make-ready costs provided at the time a study is done are estimates that cannot be completely pinned down that early in the process”</p>	<p>Proposal: A Facilities Study is an <u>extensive</u>-engineering study conducted by an Electric Utility, <u>or a consultant for the Electric Utility</u>, detailing the electric system infrastructure and the impacts to the transmission and/or distribution systems that would result if a proposed interconnection request were connected without project modifications or electric system modifications. The purpose of a Facilities Study is to determine the required modifications to the Electric Utility's transmission (<u>when permitted by the Electric Utility</u>) and/or distribution system to mitigate any potential adverse system impacts, including the <u>estimated make-ready costs</u> and the <u>approximate time</u> required to build and install such modifications as necessary to accommodate an interconnection request.</p>		
EAL	Rule 1.01(k)	<p>“The CSPA’s reference in Ark. Code Ann. § 23-18- 604(b)(11)(A)(ii) to a “facilities agreement or equivalent document” refers to already existing utility documents and processes in place.”</p> <p>“concerned about using a one-size-fits-all definition of a “facilities agreement” for all electric utilities.”</p> <p>“existing documents satisfy the basic requirements in the CSPA, and there is no need to create additional and potentially conflicting regulations and definitions, that may complicate and compromise the statutory requirements.”</p>		<p>EAL: Continues to advocate that the Commission maintain the status quo and not add unnecessary complications to this part of the system that has been time-tested successfully. Supports Staff’s recommendation that the Commission not expend its limited resources and time available between now and December 31, 2023</p>	
Scenic Hill	Rule 1.01(p)	<p>“every LMP references a specific time, and LMPs are recorded by SPP and MISO at specific nodes <u>and times</u>.”</p> <p>“prices reset on a daily, hourly, and sub-hourly basis and this reality should be captured within the proposed definition of “LMP.””</p>	<p>Proposal: Locational Marginal Price is a market-based pricing mechanism used in electricity markets to determine the cost of electricity at a specific <u>time and</u> location on the power grid. It reflects the cost of supplying electricity at a particular point <u>and time</u>, taking into account the cost of generation, transmission losses, and congestion on the power grid.</p>	<p>AECC: It is non-sense to assert that real-time LMP pricing (which is a wholesale market construct) is appropriate for valuing a retail energy value. To suggest that the Commission can, or even should if possible, establish a secondary real-time energy pricing for determining real-time avoided costs for net-metering is far too broad of a reading of the General’s Assembly’s intent in the CSPA.</p> <p>The Commission’s NMRs are narrow within the confines of the CSPA, appropriately reflect the intent of the word “applicable,” and no changes to the parameters for determining avoided costs of the utility are needed then those already provided in the proposed rule</p> <p>EAL: Recommends the use of average real-time hourly LMPs but has explained that the relative difference between the average values for each of the prior five (5) years has been minimal.</p>	<p>If the average wholesale LMP is going to be the only component of value allowed for solar customers, then at least it should be applied in the hours that solar actually produces energy and not in the hours that it does not.</p>
AAEA & Entegrity	Rule 1.01(p)		<p>“support Scenic Hill’s amendments, and accompanying rationale, to Rule 1.01(p) to clarify that LMPs are based not only on location but also on time.”</p>		

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EAL	Rule 1.01(p)	<p>“the prior calendar year average real-time Midcontinent Independent System Operator, Inc. (“MISO”) locational marginal price (“LMP”) is the appropriate metric to use (versus the day-ahead value) for the reasons previously outlined.”</p>			
Scenic Hill	Rule 1.04(D)	<p>Needs clarification</p> <p>“net-metering development will be very sensitive to this size limit and that this definition leaves enormous discretion with the utility”</p>	<p>Proposal: When calculating a Net-Metering Customer's highest monthly usage pursuant to Ark.Code Ann. § 23-18-603(10), an Electric Utility shall consider<u>base its calculation upon</u> the Net-Metering Customer's energy usage in kWh, <u>and shall establish the corresponding Net-Metering Facility size limitation as the Facility's estimated average output that would meet the Customer's usage in that same month of the year. The lesser of the limit based upon highest monthly usage or the statutory numeric limit will then apply.</u></p>	<p>AECC: Add specific reference to the General Assembly's clear designation in Ark. Code Ann. § 23-18-602 that any Net-Metering. Sizing of any net-metering facility's nameplate generating capacity is always an expression of kW, thereby making it proper to do so. The Commission's rule is correct to reflect that usage should be “considered” in arriving at the appropriate Net-Metering Facility size to accommodate the Customer's needs</p> <p>EAL: Incorporating Scenic Hill's recommended language would require revising the PISRR process and form to require additional data, steps that would seem unnecessarily more burdensome for customers and utilities alike</p> <p>Staff: the provisions for determining a Net-Metering Customer's “highest monthly usage” are sufficiently contained within revised Ark. Code Ann. § 23-18-603(10) and that kWh is the appropriate unit for such energy usage.</p>	
AAEA & Entegrity	Rule 1.04(D)	<p>“The wording in the statute “highest monthly usage in the previous twelve (12) months” could be interpreted as limiting the size of a NM facility to the kWh usage by the NM customer in one month as opposed to annual kWh usage.”</p>	<p>Proposal: When calculating a Net- Metering Customer's “highest monthly usage” pursuant to Ark. Code Ann. § 23-18-603(10), Ark. Code Ann. § 23-18-603(10), an Electric Utility shall be <u>based on</u> consider the Net-Metering Customer's <u>annual</u> energy usage in kWh.</p>	<p>EAL: Entegrity wording changes that are proposed practically do not work when read literally (...“an Electric Utility shall be based on consider the Net-Metering Customer's annual energy in kWh”).</p> <p>To facilitate the clarification that AAEA-Entegrity appear to be seeking, the Company recommends that the language be changed to read as follows: “an Electric Utility shall utilize the Net-Metering Customer's annual energy in kWh.”</p>	

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AECC	Rule 1.04(D)	<p>“for the statutory need to recognize the General Assembly’s clear designation in Ark. Code Ann. § 23-18-602 that any Net-Metering Facility can only be designed to “offset part or all of a net- metering customer’s electric consumption.””</p> <p>“correctly denoting that the nameplate generating capacity limitation must ultimately comport with the legislative intent to not oversize, is imperative.”</p> <p>“to ensure that the General Assembly’s intent that net-metering facilities only be permitted to offset all or part of a net- metering customer’s electric consumption, by properly sizing Net- Metering Facilities within the nameplate generating capacity limitations in Ark. Code Ann. § 23-18-603(10).”</p>		<p>Scenic Hill: Agrees with EAL and AECC that the CSPA, and the net metering law before it, prohibit oversizing a facility. For the reasons they state, a facility should be sized to produce no more than expected load, measured in kW-hours, over the course of a year.</p>	
Carroll Electric	Rule 1.04(D)	<p>“The clause(s) “highest monthly usage in the previous twelve (12) months” seemingly could be interpreted in two ways: (1) allowing a net- metering customer to use one -- the highest -- month’s usage to serve in place of the customer’s average monthly need for energy or (2) requiring a net-metering customer to use its highest month’s usage in place of the customer’s average annual need.”</p> <p>“Any attempt by the Commission to clarify this potential for miscalculation of a customer’s need for energy is welcome.”</p> <p>“Requiring the calculation to be in terms of kWh appears to make sense since when sizing a net- metering facility, one starts with the number of kWhs that are allowed to be generated and uses that figure to determine what size system (kW) would be needed to generate that many kWhs.”</p>	<p>Proposal: <u>A net-metering facility shall be sized to meet all or part of a Net-Metering Customer’s need for electric energy within a single utility’s allocated service territory.</u> When calculating a Net-metering Customer’s highest monthly usage pursuant to Ark. Code Ann. §23-18-603(10), an Electric Utility shall consider the Net-Metering Customer’s energy usage in kWh.</p>		

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EAL	Rule 1.04(D)	<p>"has used energy usage (kWh) in determining whether the proposed sizing of a Net-Metering Facility ("NMF") meets the requirements of the law with respect to sizing, which continues to require that a NMF be designed "to meet all or part of a net-metering customer's need for electric energy"1 and not otherwise exceed the statutory limitations of Ark. Code Ann. § 23-18- 603(10)."</p> <p>"would be helpful to clarify whether the proposed term in proposed NMR 1.04(D) is intended to mean either that the maximum size of an NMF is based on the 12- month average usage level or that it is sized to generate enough energy to meet the highest monthly usage in the prior 12 months."</p> <p>"cannot mean that a customer may take their highest monthly usage for a 12- month period and multiply it by 12 months to size its NMF, which would be wholly inconsistent with the provisions of the CSPA"</p> <p>"the maximum size of any NMF reasonably is the lesser of the limits set in the CSPA for residential and non-residential customers: either (i) the kWAC capacity to generate customer's highest monthly usage or (ii) the kWAC capacity to generate kWh monthly to sum to all or part of the customer's usage during the previous twelve months."</p>		<p>Scenic Hill: Agrees with EAL and AECC that the CSPA, and the net metering law before it, prohibit oversizing a facility. For the reasons they state, a facility should be sized to produce no more than expected load, measured in kW-hours, over the course of a year.</p>	
AECC	Rule 1.04(E)(AECC Proposed New Rule)	"included language from Ark. Code Ann. 23-18- 603(11)(f) to denote the net-metering limitations for an Electric Utility's allocated service territory"		AAEA/Entegrity: See no need for the addition of new sections E. and F. proposed by AECC because the wording is straight from the statute and both add no clarification	
AECC	Rule 1.04(F) (AECC Proposed New Rule)	<p>"to recognize additional provisions in the CSPA applicable to Energy Storage Devices when applicable to net- metering."</p> <p>"added provisions are found at Ark. Code Ann. § 23-18-603(10)(F)"</p>		AAEA/Entegrity: See no need for the addition of new sections E. and F. proposed by AECC because the wording is straight from the statute and both add no clarification	
Scenic Hill	Rule 2.01	Need legacy customer provisions	<p>"Only non-legacy net-metering customers should be required to install two-channel meters, as they are the only ones who will be credited for exported energy based on avoided cost rather than on kWh"</p>	<p>AECC: Argument would be fundamentally inconsistent with the CSPA</p> <p>It is accurate to state that whether through actions which terminate legacy status by the customer, or after 2040, eventually the CSPA will require all net-metering to be billed under the provisions of Ark. Code Ann. § 23-18-606</p> <p>It is required that net-metering facilities have this type of meter, certainly no later than 2040</p> <p>The Commission's rule is legally proper as set forth in the CSPA and there is no ambiguity which would provide a basis to arbitrarily disregard the General Assembly's plain language</p>	
AAEA &Entegrity	Rule 2.01	"Only non-legacy NM customers should be required to install two- channel digital meter, as they are the only NM customers who will receive credit for exported energy based on the avoided cost rather than kWh."	Proposal: rules should be clarified that legacy NM customers, who are not subject to two-channel billing, are not required to change out their existing meters for two-channel digital meters.		Commission use its authority to authorize utilities to delay changing out legacy customers' existing meters for two-channel meters until such time as their legacy

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AECC	Rule 2.03	<p>“to give effect to the Commission’s directive permitting each Electric Utility the ability to deviate from the appendices to the NMRs”</p> <p>“to replicate all portions of the CSPA related to cost recovery and charges.”</p> <p>“ensures that the NMRs are narrowly tailored to not mandate or in any way limit cost recovery or tariffs for net-metering, as AECC suggested in its Preliminary Comments.”</p>			
Staff	Rule 2.03	The additional costs that must be paid by net-metering customers is undefined. Language concerning how energy credits or net-metering surplus are to be applied may be inconsistent with statutory language in Ark. Code Ann. § 23-18-606(a)(1) and (2) as amended by the CSPA.			
Carroll Electric	Rule 2.03(B)	<p>“The language of proposed Paragraph “B” comes directly from Ark. Code Ann. §23-18-604 (c)(8); however, it appears somewhat misplaced within Rule 2.03, as the other provisions of that rule cover practical cost recovery mechanisms that will be found and used within an electric utility’s Net-metering tariff”</p> <p>“The language in §23-18- 604(c)(8) does not appear to have a practical application for Net- Metering Customers that would be implemented with any particular tariff provision”</p>	Proposal: Remove paragraph B language		
AECC	Rule 2.04(A)-(D)	Edits made to further clarify it is “possible that a Net-Metering Customer may have to be billed separately for Net- Metering Facilities that meet legacy requirements, and those Net-Metering Facilities that do not, despite the common ownership.”			
AECC	Rule 2.04(A)	“to reflect that Ark. Code Ann. §§ 23-18-604(c)(11)(A) and 606 establish the available CSPA rate structures.”			
Carroll Electric	Rule 2.04(A)	“There appears to be no basis for restricting an Electric Utility from having separate rate structures for separate rate classes”	Proposal: Each Electric Utility shall develop elect in its standard Net-Metering tariffs consistent with one of the rate structures outlined under Ark. Code. Ann. § 23-18- 606.	Staff: There is nothing within the CSPA that indicates that a choice of rate structure must apply to all classes of net-metering customers. It is Common to have differing rate structures applicable to the customer classes.	

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SWEP	Rule 2.04(A)(1)	"seeks to remove unnecessary language not needed because of definitions already existing in the CSPA."	Proposal: For Net-Metering Customers who qualify to remain under the rate structure, terms, and conditions in effect before December 31, 2022, until June 1, 2040, pursuant to Net-Metering Rule 2.06 and Ark. Code Ann. § 23-18-604(c)(11)(A), Electric Utilities shall credit a Net-Metering Customer with the amount of any accumulated Net Excess Generation as measured in kilowatt hours in the next applicable billing period and base the bill of the Net-Metering Customer on the net amount of electricity as measured in kilowatt hours that the Net-Metering Customer has received from or fed back to the Electric Utility during the billing period.		
AECC	Rule 2.04(B)	"removed any language which implies that legacy status is a qualification of the Net-Metering Customer." "Ark. Code Ann. § 23-18- 604(c)(11)(A) is clear that legacy status attaches to a Net-Metering Facility that meets the requirements, not the Net-Metering Customer."			
Staff	Rule 2.04(C)(3)	retains language from the current NMRs which was specifically struck by Act 278.			
AAEA & Entegrity	Rule 2.04(C)(3)	"This rule, dealing with accumulated Net- Metering Surplus or Net- Excess Generation does not include the term Net- Metering Surplus in certain provisions." "nothing in the Act that addresses NMR 2.04 C.3.a.and b. with respect to non-legacy NM Customers concerning refunds of Net-Metering Surplus."	Proposal if the omission of Net- Metering Surplus was intentional: there should be added to the NMRs the definition of "Legacy Net-Metering Customer" found in X.1.1 in the tariffs in Appendix B Proposal if not qualified by this new definition: Rule 2.04.C.3.a - For Net Excess Generation credits older than 24 months, a <u>Legacy</u> Net-Metering Customer may elect to have the Electric Utility purchase the Net Excess Generation Credits in the <u>Legacy</u> Net-Metering Customer's account at the Electric Utility's Avoided Cost if the sum to be paid to the <u>Legacy</u> Net-Metering Customer is at least \$100. ... Rule 2.04.C.3.b - An Electric Utility shall purchase at the Electric Utility's Avoided Cost, any Net Excess Generation credits remaining in a <u>Legacy</u> Net-Metering Customer's account when the Net-Metering Customer:	AECC: The term and condition for this limited provision may be better suited to be addressed in each utility's tariff, as opposed to the NMRs Its removal would be appropriate so that each utility can align this billing consideration with their other account termination billing policies EAL: 2.04(C)(3)(a) Section should be removed as CSPA eliminated the requirement, which was recognized by several parties including Staff (b) Does not object to the recommended change (the addition of Legacy), which does not appear to run afoul of the new statutory requirements Staff: agrees with certain comments of the parties that a final accounting when closing a Net-Metering Customer's account should reasonably include refunding any net-metering surplus or net-excess generation which has accrued. The value of the net-excess generation should be at the utility's currently-approved Avoided Cost rate, as specified in the CSPA.	

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Carroll Electric	Rule 2.04(C)(3)(a) &(b)	"relates to provisions that are not found within the Cost Shifting Prevention Act. These specific provisions that were found within AREDA were deleted with the passage of the CSPA."	Proposal: subparts (a) and (b) be deleted.	<p>AAEA/Entegrity: (a) Do not agree with AECC, CECC and EAL's suggestions that it be deleted in its entirety, but amended slightly, by making it clear that it is a term or condition that applies only to legacy net-metering customers</p> <p>Disagree with CECC's suggestion that Rule 2.04(C)(3)(b) be deleted entirely because Act 278 is silent on this point</p>	
EAL	Rule 2.04(C)(3)(a) &(b)	<p>"speaks to the prior law and does not reflect the current CSPA."</p> <p>"provision requiring a utility to credit a customer with the avoided cost value of any unused energy (kWh) credits after 24 months under certain circumstances was stricken and does not appear in CSPA."</p> <p>"when a customer closes an account, it is appropriate to credit the customer with any unused energy (kWh) credits (under 1:1)."</p> <p>"in keeping with the spirit of the new CSPA provisions, EAL proposes to accomplish that credit in the same manner as the customer would be provided credits under two-channel billing utilizing the avoided cost rate."</p>		<p>AAEA/Entegrity: Do not agree with AECC, CECC and EAL's suggestions that it be deleted in its entirety, but amended slightly, by making it clear that it is a term or condition that applies only to legacy net-metering customers</p>	
AECC	Rule 2.04(C)(3)(a)	<p>"removing the language regarding Net Excess Generation credits ... that was promulgated under AREDA but is no longer found in the CSPA."</p> <p>"improper to promulgate an NMR including language specifically removed from the statute."</p>		<p>AAEA/Entegrity: Do not agree with AECC, CECC and EAL's suggestions that it be deleted in its entirety, but amended slightly, by making it clear that it is a term or condition that applies only to legacy net-metering customers</p>	
AECC	Rule 2.04(C)(3)(b) *rule notation on p. 10 of comments seems to be typo error	"a customer with Net- Excess Generation or Net- Metering Surplus credits could leave the Electric Utility's service territory necessitating a final accounting."	Proposal: Add language directing that any final accounting should be consistent with the Utility's Tariff	<p>AAEA/Entegrity: Agree with AECC's edit that it should apply to both legacy and non-legacy net-metering customers</p> <p>Disagree with the addition of "consistent with each Electric Utility's tariffs"</p> <p>EAL: Section should be removed as CSPA eliminated the requirement, which was recognized by several parties including Staff</p>	
AAEA & Entegrity	Rule 2.04(D)		<p>Proposal: Rule 2.04.D.1 - The Net- Metering Customer must give at least 30 days' notice to the Electric Utility of its request to apply <u>Net- Metering Surplus or</u> Net Excess Generation to the Additional Meter(s)</p> <p>...</p> <p>Rule 2.04.D.3. - In the event that more than one of the Net- Metering Customer's Additional Meters is identified, the Net- Metering Customer must designate the rank order for the Additional Meters to which Net-Metering Surplus or Net Excess Generation is to be applied. The Net-Metering Customer cannot designate the rank order more than once during the Annual Billing Cycle.</p>		

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Carroll Electric	Rule 2.04(D)(4)	<p>“Important changes, including radius limitations for aggregate meters, were made in Ark. Code Ann. §23-18- 604(d)(2)(A) and should be recognized within the Net-Metering Rules.”</p> <p>“the citation referred to in what is currently Paragraph “D 4” should be Ark. Code Ann. §23- 18-604(d), rather than Ark. Code Ann. §23-18- 604(c).”</p>	<p>Proposal: the following paragraph be added under paragraph D as subparagraph “1” and the existing paragraphs be numbered sequentially after: <u>Billing and crediting for Net-Metering facilities and additional meters shall comply with the requirements of Ark. Code Ann. § 23-18-604(d)(2)(A).</u></p>		
AECC	Rule 2.05	<p>Should “be subject to the individual requirements of an Electric Utility’s tariff.”</p> <p>“The Rule references a “Standard Application Form and Affidavit” which is not clearly provided for elsewhere in the NMRs nor in the CSPA.”</p>		<p>AAEA/Entrgity: Strongly disagree with AECC’s condition in its comments that “[h]ow an Electric Utility addresses Meter Aggregation (and any forms required for aggregation) should be set out in the individual Electric Utility’s tariffs.”</p>	
Carroll Electric	Rule 2.05	<p>“important to note that resorting to a “declaratory order or formal complaint” process would likely be a time- consuming endeavor for all parties involved resulting in a time delay that would in all likelihood be laid at the electric utility’s door, especially in the time frame between now and September 30, 2024.”</p> <p>“A workable definition of “common ownership” should not be that difficult, but it is certainly not appropriate to place all of the burden of proving or disproving “common ownership” on the electric utility.”</p>	<p>Proposal: retain the existing procedure as an option but expand the rule to allow for an Electric Utility to seek additional appropriate information from a Net- metering customer when the Electric Utility has reasonable concerns regarding a claim of common ownership</p>	<p>AAEA/Entrgity: Disagree with CECC’s suggestion to expand rule to allow the electric utility to seek additional information beyond a sworn affidavit when the electric utility has concerns regarding a claim of common ownership</p> <p>Staff: believes the affidavit within the Standard Application is sufficient, but it is reasonable to expect that the utility may seek additional information, without specifying such within the NMRs.</p>	
Scenic Hill	Rule 2.05(B)	<p>“100-mile limitation was not in effect before December 31, 2022, and thus cannot be squared with the requirement under Ark. Code Ann. § 23-18-604(c) that customers who meet a September 30, 2024 deadline for the submission of facilities study documents must be allowed to “remain under the rate structure, terms, and conditions that were in effect before December 31, 2022 until June 1, 2040 . . .”</p>	<p>Proposal: Pursuant to Ark. Code Ann. § 23-18-604(d), at the Net-Metering Customer’s discretion, an Electric Utility shall apply net-metering credits for Net-Metering Customers who are billed under Ark. Code Ann. § 23-18- 606(a)(2)(A)-(G) or the Net- Metering Surplus for all other customers from a Net-Metering Customer’s Net-Metering Facility to the bill for another meter location of the Net-Metering Customer if the Net-Metering Facility and the separate meter location are under common ownership of the same Net- Metering Customer within a single Electric Utility’s allocated service territory, subject to the limitations and exceptions provided in Ark.Code Ann. § 23-18-604(d) <u>except as required by Ark. Code Ann. § 23-18-604(c)(11)(A), which does not impose those limitations and exceptions for customers who meet its requirements.</u></p>		
Scenic Hill	Rule 2.06	Governing Commission approval of net-metering facilities	Prior Rule 2.06 language should be retained for legacy customers		
Staff	Rule 2.06	Section (H) does not specifically define what is deemed to be “maintenance and repair” such as to not be a triggering event ending legacy status.			

Party	NMR Reference	Party Comments	Party Proposals	Reply to Proposals	Sur-Reply Comments
EAL	Rule 2.06	correctly reflects the provisions of CSPA calling for the legacy net- metering facilities to be subject to the definitions and provisions of CSPA as they exist today AREDA has been replaced by CSPA in both name and purpose; therefore, the terms and conditions, including all of the definitions set forth in the CSPA must apply to all net-metering facilities.		EAL: Supports NMR 2.06 as drafted by the Commission Urges the Commission to reject attempts by certain parties to go beyond what is statutorily permissible The Commission’s proposed NMRs properly reflect key provisions around sizing, location (within 100 miles), simultaneous participation in net-metering and interruptible tariff provisions, etc. that are in effect now	
AECC	Rule 2.06	imperative to recognize that it is facilities, not customers, which are eligible to achieve legacy status." "criteria for legacy eligibility are also facility specific"			
Carroll Electric	Rule 2.06(A)(1)	"After the Rules were issued, the “Owner Information” section was added to the Standard Interconnection Agreement the next year, but the requirement to complete more than the original Sections 1-4 was never changed in the rules	Proposal: Submitted a Standard Interconnection Agreement, <u>with sections 1-6 fully completed</u> , to the Electric Utility before September 30, 2024; Proposal: Similar change to be made to Rule 3.01 C.; Appendix A, II, Section 4; and Appendix A-1, II, Section 1.	AAEA/Entegrity: Do not support CECC’s proposed changes The statutory requirements as reflected in the rules proposed by the Commission are abundantly clear	
Carroll Electric	Rule 2.06(A)(2)	"requirement that the Standard Interconnection Agreement be completed and signed by the Net- Metering Customer and Owner, if applicable, along with the other Sections (excluding the approval by the Electric Utility) in order to be valid ... could be tested."	Proposal: Completed, executed, and s Submitted a Facilities Agreement to establish an account with an Electric Utility and paid all <u>estimated make-ready</u> costs of constructing the Electric Utility facilities necessary to interconnect the Net-Metering Facility before September 30, 2024;	AAEA/Entegrity: Do not support CECC’s proposed changes The statutory requirements as reflected in the rules proposed by the Commission are abundantly clear	
Carroll Electric	Rule 2.06(A)(3)	"may be understood that a complaint filed with the Commission should be a valid complaint, but it seems better to make it clear from the beginning."	Proposal: Filed a complaint with the Commission, <u>that is confirmed as being valid by the Commission</u> , addressing a <u>legitimately</u> disputed Facilities Agreement to establish an account with an Electric Utility after the presentation by the Electric Utility to the Net-Metering Customer of the Facilities Agreement and <u>having paid all the</u> required <u>estimated make-ready</u> costs of constructing the facilities necessary to interconnect the Net- Metering Facility before September 30, 2024.	AAEA/Entegrity: Do not support CECC’s proposed changes The statutory requirements as reflected in the rules proposed by the Commission are abundantly clear	
Scenic Hill	Rule 2.06(B)	"Scenic Hill Solar agrees with the intention to allow the customer to pay all actual costs of interconnection but is concerned that if the Facilities Agreement initially presented to the customer by the utility is unreasonably excessive or obviously erroneous, then the customer should not have to pay those costs without adjudication. Indeed, that is why the statute allows the customer to dispute the costs while retaining legacy status."	Proposal: proposed rule be clarified to provide deemed cost payment when the customer “pays all such costs as designated in the Facilities Agreement initially presented to the Net-Metering Customer by an Electric Utility, <u>or in the case of a contested Facilities Agreement, all such reasonable costs.</u> ”		
AECC	Rule 2.06(B)	"intended to make clear that it is the submission of the Facilities Agreement and the payment of the estimated costs specific to the Facilities Agreement submitted that must be accomplished by September 30, 2024.			

Party	NMR Reference	Party Comments	Party Proposals	Reply to Proposals	Sur-Reply Comments
Carroll Electric	Rule 2.06(B)	<p>“when a Facilities Agreement is signed, the make-ready costs can only be “estimated.””</p> <p>“requesting that the estimated make-ready costs be paid in order to qualify for “legacy status” (assuming all other requisites are met).”</p>	<p>“Further, for the purpose of qualifying for legacy status under Rule 2.06(A)(2), a Net-Metering Customer will be deemed to have paid “all the required estimated (make-ready) costs of constructing Electric Utility Facilities necessary to interconnect the Net-Metering Facility” if the Net-Metering Customer pays all such costs as designated in the Facilities Agreement initially presented to the Net-Metering Customer by an Electric Utility. If the Electric Utility adjusts the make-ready cost estimate for the Facilities Agreement <u>based on actual make-ready costs incurred</u> and requests the Net-Metering Customer to pay those additional costs subsequent to the initial presentation of the Facilities Agreement, such subsequent cost adjustment shall be paid by the Net-Metering Customer but shall not defeat the Net- Metering Customer’s qualification for legacy status under Rule 2.06(A).</p>		
EAL	Rule 2.06(B)	<p>“intent of this rule should remain that the interconnection customer ultimately is responsible for all costs of interconnection as provided in the respective utility tariff(s).”</p> <p>“supports that this provision can be read in harmony with CSPA as setting the definitive point at which the net-metering customer qualifies as having paid for upgrades under a facilities agreement or equivalent document under Ark. Code Ann. § 23-18- 604(c)(11)(A)”</p>			
OG&E	Rule 2.06(C)		<p>Proposal: Commission make it clear that any upgrade to a “legacy” Net-Metering Facility proposed after September 30, 2024, would make that facility a “new facility” and one that loses its legacy status.</p>	<p>AAEA/Entegrity: Commission is properly exercising its authority to set appropriate terms and conditions for net-metering, including legacy facilities, by stating in that upgrades to a legacy net-metering facility will not cause it to lose legacy status</p>	
AAEA & Entegrity	Rule 2.06(C)	<p>“problematic for NM facilities qualifying for legacy status under Rule 2.06 because it references the new statutory definition of a net- metering facility under Ark. Code Ann. § 23-18- 603(10).”</p>	<p>Proposal: A Net-Metering Facility may be upgraded and retain legacy status so long as the Net-Metering Facility still meets the statutory definition of <u>Net-Metering Facility under the Arkansas Renewable Energy Development Act as in effect from July 24, 2019 to March 12, 2023. Ark. Code Ann. § 23-18-603(10).</u></p>	<p>EAL: The only interpretation of the statute that is consistent with its plain language and intent is that an NMF can be constructed, or upgraded as may be the case, to a maximum size of 25 kW for residential use or 5 MWAC for non-residential use (or a lower limit based on historic actual energy usage) and retain its legacy status if, and only if, at least one of the three criteria in the CSPA is met prior to September 30, 2024</p>	

Party	NMR Reference	Party Comments	Party Proposals	Reply to Proposals	Sur-Reply Comments
AECC	Rule 2.06(C)	<p>"The NMRs do not clearly define what constitutes an "upgrade" nor do the NMRs define a "triggering event""</p> <p>"nameplate generating capacity "upgrades" are not permitted to retain legacy status under the CSPA, because they would invalidate the existing Facilities Agreement, increase interconnection costs, or both"</p> <p>"stricken language comports with the provisions of AREDA, which no longer exists"</p> <p>"If the General Assembly had intended to permit nameplate generating capacity "upgrades" of a legacy Net-Metering Facility, then Ark. Code Ann. § 23-18-604(c)(11)(B) would have included such language."</p>		<p>AAEA/Entegrity: Commission is properly exercising its authority to set appropriate terms and conditions for net-metering, including legacy facilities, by stating in that upgrades to a legacy net-metering facility will not cause it to lose legacy status</p>	
SWEPCO	Rule 2.06(C)	<p>"In the event certain elements of the NMRs are not authorized by the CSPA, they must be eliminated."</p> <p>"this provision has no place in the NMRs as the notion of upgrading existing facilities for the purpose of extending a legacy designation is not authorized under the CSPA."</p>	Proposal: elimination of Rule 2.06(C) fully from the proposed NMRs.	<p>AAEA/Entegrity: Commission is properly exercising its authority to set appropriate terms and conditions for net-metering, including legacy facilities, by stating in that upgrades to a legacy net-metering facility will not cause it to lose legacy status</p>	
Carroll Electric	Rule 2.06(C)	<p>"modifications, changes, and alterations of a Net- Metering Facility should not be used as a way around the intent of the CSPA."</p> <p>"The Net-Metering Rules should clearly reflect that "legacy status" may only be granted (or maintained) as provided for within the CSPA."</p>	Proposal: paragraph (C) should be deleted	<p>AAEA/Entegrity: Commission is properly exercising its authority to set appropriate terms and conditions for net-metering, including legacy facilities, by stating in that upgrades to a legacy net-metering facility will not cause it to lose legacy status</p>	
EAL	Rule 2.06(C)	<p>"language is at odds with the plain language of the CSPA"</p> <p>"improperly expand the enumerated criteria set forth in the CSPA by purporting to allow facilities to achieve legacy status even when they do not meet the required statutory criteria."</p> <p>"A customer is only permitted by law to upgrade their existing NMF and retain legacy status where the upgrades for the NMF are compliant with the statutory requirements of both Ark. Code Ann. § 23-18-604(c)(11) and 603(10)(B)"</p>	Proposal: the following be added to proposed NMR 2.06(C) "and meets the requirements of Ark. Code Ann. § 23-18-604(c)(11)(A)."	<p>AAEA/Entegrity: Commission is properly exercising its authority to set appropriate terms and conditions for net-metering, including legacy facilities, by stating in that upgrades to a legacy net-metering facility will not cause it to lose legacy status</p>	
SWEPCO	Rule 2.06(F)	<p>"As a legacy date is specifically identified in the CSPA"</p> <p>"suggests this revision be made to the NMRs because Ark. Code Ann. § 23-18-604(11)(A) provides that Net- Metering Facilities that qualify for legacy status thereunder do so until June 1, 2040."</p>	Proposal: If the Net-Metering Customer sells a premises with a Net-Metering Facility, the Standard Interconnection Agreement and Facilities Agreement may be transferred to the new Net-Metering Customer and the grandfather legacy status period shall continue for the remainder of the twenty (20) year term until June 1, 2040, assuming no other triggering event occurs.		

Party	NMR Reference	Party Comments	Party Proposals	Reply to Proposals	Sur-Reply Comments
Carroll Electric	Rule 2.06(F)	<p>“From a legal standpoint, it seems appropriate to have each Net-Metering Customer sign his/her/its own Standard Interconnection Agreement.”</p> <p>“So long as the Net- Metering Facility retains its legacy status, if any, (the new SIA will reflect the original “installation date” in Section 4), a successor Net-Metering Customer should understand the Electric Utility’s need for a new agreement to be in place between the Net-Metering Customer and the Electric Utility.”</p>	<p>Proposal: If the Net-Metering Customer sells a premises with a Net-Metering Facility, <u>the successor to the Net-Metering Facility shall sign a new</u> Standard Interconnection Agreement and Facilities Agreement, <u>if applicable, may be transferred to the new Net-Metering Customer</u> and the legacy status period for the Net-Metering Facility shall continue for the remainder of the term, assuming no other triggering event occurs.</p>	<p>AAEA/Entegrity: Oppose CECC proposed edits which would require the new owner to sign a new SIA and FA with the utility, because it involves a third party, the utility, in essence to sign off on the deal</p> <p>Staff: if the owner of a legacy NMF changes, a new SIA and facilities agreement, if applicable, with new signatories is required.</p>	
Scenic Hill	Rule 2.06(I)	Might be interpreted to conflict with Ark. Code Ann. § 23-18-604(c)(11)(A)	Proposal: Commission clarify in its final order that these two code sections (and rule sections) need not conflict.”		
AECC	Rule 2.07	Added language “to make the lease and service agreement requirements conditional on the whether the documentation is required by the Electric Utility’s tariffs.”		Scenic Hill: AECC’s process would potentially allow months to pass between the PISRR filing and the Facilities Study request, while the utility processes the PISRR	
AECC	Rule 2.08	<p>Minor changes “for the purpose of reducing the administrative burden for the Commission.”</p> <p>“envisions that for the Distribution Cooperatives it would be more expedient to have AECC provide the Avoided Cost calculation annually in one filing for approval, and simply permit the seventeen (17) Distribution Cooperatives to reference the filed Avoided Cost.”</p> <p>“requests substitution of the filing date from January 15, to no later than February 1 each year.”</p> <p>Edits “would not impact the IOUs”</p>		<p>AECC: There is no ambiguity in this provision of the CSPA, nor in the manner by which the Commission has provided in the strawman NMRs</p> <p>Staff: no objection to the NMRs reflecting this change.</p>	
Carroll Electric	Rule 2.08	<p>“for distribution cooperatives, it will be most expedient for them to reference AECC’s avoided cost as it is filed with the Commission in Docket No. 81-071-F or another appropriate docket.”</p> <p>“See also AECC’s proposed changes to Rule 2.08.”</p>			
EAL	Rule 2.08	“does not provide adequate time for an electric utility to accumulate and submit the data necessary to support the avoided cost rate calculation to be used prospectively.”	Proposal: the date be modified from January 15 to February 1, annually		
Scenic Hill	Rule 2.08(B)	“urges consideration of the fact that the applicable LMP is extraordinarily sensitive to the time at which electricity was actually generated and delivered. The applicable LMP for solar energy should be based upon daytime hours. The applicable LMP for solar energy should not include nighttime hours, which would be a clear error of fact.”	Proposal: The utility shall use the <u>applicable</u> historic hourly average real-time Locational Marginal Price for the prior calendar year, <u>as appropriate for the particular net- metering energy resource</u> , for the purpose of calculating the annual Avoided Cost rate updates in its Net-Metering tariff. <u>For solar energy facilities, the appropriate Locational Marginal Prices to use shall reflect the average solar generation per kilowatt at the time of each Locational Marginal Price.</u>	<p>CECC: It is evident from the statute, the word “applicable” refers to whichever of those two RTOs is marketing power to an electric utility</p> <p>Adding any further meaning to the word “applicable” is simply not permitted under established judicial statutory interpretation principles.</p>	
AAEA & Entegrity	Rule 2.08(B)		“support and adopt Scenic Hill’s proposed revision to the language of NMR 2.08”	SWEPKO: The language of the CSPA is clear and prescriptive and no weight should be given to the proposals by AAEA, Entegrity, or Scenic Hill	

Party	NMR Reference	Party Comments	Party Proposals	Reply to Proposals	Sur-Reply Comments
AECC	Rule 3.01(B)	<p>"to reflect needed changes to the manual disconnect switch requirement, and to reflect the provisions of Ark. Code Ann. § 23-18- 603(10)(D) in a new Rule 3.01(F)."</p> <p>"National Electrical Code (NEC) Standards once contained the criteria for an exemption waiver for the manual disconnect switch that is included in this Rule, but the most recent NEC Standards have eliminated this waiver."</p> <p>"waiver should be removed from the NMRs."</p>			
Carroll Electric	Rule 3.01(B)	<p>The requirement for a manual disconnect switch "does not comply with the National Electric Code (NEC) Rule 705.20."</p>	<p>"A Net-Metering Facility shall be capable of operating in parallel and safely commencing the delivery of power into the utility system at a single point of interconnection. To prevent a Net-Metering Facility from back-feeding a de-energized line, a Net-Metering Facility shall have a visibly open, lockable, manual disconnect switch which is accessible by the Electric Utility and clearly labeled. This requirement for a manual disconnect switch shall be waived if the following three conditions are met: 1) The inverter equipment must be designed to shut down or disconnect and cannot be manually overridden by the customer upon loss of utility service; 2) The inverter must be warranted by the manufacturer to shut down or disconnect upon loss of utility service; and 3) The inverter must be properly installed and operated, and inspected and tested by utility personnel.</p>	<p>Staff: agrees with the recommendation that the language regarding waiver for a manual disconnect switch be deleted.</p>	
Staff	Rule 3.01(C)	<p>Language in proposed Rule 3.01 (C) indicates that the SIA is deemed to be legally "valid" without Part I, Section 5 of the SIA being fully completed and signed by the net-metering customer (and owner if different from the customer)</p>			
EAL	Rule 3.01(C)	<p>"inadvertently may not have been updated to reflect that Sections 1 through 6 on the Standard Interconnection Agreement ("SIA") must be completed in order for the SIA to be submitted."</p> <p>"Making this clerical update would be entirely consistent with the law and the Commission's prior determination that an SIA must have Sections 1 through 6 executed in order to be complete."</p>	<p>Proposal: simple update to the proposed NMRs to change 4 to 6</p>		

Party	NMR Reference	Party Comments	Party Proposals	Reply to Proposals	Sur-Reply Comments
AECC	Rule 3.01(D)	<p>"interconnection review ... must be conducted consistent with the Electric Utility's tariffs"</p> <p>"CSPA does not mandate this narrow [results within 30 days] timeframe, and it would be prudent for each Electric Utility to develop a reasonable timeframe in its tariffs."</p> <p>"should not act as a mechanism to require Electric Utility's to fully determine interconnection requirements in a 30-day window to bypass interconnection reviews and studies,"</p>		<p>AAEA/Entegrity: AECC added language "consistent with each Electric Utility's tariffs is superfluous and misleading because the Electric Utility's tariff must be consistent with the NMRs, not the other way around</p> <p>Agrees with AECC that 30 day timeframe in rule is not mandated by Act 278</p> <p>Commission is using its broad rulemaking power to set appropriate terms and conditions such as the 30 day timeframe in the rule</p> <p>Allowing each of the 21 regulated electric utilities to develop their own timeline would not be prudent or efficient</p>	
Carroll Electric	Rule 3.01(F)	<p>"Electric Utilities have many standards that have never been required to be approved and filed with the Commission"</p> <p>"It is not practical to have all an Electric Utility's standards on file with the Commission"</p>	<p>Proposal: The Net-Metering Facility, at the Net-Metering Customer's expense, shall meet all safety and performance standards adopted by the Electric Utility and filed with and approved by the Commission pursuant to these Rules that are necessary to assure safe and reliable operation of the Net-Metering Facility to the Electric Utility's system.</p>	<p>AAEA/Entegrity: CECC proposed change to delete the requirement that electric utilities must file and have approved by the Commission safety and performance standards for net-metering facilities should not be adopted</p> <p>Staff: safety and construction standards for electric utilities are dictated by Rule 5.01 of the Commission's Special Rules – Electric.</p>	
AECC	Rule 3.01(H) (AECC Proposed New Rule)	<p>"to incorporate language from the CSPA that dictates that a Net- Metering Facility may only operate in parallel to the existing transmission system at the Electric Utility's discretion."</p>			
AECC	Rule 3.02(A)	<p>"to reflect the necessary requirements for modification or changes to a Net-Metering Facility, including those which will cause the nameplate generating capacity to change and therefore necessitate a new interconnection process."</p> <p>"changes are warranted and consistent with AECC's comments and suggestions made ... regarding Rule 2.06."</p>		<p>AAEA/Entegrity: Do not support AECC and CECC proposed modifications</p> <p>Supports that Commission is not making any changes to Rule 3.02</p>	

Party	NMR Reference	Party Comments	Party Proposals	Reply to Proposals	Sur-Reply Comments
Carroll Electric	Rule 3.02(A) *rule notation on bottom of p. 16 of comments seems to be typo error	Any changes or modifications to a Net- Metering Facility should include a “new” Preliminary Interconnection Site Review Request and a “new” Standard Interconnection Agreement should be signed “The thirty-day time frame for review of the proposed facility should only apply to a Preliminary Interconnection Site Review Request.”	Proposal: Prior to being made, the Net-Metering Customer or owner of the Net-Metering Facility shall notify the Electric Utility of, and the Electric Utility shall evaluate, any modifications or changes to the Net-Metering Facility described in Part I, Standard Information, Section 2 of the Standard Interconnection Agreement for Net-Metering Facilities. The notice provided by the Net-Metering Customer or owner of the Net-Metering Facility shall provide detailed information describing the modifications or changes to the Electric Utility in writing, including submitting a revised <u>Preliminary Interconnection Site Review Request, and Facilities Study and Facilities Agreement, when necessary, and a Standard Interconnection Agreement</u> , for Net-Metering Facilities that clearly identifies the changes to be made. The utility shall review the proposed changes to the facility and provide the results of its <u>initial</u> evaluation to the customer, in writing, within thirty (30) days of receipt of the customer's proposal. <u>Any modifications or changes to an existing Net-Metering Facility that require more than the initial review as contemplated in the Preliminary Interconnection Site Review Request will be subject to an Electric Utility's general Facilities Study timelines and guidelines.</u> Any items that would prevent Parallel Operation due to violation of applicable safety standards and/or power generation limits shall be explained along with a description of the modifications necessary <u>to remedy the violations.</u>	AAEA/Integrity: Do not support AECC and CECC proposed modifications Supports that Commission is not making any changes to Rule 3.02	
AECC	Rule 3.03	“to allow each Electric Utility the opportunity to tailor its process and Preliminary interconnection Site Review Request (PISRR) to the unique needs of its system and to reflect certain provisions of the CSPA.” Included “language to make clear that the administrative and related costs associated with the PISRR process are recoverable pursuant to Ark. Code Ann. § 23-18- 604(c)(9)(A), which gives the customer notice regarding fees associated with a PISRR which are properly classified under the CSPA as “interconnection review costs.”” Included language “to denote that an Electric Utility should be able to require a PISRR for all or some Net-Metering Facilities (ideally by nameplate generating capacity size or based on additional factors unique to the system), as opposed to permitting the PISRR at the customer’s election only.”		AAEA/Integrity: Do not support AECC, CECC and SWEPCO’s modifications which leave it to the choice of the Electric Utility to require a PISRR Support leaving a PISRR to the discretion of the net-metering customer as proposed by the Commission	
Scenic Hill	Rule 3.03(A)	“misstates what the PISRR does and whether it is required”	Proposal: . . . the Net-Metering Customer shall <u>may</u> notify the Electric Utility by submitting a completed Preliminary Interconnection Site Review Request . . .	AECC: Generally disagrees with the changes suggested by Scenic Hill	
Staff	Rule 3.03(A)	There is conflicting language in Rule 3.03.A. and 3.03.D. as to whether the Preliminary Interconnection Site Review Request is mandatory or an optional process.		Staff: an Electric Utility should have the ability to require a PISRR or Facilities Study if it is reasonable to do so.	

Party	NMR Reference	Party Comments	Party Proposals	Reply to Proposals	Sur-Reply Comments
AECC	Rule 3.03(A)	"removed the language that the Commission inserted ... because the PISRR is not designed to make the cost determinations that the Commission's language included."		Staff: PISRR should not be required to include cost determinations. Staff concurs with the initial comments that recommend deleting a portion of Rule 3.03.A	
Carroll Electric	Rule 3.03(A)	PISRR "is not a document that makes a determination as to a Net-Metering Customer's expected (make-ready) costs for interconnection of a proposed Net-Metering Facility."	Proposal: For the purpose of requesting that the Electric Utility conduct a preliminary interconnection site review for a proposed Net Metering Facility, to determine the Net-Metering Customer's appropriate portion of the costs and associated expenses required to provide service to the Net-Metering Customer and enable the Net-Metering Customer's use of the Electric Utility's facilities, the Net-Metering Customer shall notify the Electric Utility by submitting a completed Preliminary Interconnection Site Review Request. The the Net- Metering Customer shall submit a separate Preliminary Interconnection Site Review Request for each point of interconnection if information about multiple points of interconnection is requested. Each Preliminary Interconnection Site Review Request will be considered separately and in the order in which received. Part 1, Standard Information, Sections 1 through 4 5 of the Preliminary Interconnection Site Review Request must be completed for the notification to be valid. If mailed, the date of notification shall be the third day following the mailing of the Preliminary Interconnection Site Review Request. The Electric Utility shall provide a copy of the Preliminary Interconnection Site Review Request to the Net-Metering Customer upon request.		
AAEA & Entegrity	Rule 3.03(D)	"The proposed changes to this rule appear to contain superfluous words."	Proposal: The words "seek to" should be removed.	AAEA/Entegrity: Maintain support (with two superfluous words removed) as proposed AGREE	
SWEPCO	Rule 3.03(D)	"concerned that removing the preliminary interconnection site review process will eliminate a vital step in a utility's information-gathering process which allows it to timely and suitably serve its customers who are considering the installation of net-metering facilities."	Proposal: The preliminary interconnection site review does not relieve the Net-Metering Customer of the requirement to execute a Standard Interconnection Agreement prior to interconnection of the facility. The preliminary interconnection site review process is optional for a Net-Metering Customer and may be used to seeks to determine the Net- Metering Customer's appropriate portion of the costs and associated expenses required to provide service to the Net-Metering Customer and enable the Net- Metering Customer's use of the Electric Utility's facilities prior to installing a Net-Metering Facility. A Net-Metering Customer may choose to proceed with installing a Net-Metering Facility and submitting a Standard Interconnection Agreement without going through the preliminary interconnection site review process.		

Party	NMR Reference	Party Comments	Party Proposals	Reply to Proposals	Sur-Reply Comments
Carroll Electric	Rule 3.03(D)		<p>Proposal: The preliminary interconnection site review does not relieve the Net-Metering Customer of the requirement to execute a Standard Interconnection Agreement prior to interconnection of the facility. The preliminary interconnection site review process is optional for a Net-Metering Customer and may be used to seek to determine the Net-Metering Customer's appropriate portion of the costs and associated expenses required to provide service to the Net-Metering Customer and enable the Net-Metering Customer's use of the Electric Utility's facilities prior to installing a Net-Metering Facility. A Net-Metering Customer may choose to proceed with installing a Net-Metering Facility and submitting a Standard Interconnection Agreement</p>		
EAL	Rule 3.03(D)	"addition of a clarifying sentence at the end would be helpful to avoid potential abuses and disputes"	<p>Proposal: add language at the end stating "Regardless of whether a customer submits a PISRR, the customer is responsible for any interconnection costs."</p> <p>Proposal: line five appears to have an extra "to seeks," which should be deleted</p>	<p>AAEA/Entegrity: EAL's additional sentence is unnecessary</p> <p>The rule as proposed makes it clear that the PISRR does not relive the customer of submitting an SIA</p> <p>The SIA already makes it clear that the customer is responsible for necessary interconnection costs, including upgrades</p>	
AAEA & Entegrity	Rule 3.03(E)	<p>"unclear as to the meaning of "standard" as used in the rule"</p> <p>"agree that the fee should be filed in each utility's NM tariff, but do not support having each utility propose its own unique fee (which may vary by utility) in its NM tariff filing."</p>	<p>"dollar amount of the fee should be the same for all utilities that elect to charge this fee and should be determined by the Commission by rule."</p>	<p>AAEA/Entegrity: seeks clarification as to what is meant by a "standard one-time fee for each [PISRR]"</p> <p>AECC: Disputes the appropriateness of AAEA and Entegrity's suggestion of a standardized fee for interconnection reviews and interconnection studies, as these are irreconcilable with the CSPA</p> <p>EAL: Objects to the recommendation, which is fundamentally at odds with how utility-specific, cost-based rates and charges are developed</p> <p>Continues to encourage rules reflecting that</p> <p>(1) each utility is allowed to determine whether a one-time charge is appropriate for the PISRR stage, only when an SIA and related NMF interconnection is completed, or at both points in time, and</p> <p>(2) as consistent with long-standing Commission practice, each utility would develop and propose its own cost-based, one-time charge(s) in its net-metering tariff compliance filing (along with associated support including work papers)</p> <p>During its review of each utility's net-metering tariff compliance filing, the Commission may determine whether or not the one-time charge(s) have been supported as being just and reasonable just as the Commission does with other utility filings</p>	<p>Agree that PISRR fee should be filed in the utility tariff, but it does not have to be utility specific. The PISRR is a minimalistic review process requiring very little time and study. It is a standardized process and it would be just and reasonable to have a standardized fee.</p> <p>Staff: the PISRR fee should not be standard across all Electric Utilities. A standard fee is not contemplated by the CSPA.</p>

Party	NMR Reference	Party Comments	Party Proposals	Reply to Proposals	Sur-Reply Comments
EAL	Rule 3.03(E)	"may be burdensome from both a time and cost perspective to charge a customers at the PISRR stage and potentially again after the SIA is executed and the NMF is interconnected."	Proposal: add clarification to note that consistent with the Commission's NMR 2.03(A)(2), the charge discussed here may be assessed at the time of interconnection after executing an SIA rather than assessed when a PISRR is submitted to the utility provided that the utility had an approved tariff for the charge		
EAL	Rule 3.04	"The CSPA's reference in Ark. Code Ann. § 23-18- 604(b)(11)(A)(ii) to a "facilities agreement or equivalent document" refers to already existing utility documents and processes in place." "concerned about using a one-size-fits-all definition of a "facilities agreement" for all electric utilities and to having additional regulations around that process." "The General Assembly was aware of these existing documents and procedures when it referenced the facilities agreement or equivalent document in the CSPA."	Proposal: not appropriate and reasonable to include this proposed rule	EAL: Recommends that the Commission delete the proposed NMR 3.04 in its entirety Suggestion that the Commission determine that all utilities must charge the same deposit for a facilities study despite each utility being unique has no basis in the CSPA or the statutes and rules governing utility ratemaking	
EAL	Rule 3.04(A) to (G)	"does not address the many timing and other nuances that occur in real- life"			
EAL	Rule 3.04(A)&(B)	"EAL already has established processes and standards that apply when a facilities study is required ... [which] apply to all customer interconnections, not just net-metering" "costly and time consuming to impose additional regulations on utilities' already existing processes particularly where CSPA does not require that action to be taken" "customers having to incur those kinds of costs to develop a process specific for net-metering customers is exactly the type of cost implication that the CSPA sought to avoid." "With respect to a customer requesting a facilities study, this is also inappropriate because customers are not qualified or in a position to assess whether a study should be completed or not"		Staff: the utility should dictate whether a Facility Study is required within its response at the end of the 30-day interconnection review period. The customer should not have to request a Facilities Study.	
Scenic Hill	Rule 3.04(A)	"should not require a PISRR filing beforehand" "As proposed Rule 3.03 makes submission of a PISRR optional, that optionality should be reflected in Rule 3.04(A)."	Proposal: opening phrase be removed, which reads: "Following the submission of a Preliminary Interconnection Site Review Request,"	AECC: Generally disagrees with the changes suggested by Scenic Hill	
AAEA & Entegrety	Rule 3.04(A)	"appears to make the submission of a Preliminary Interconnection Site Review Request a prerequisite to requesting a Facilities Study. However, NMR 3.03 D. makes the Preliminary Interconnection Site Review process optional for a Net-Metering Customer	Proposal: phrase "Following the submission of a Preliminary Interconnection Site Review Request" should be deleted from NMR 3.04 A.		

Party	NMR Reference	Party Comments	Party Proposals	Reply to Proposals	Sur-Reply Comments
AECC	Rule 3.04(A)	<p>"important to denote that Ark. Code Ann. § 23-18- 604(c)(9)(B) provides statutory requirements for the "interconnection study," which under the Commission's NMRs are referred to as a "Facilities Study.""</p> <p>"Rules regarding the Facilities Study process have implications beyond those applicable to a Net-Metering Facility obtaining legacy status"</p>	<p>Proposal: removal of the reference to Ark. Code Ann. § 23-18-604(c)(11)(A)(ii)</p>		
Carroll Electric	Rule 3.04(A)	<p>"a thorough study process is sometimes completely necessary and other times a less thorough process will suffice."</p> <p>"Electric Utility should have reasonable discretion to require a Net-Metering Customer to have a Facilities Study performed."</p>	<p>Proposal: Following the submission of a Preliminary Interconnection Site Review Request, a Net-Metering Customer may request that the Electric Utility may <u>require conduct</u> a Facilities Study for the purpose of determining any applicable <u>make- ready</u> costs of constructing Electric Utility facilities necessary to mitigate any potential adverse system impacts and interconnect a Net-Metering Facility <u>as provided for in Ark. Code Ann. §23-18-604(c)(9)(B)(i) and (ii) and as referred to in pursuant to</u> Ark Code Ann. § 23-18- 604(c)(11)(A)(ii). The <u>Electric Utility may require a Net-Metering Customer to sign an agreement that establishes estimated costs, terms, and conditions for the Facilities Study to be performed.</u> request should be made in writing, but does not have to be made on any particular form unless the Electric Utility has an approved request form approved as part of its Net- Metering tariff.</p>		
AAEA & Entegrity	Rule 3.04(B)		<p>Proposal: An "a" should be inserted between "interconnect Net-Metering Facility."</p>		
Carroll Electric	Rule 3.04(B)	<p>"The Facilities Agreement should be the document that states the estimated make-ready work costs and binds the Net- Metering Customer to pay the estimated (and actual) costs."</p>	<p>Proposal: The Facilities Study shall specify and provide an estimate <u>regarding</u> the cost of the equipment, engineering, procurement, and construction work (including protection) needed to implement system upgrades and interconnection facilities necessary to safely interconnect <u>[the]</u> Net- Metering Facility to the Electric Utility's system <u>pursuant to Ark. Code Ann. §23-18-604(c)(9)(B)(i) and (ii).</u> <u>The Facilities Agreement will reflect that estimate as part of its terms when presented to the Net-Metering Customer.</u></p>	<p>AAEA/Entegrity: With the exception of the AECC's proposed removal of "pursuant to Ark. Code Ann. § 23-18-604(c)(11)(A)(ii)" in 3.04 A., none of the AECC and CECC amendments are needed</p>	
OG&E	Rule 3.04(C)	<p>"appears to be an omission in NMR 3.04 C compared to Ark. Code Ann. § 23-18-604(c)(9)."</p> <p>"There may be a situation where the Commission approved standard one- time fee falls short of the actual costs incurred by the Electric Utility to recover actual administrative and related interconnection review costs"</p>	<p>Proposal: language be added to NMR 3.04 C allowing the Electric Utility to fully recover from the Net-Metering Customer all costs incurred that exceed the Commission approved standard one-time fee for each Facilities Study.</p>		

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AAEA & Entegriy	Rule 3.04(C)	"comments on this rule are consistent with our comments to Rule 3.03E above regarding the PISRR fee."	Proposal: The Commission should set one standard deposit fee for all utilities by rule; this standard deposit amount should not be set on a case-by-case basis in 21 different NM tariff dockets.	<p>AECC: Disputes the appropriateness of AAEA and Entegriy's suggestion of a standardized fee for interconnection reviews and interconnection studies, as these are irreconcilable with the CSPA</p> <p>EAL: The comments by AAEA-Entegriy imply it would not be a deposit but rather a fixed one-time charge regardless of the cost which is clearly not consistent with the CSPA</p> <p>SWEPCO: Cost caps are not permitted by the statute, and should not be adopted by the Commission here</p>	
AECC	Rule 3.04(C)	<p>"The "interconnection review" under Ark. Code Ann. § 23-18-604(c)(9)(A) relating to a one-time fee, is appropriate for the PISRR, but not a Facilities Study."</p> <p>"The General Assembly denoted under Ark. Code Ann. § 23-18-604(c)(9)(B) that a Net-Metering Customer is solely responsible for "any costs" for an "interconnection study" (i.e., Facilities Study)."</p> <p>Included language "to permit a customer to apply any remaining balance from the Facilities Study deposit, if allowed as part of an Electric Utility's tariff, toward the costs associated with the Facilities Agreement."</p>		<p>AAEA/Entegriy: With the exception of the AECC's proposed removal of "pursuant to Ark. Code Ann. § 23-18-604(c)(11)(A)(ii)" in 3.04 A., none of the AECC and CECC amendments are needed</p>	
Carroll Electric	Rule 3.04(C)	<p>"Since the "standard one- time fee" mentioned in Ark. Code Ann. §23-18-604(c)(9)(A) refers only to "administrative and review" costs and does not refer to "study" costs, the Cost-Shifting Prevention Act has no requirement that the fee for a Facilities Study be "standard.""</p> <p>"details of a Facilities Study may vary significantly depending on various factors."</p>	<p>Proposal: An Electric Utility may charge a Net-Metering Customer a Commission approved standard one-time fee in the form of a deposit for each Facilities Study to recover estimated administrative and related interconnection review <u>interconnection study</u> costs pursuant to Ark. Code Ann. § 23- 18-604(c)(9)(A)(B), as filed in its standard Net-Metering tariff. Any portion of the deposit not actually incurred as cost as a result of the study shall be promptly returned to the Net-Metering Customer <u>and any cost that exceeds the deposit shall be paid by the Net-Metering Customer to the Electric Utility within 30 days of the customer receiving an invoice for said amount.</u></p>	<p>AAEA/Entegriy: With the exception of the AECC's proposed removal of "pursuant to Ark. Code Ann. § 23-18-604(c)(11)(A)(ii)" in 3.04 A., none of the AECC and CECC amendments are needed</p>	
EAL	Rule 3.04(C)	<p>"language ... is not consistent with the plain language of CSPA"</p> <p>"is inconsistent with established processes for facilities studies"</p> <p>"proposed NMR is silent as to what occurs if the deposit required is not sufficient to cover the costs and is likewise inefficient if in fact the study costs less, but the customer would like the remaining deposit to go toward the cost of the actual upgrades"</p> <p>"such regulations are not necessary and only complicate existing processes, which is likely to extend the time required to evaluate and process interconnection requests."</p>		EAL: Recommends that the Commission delete the proposed NMR 3.04 in its entirety	

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EAL	Rule 3.04(D) & (E)	<p>"To require utilities to file their facilities agreements, or equivalent documents, as part of their tariffs will only interject additional time-consuming efforts anytime a change is needed to the agreement."</p> <p>"unclear if this proposed NMR is intended to require all customers to complete a facilities agreement, or equivalent document, and pay the costs of constructing the facilities necessary for interconnection, prior to interconnection or only that where a facilities agreement, or equivalent document, is needed based on the individual project."</p> <p>"proposed rules around facilities agreements are not necessary or required to effectuate the provisions of CSPA"</p>	Proposal: proposed rules around facilities agreements should be removed from the proposed rules	AAEA/Integrity: Disagree with EAL because having the facilities agreement as part of the NMRs and the utility's Commission approved tariff is vital for transparency and fairness to net-metering customers	
AECC	Rule 3.04(D) (AECC Proposed New Rule)	<p>"to reflect the requirements of Ark. Code Ann. § 23-18- 604(c)(9)(B)."</p> <p>"A Net-Metering Customer's Facilities Study shall be paid in advance of any work being undertaken by the Electric Utility to enable interconnection."</p>		AAEA/Integrity: With the exception of the AECC's proposed removal of "pursuant to Ark. Code Ann. § 23-18-604(c)(11)(A)(ii)" in 3.04 A., none of the AECC and CECC amendments are needed	
SWEPCO	Rule 3.04(E)	<p>"Another practical consideration is the possible propensity of a Facilities Study to grow stale over time or with intervening circumstances."</p> <p>"illuminates that the viability of a Facilities Study is not perpetual in nature."</p>	Proposal: Following the completion of a Facilities Study, if a Net-Metering Customer elects to proceed with interconnection, the Net-Metering Customer shall execute a standard Facilities Agreement in the form filed with the Electric Utility's Net-Metering tariff and approved by the Commission. <u>Electric Utilities may include a reasonable expiration period within their Facilities Studies.</u>		
EAL	Rule 3.04(F), (G) & (H)	<p>May 1 provision "inconsistent with the plain language of Ark. Code Ann. § 23-18- 604(c)(11)(A)"</p> <p>"creates artificial deadlines and costs, which are not supported by the provisions of the CSPA or any part of the record"</p> <p>"such deadlines and costs are at odds with the plain and unambiguous language of the CSPA."</p> <p>"The date explicitly set in the CSPA to qualify to submit either an SIA or submit a facilities agreement or equivalent document and pay all costs of constructing the facilities necessary to interconnect a net- metering facility and to establish an account with the utility is September 30, 2024 – not May 1."</p> <p>"the \$0 provision in the proposed NMR is also at odds with the plain language of the CSPA"</p> <p>"Commission is not required to try to regulate every detailed aspect of net-metering, and more importantly the law does not require it to do so and certainly does not provide for a May 1 deadline."</p>	<p>Proposal: The May 1st provision should be eliminated</p> <p>Proposal: The \$0 provision must be eliminated</p>	AAEA/Integrity: Disagree with EAL & OG&E contentions because General Assembly gave the Commission broad authority in Act 278 to set appropriate "rates, terms, and conditions" for net-metering to address legacy qualification scenarios	

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AECC	Rule 3.04(F) (AECC's 3.04(G))	"removed the reference to "completion" of a Facilities Agreement, as it could imply that legacy status for a Net-Metering Facility is completed by only submitting the Facilities Agreement and not making payment of all required costs before September 30, 2024, as already set out in Rule 2.06 of the NMRs."		AAEA/Entegrity: With the exception of the AECC's proposed removal of "pursuant to Ark. Code Ann. § 23-18-604(c)(11)(A)(ii)" in 3.04 A., none of the AECC and CECC amendments are needed	
Carroll Electric	Rule 3.04(F)	"Since the "standard one- time fee" mentioned in Ark. Code Ann. §23-18-604(c)(9)(A) refers only to "administrative and review" costs and does not refer to "study" costs, the Cost-Shifting Prevention Act has no requirement that the fee for a Facilities Study be "standard."" "details of a Facilities Study may vary significantly depending on various factors."	Proposal: In order to be complete, the Facilities Agreement shall specify the Net-Metering Customer's appropriate portion of the estimated make-ready costs and associated expenses to provide service to the Net-Metering Customer and enable the Net- Metering Customer's use of the Electric Utility's facilities pursuant to Ark. Code Ann. § 23-18- 604(c)(4)(A)(9)(B)(i) and (ii), including any applicable make- ready costs of constructing the Electric Utility facilities necessary to interconnect a Net-Metering Facility, as determined by the Facilities Study.	AAEA/Entegrity: With the exception of the AECC's proposed removal of "pursuant to Ark. Code Ann. § 23-18-604(c)(11)(A)(ii)" in 3.04 A., none of the AECC and CECC amendments are needed	
Scenic Hill	Rule 3.04(G)	"suggest that if a Net- Metering Customer submits a request by July 31, 2024, then the customer can qualify for legacy status by later paying the cost of upgrades identified by the utility, even if the utility does not complete the Facilities Study until after the September 30, 2024 deadline"	Proposal: Proposed Rule 3.04(G) sets the safe harbor date for submission of a Facilities Study request as May 1, 2024. Scenic Hill Solar recommends that this date be changed to July 31, 2024.	AECC: Generally disagrees with the changes suggested by Scenic Hill. However, "supports Scenic Hill's positions regarding the Safe Harbor provision in proposed NMR 3.04(6)" EAL: There is no basis in the statute to impose an artificial May 1, 2024, deadline for initiation of a facilities study, much less consider AAEA-Entegrity's or Scenic Hill's proposal to establish a different and later made-up date of July 1 or July 31, respectively The plain language of the CSPA does not provide any basis for the Commission to set any artificial deadline prior to September 30, 2024, or provide any basis for establishing an alternative process outside of the stated statutory September deadline. Staff: no such dates or deadlines should be reflected in the NMRs. These dates and deadlines are intermittent and are not contemplated by the CSPA.	Even if the utility company takes longer than two months to complete the facilities study, moving the date to July 31, 2024 would still serve to reduce confusion and potentially litigation and would fairly implement the legacy statute.
OG&E	Rule 3.04(G)	"unsure where the authorization for the specific dates or deadlines included in NMR 3.04 G. is found in CSPA"	Proposal: Rules should not reflect any dates not found in the Act.	AAEA/Entegrity: Disagree with EAL & OG&E contentions because General Assembly gave the Commission broad authority in Act 278 to set appropriate "rates, terms, and conditions" for net-metering to address legacy qualification scenarios	

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AAEA & Entegriy	Rule 3.04(G)	<p>"The rule sets a deadline of May 1, 2024 as the last day to request a Facility Study and sets a deadline for the utility to provide the Facilities Agreement by September 1, 2024."</p> <p>"In our experience a Facilities Study can be completed within 60 days."</p>	<p>Proposal: a more reasonable deadline for submitting a request for a Facilities Study is July 1, 2024.</p>	<p>AAEA/Entegriy: Generally support rule as proposed by the Commission with the following caveats to (1) clarify that submission of a PISRR is not a prerequisite to requesting a facilities study; (2) the Commission should set one standard deposit fee for all utilities by rule and not on a case by case basis in 21 different net-metering tariff dockets; and (3) change the deadline for submission of a Facilities Study from May 1, 2024 to July 1, 2024</p> <p>EAL: There is no basis in the statute to impose an artificial May 1, 2024, deadline for initiation of a facilities study, much less consider AAEA-Entegriy's or Scenic Hill's proposal to establish a different and later made-up date of July 1 or July 31, respectively</p> <p>The plain language of the CSPA does not provide any basis for the Commission to set any artificial deadline prior to September 30, 2024, or provide any basis for establishing an alternative process outside of the stated statutory September deadline</p>	
AECC	Rule 3.04(G) (AECC's 3.04(H))	<p>"not specifically set out in the CSPA."</p>			
Carroll Electric	Rule 3.04(G)	<p>"Facilities Studies can vary significantly in detail and the time they take to be completed."</p> <p>"if there is a rush of Net- Metering Customers executing agreements to begin Facilities Studies on May 1, 2024, there may still be a backlog on September 1st, and for that matter on September 30th, as well."</p> <p>"Deeming that the Electric Utility has "provided a Facilities Agreement" to the Net-Metering Customer is sufficient to protect the Net-Metering Customer's rights and avoid cost-shifting, as well."</p>	<p>Proposal: Deadlines: An Electric Utility shall not unreasonably delay providing the results of a Facilities Study and corresponding Facilities Agreement. <u>If A-Net- Metering Customer requests a Facilities Study has been agreed upon by the Electric Utility and the Net-Metering Customer</u> on or before May 1, 2024, the Electric Utility shall provide the results of the Facilities Study and a corresponding Facilities Agreement no later than September 1, 2024. If an Electric Utility does not provide a Net- Metering Customer with a completed Facilities Agreement by September 1, 2024, under the scenario described above, the Electric Utility shall be deemed to have presented the Net-Metering Customer with its standard Facilities Agreement on file in its approved Net- Metering tariff with required costs of \$0.00 for the purpose of allowing the Net- Metering Customer to file a complaint with the Commission addressing a disputed Facilities Agreement under Rule 2.06 and Ark. Code. Ann. § 23-18- 604 (c)(11)(A)(iii).</p>		
SWEPCO	Rule 3.04(G)			<p>SWEPCO: The Commission's proposal is appropriate and reasonable as provided in its proposed NMRs and it should not be changed</p>	

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AECC	Rule 3.04(H) (AECC's 3.04(I))	<p>"need to make reference to "direct" costs, as opposed to "any applicable" costs."</p> <p>"This better reflects the language in Ark. Code Ann. § 23-18- 604(9)(B)(ii)."</p> <p>"reference to Ark. Code Ann. § 23-18- 604(c)(11)(A)(ii) is also stricken consistent with AECC's reasoning above regarding Rule 3.04(A), that the NMRs are applicable beyond September 30, 2024."</p>		<p>Staff: Proposed Rule 3.04.H. allows for "good faith" estimates of these costs if a Facility Study has not been conducted in order to determine actual costs.</p>	
Scenic Hill	Rule 4.01	<p>"concerned about the Rule's open-ended invitation for utilities to "propose deviations to the standard Net-Metering tariffs.""</p>	<p>Proposal: Commission strike the last two sentences of Proposed Rule 4.01, or in the alternative, that the Commission require a showing of good cause, provide further guidance, and allow any party to recommend deviations.</p>	<p>AECC: The Solar Developer's suggested edits are inappropriate, as they fail to permit each utility to develop its tariffs, subject to the CSPA and the Commission's approval</p> <p>EAL: It is not ideal to have tariffs attached to the NMRs in the first instance given the need for utilities to individually utilize the net-metering tariff in conjunction with their other tariffs and the administrative burden that can ensue when a change is necessary</p> <p>If the Commission is inclined to have a model net-metering tariff included in the NMRS, as Order No. 3 suggests, supports the language regarding modifications as drafted because it strikes a sensible balance</p> <p>In the event the Commission retains the manual disconnect switch waiver language in the NMRs and SIA, the Company may decide to avail itself of NMR 4.01 and seek a modification to its net-metering tariff to address this safety situation</p> <p>AAEA-Entegrity and Scenic Hill do not provide persuasive reasons why the Commission should abandon the discretion to address specific exceptions as they arise</p> <p>Staff: deviations to the standard net-metering tariffs should be allowed as approved by the Commission based on supporting testimony to justify the deviation.</p>	

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AAEA & Entegrity	Rule 4.01	"not supportive and see no reason for the open ended invitation for utilities to propose "deviations to the standard Net-Metering tariff.""	Proposal: Commission strike the last two sentences of proposed NMR 4.01 or in the alternative, that the Commission require good cause shown, afford due process, provide further guidance, and allow any party to recommend deviations	<p>AECC: The Solar Developer's suggested edits are inappropriate, as they fail to permit each utility to develop its tariffs, subject to the CSPA and the Commission's approval</p> <p>EAL: It is not ideal to have tariffs attached to the NMRs in the first instance given the need for utilities to individually utilize the net-metering tariff in conjunction with their other tariffs and the administrative burden that can ensue when a change is necessary</p> <p>If the Commission is inclined to have a model net-metering tariff included in the NMRs, as Order No. 3 suggests, supports the language regarding modifications as drafted because it strikes a sensible balance</p> <p>In the event the Commission retains the manual disconnect switch waiver language in the NMRs and SIA, the Company may decide to avail itself of NMR 4.01 and seek a modification to its net-metering tariff to address this safety situation</p> <p>AAEA-Entegrity and Scenic Hill do not provide persuasive reasons why the Commission should abandon the discretion to address specific exceptions as they arise</p>	
AECC	Rule 4.01	<p>"to capture and clarify the Commission directives in Order No. 3 of this docket."</p> <p>"clarify that each utility may request any necessary deviations to any portion of the Appendices as may be necessary."</p> <p>"notwithstanding its general objection that Utilities should be permitted to develop net- metering tariffs at their discretion"</p>		<p>AECC: It is not necessary to establish any model forms as a part of the NMR promulgation process</p> <p>The provisions for the net-metering billing option and interconnection process and costs should be set forth in tariffs, according to the needs and unique attributes of each retail electric utility</p> <p>AAEA/Entegrity: AECC's "clarifying" edits in the last paragraph of the rule are unnecessary because the Standard Interconnection Agreement, the PISRR, and Facilities Agreement are attachments of each Electric Utility's standard Net-Metering tariff. Therefore, deviations from the tariffs would include attachments to the tariff</p>	
AECC	Rule 5.01	"As Rule 3.02 has specific requirements for compliance, AECC feels it is important to characterize the need to be in compliance, not just providing notification."			
Carroll Electric	Rule 5.01(A)		Proposal: Adding additional capacity to an existing Net- Metering Facility without notifying the Electric Utility to which the Net-Metering Facility is interconnected that does not comply with Rule 3.02; and		
Scenic Hill	Appendix A	"The SIA for Legacy Net- Metering Customers should not apply terms not in effect before December 31, 2022."	Proposal: The Net-Metering Facility meets the requirements of Ark. Code Ann. § 23-18-603(408) and the Arkansas Public Service Commission's Net-Metering Rules, <u>as in effect on December 30, 2022.</u>		

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AAEA & Entegriety	Appendix A, Section II, Section 1	<p>"Standard Interconnection Agreement uses the new definition of net-metering facility."</p> <p>"there are legacy NM facilities that exceed 5 MW that will be required to sign the Interconnection Agreement."</p>	<p>Proposal: The Net-Metering Facility meets the requirements of Ark. Code Ann. § 23-18-603(10) and the Arkansas Public Service Commission's Net-Metering Rules, <u>or meets the statutory definition of Net-Metering Facility under the Arkansas Renewable Energy Development Act as in effect from July 24, 2019 to March 12, 2023.</u></p>	<p>EAL: Company proposes that the Commission may address their issue simply by adding the following language: The Net-Metering Facility meets the requirements of Ark. Code Ann. §§ 23- 18- 603(10) and the Arkansas Public Service Commission's Net-Metering Rules <u>or the Net-Metering Customer has a fully executed SIA prior to March 13, 2023.</u></p>	
Staff	Appendix A, Section II, Section 2	<p>utility should be notified of the ownership transfer regardless of an NMF's legacy status.</p>			
Carroll Electric	Appendix A, Section II, Section 2		<p>Proposal: The parties shall be subject to the provisions of Ark. Code Ann. §23-18-604 <u>§§23-18- 601, et seq.</u> and the terms and conditions set forth in this Agreement, the Commission's <i>Net Metering Rules</i> , the Commission's <i>General Service Rules</i> , and the Electric Utility's applicable tariffs.</p>		
AECC	Appendix A, Section II, Section 4	<p>"changed the necessary sections for the Standard Interconnection Agreement from "Sections 1 through 4" back to "Sections 1 through 6.""</p> <p>"unaware of any language or requirements in the CSPA that warrants removing the inspection certification and email contact requirements in order for the Standard Interconnection Agreement to be submitted."</p> <p>"section requires that the Electric Utility provide the customer with a response within 30-days of the submission that may require on-site inspection – a timeframe that is not required by the CSPA and is unsupported by any evidence."</p> <p>"an Electric Utility should be free to require additional "sections" for validity in its Standard Interconnection Agreement."</p> <p>"incorporating language directed to each Electric Utility's tariff and the specific interconnection requirements."</p> <p>"relating to Rule 3.03, that an Electric Utility be permitted to require the submission of a PISRR for certain facilities (the specific requirements of which should be left to each Electric Utility to fashion in its tariffs)."</p> <p>"Thirty (30) days would be far too little time for an Electric Utility to provide a customer with such specific findings in the review, such as where a Facilities Study is needed."</p> <p>"removed the non- conforming manual disconnect switch waiver language"</p>		<p>AAEA/Entegriety: For the most part, do not support the proposed changes by AECC and CECC to the SIA</p>	

Party	NMR Reference	Party Comments	Party Proposals	Reply to Proposals	Sur-Reply Comments
Carroll Electric	Appendix A, Section II, Section 4	"See the explanation above regarding Rule 3.01 – paragraph B."	Proposal: To prevent a Net- Metering Facility from back- feeding a de-energized line, the Customer shall install a manual disconnect switch with lockout capability that is accessible to utility personnel at all hours. This requirement for a manual disconnect switch will be waived if the following three conditions are met: 1) The inverter equipment must be designed to shut down or disconnect and cannot be manually overridden by the Customer upon loss of utility service; 2) The inverter must be warranted by the manufacturer to shut down or disconnect upon loss of utility service; and 3) The inverter must be properly installed and operated, and inspected and/or tested by utility personnel.		
EAL	Appendix A, Section II, Section 4	"change appears to be an administrative oversight." "Sections 1 through 6 of the SIA reasonably are necessary to be completed before an SIA can be complete (i.e., the customer must have actually installed a facility and must certify to that fact)."			
AECC	Appendix A, Section II, Section 5	"To better align the requirements for a change or modification of a Net-Metering Facility." "Any modification or change to a Net-Metering Facility which requires additional interconnection studies and interconnection facilities should not by the NMRs be fast-tracked into a thirty (30) day review, legacy deadlines notwithstanding." "The legislative intent to promote net-metering under AREDA have been stricken" "Whether a customer is submitting a Standard Interconnection Agreement for a new Net-Metering Facility or modifying an existing Net-Metering Facility, the interconnection process and requirements for the Electric Utility should be the same, and with the same focus on the safety and reliability of the system." "Existing Net-Metering Facilities should not be given preferential interconnection treatment by the NMRs."			

Party	NMR Reference	Party Comments	Party Proposals	Reply to Proposals	Sur-Reply Comments
Carroll Electric	Appendix A, Section II, Section 11	"See the discussion above regarding Rule 2.06 F."	Proposal: This Agreement and all provisions hereof <u>may be assigned by the Completion of a Standard Interconnection Agreement between an Assignee of an existing Net-Metering Facility and the Electric Utility. The remaining legacy status, if any, of the Net-Metering Facility shall continue after execution of a Standard Interconnection Agreement between an Assignee and the Electric Utility, shall inure to and be binding upon the respective Parties hereto, their personal representatives, heirs, successors, and assigns. The Customer and/or Owner shall notify the Electric Utility if this Agreement is assigned to a new Net-Metering Customer pursuant to Rule 2.06(F).</u>		
EAL	Appendix A, Section II, Section 11	"strikes the requirement that both parties approve an assignment, which would have the effect of permitting a net-metering customer to assign (without any oversight) their NMFs to other customers, including those who may not even have accounts that qualify for net-metering." "requiring notice and approval by each party for an assignment is necessary and reasonable and to the protection of all parties."		AAEA/Entegrity: Support the modifications proposed by the Commission because the utility is still given notice and the utility can verify at that time that the assignee has eligible accounts or sufficient load to support the size of the system for that customer	
AECC	Appendix A-1, Section II, Section 1	Clarifying language "if requested by the Customer" to reflect AECC's suggested changes to Rule 3.03 "a PISRR may be mandated for all or some net-metering facilities, as specifically set forth in each Electric Utility's tariff." "all sections of the PISRR should be complete to be valid."		AECC: It is not necessary to establish any model forms as a part of the NMR promulgation process The provisions for the net-metering billing option and interconnection process and costs should be set forth in tariffs, according to the needs and unique attributes of each retail electric utility AAEA/Entegrity: Do not support AECC's proposed change Submission of a PISRR should be at the option of the net-metering customer as proposed by the Commission in Rule 3.03 It should not be made mandatory by a deviation from an Electric Utility's Standard Net-Metering tariff	
Carroll Electric	Appendix B	"changes suggested to the rules by CECC above should be incorporated into the tariffs as necessary." "main concern is that the tariffs comply with the Cost Shifting Prevention Act and the finalized Net- Metering Rules, while leaving room for an individual Electric Utility to have and use its discretion in areas where the CSPA and the Net- Metering Rules do not set specific terms."			

Party	NMR Reference	Party Comments	Party Proposals	Reply to Proposals	Sur-Reply Comments
Scenic Hill	Appendix B, Legacy, Section 1.2	Contradicts with Appendix B, Legacy, X.1.1 “a customer cannot both remain under the 2022 terms and simultaneously operate under the Act 278 terms” “concerned that the legacy net-metering tariff does not fully apply the prior rate structure, terms, and conditions to Legacy Net- Metering Customers	Proposal: Should be removed Proposal: X.1.2 All other terms are as defined in Ark. Code Ann. § 23-18-603, <u>as it was in effect on December 31, 2022</u> . Alternatively, the proposed standard tariff could read as follows: X.1.2 All other terms are defined in Ark. Code Ann. § 23-18-603- the Commission’s Net Metering Rules that were <u>in effect on December 31, 2022</u> .	AAEA/Entegrity: Legacy Tariff provision X.1.1. correctly defines a Legacy Net-Metering Customer as one who qualifies to remain under the rate structure, terms, and conditions in effect before December 31, 2022 until June 1, 2040, pursuant to Ark. Code Ann. § 23-18-604(c)(11)(A) Sections 3.8 and 3.10(b) were terms and conditions in effect on December 31, 2022 and therefore should remain in the tariff	
AAEA & Entegrity	Appendix B, Legacy, Section 1.2.	“many of the terms in the present version of § 23- 18-603 were not in effect before December 31, 2022 but only became effective on March 13, 2023.”	Proposal: All other terms are as defined in Ark. Code Ann. § 23- 18- 603, <u>as it was in effect on December 31, 2022</u> .	AAEA/Entegrity: Act 278 does not give electric utilities the explicit authority to design their own net-metering tariffs from scratch	
EAL	Appendix B, Legacy, Section 2.2	Refers “to all definitions under the CSPA such that legacy NMFs under this rule are subject to the definitions and provisions of the CSPA as they exist today (and not what may have existed under AREGA).” “AREDA has been replaced by the CSPA; therefore, the terms and conditions, including all of the definitions set forth in the CSPA must apply to all NMFs.”			
Scenic Hill	Appendix B, Legacy, Section 2.2	“This provision expresses a condition that was not in effect before December 31, 2022.” “Contrary to the express requirement of Ark. Code Ann. § 23-18-604(c)(11)(A), proposed tariff provision X.2.2 would not allow a Legacy Net-Metering Customer to remain under the rate structure, terms, and conditions that were in effect before December 31, 2022.”	Proposal: The entirety of provision X.2.2 is unnecessary if the Commission adopts the amendment suggested above by Scenic Hill Solar		
AAEA & Entegrity	Appendix B, Legacy, Section 2.2	“contains a condition (interruptible service) that was not in effect before December 31, 2022.” Contrary to the express requirement of Ark. Code Ann. § 23-18-604(c)(11)(A), proposed tariff provision X.2.2 would not allow a Legacy Net Metering Customer to remain under the rate structure, terms, and conditions that were in effect before December 31, 2022.”	Proposal: “Interruptible service” should be stricken from section X.2.2 of the legacy tariff.	EAL: Effective March 13, 2023, it is clear that a customer taking advantage of net-metering cannot sign up to simultaneously take interruptible service with one discreet exception If the concern of these commenting parties is with regard to the limited statutory exception, then the appropriate approach would be to add a reference to the qualifying language in Ark. Code Ann. §§ 23-18- 603(9)(B) If the concern is that there are situations that exist today with a given NMF that is already online which is greater than 5 MWAC, which exceeds the 100-mile limit, or which co-locates more than two NMFs on a single property, etc, the Company recommends the Commission add language consistent with what is recommended above with respect to the SIA	

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EAL	Appendix B, Legacy, Section 3.8	<p>"includes language regarding "Net Excess Generation credits older than twenty-four (24) months" that is no longer applicable per CSPA"</p> <p>"includes references to "plus any additional sum" that is also no longer applicable"</p>	Proposal: provisions should be removed from the proposed tariff		
EAL	Appendix B, Legacy, Section 3.10(b)	<p>"co-location provisions of the CSPA differ from AREDA; therefore, the included language [in the second paragraph] is no longer applicable."</p> <p>"per the CSPA, only two facilities may be co-located unless more than two co-located NMFs were constructed prior to the enactment of the CSPA."</p>	Proposal: second paragraph should be stricken		
Staff	Appendix B	To streamline current and future tariffs, there should be two clearly divided subcategories containing B-1: Legacy Net-Metering Tariff and B-2: Non-Legacy Net-Metering Tariff			
EAL	Appendix B, Non-Legacy, Section 1.1	"interpreting the language ... such that legacy net- metering facilities under this rule are subject to the definitions and provisions of the CSPA as they exist today and not as terms previously may have appeared in AREDA."	<p>Proposal: add a term defining a Non-Legacy Net-Metering Customer</p> <p>Proposal: A Non-Legacy Net- Metering Customer could be defined consistent with Ark. Code Ann. § 23-18-604(c)(11)(B) as "a customer that does not meet the requirements of subdivision Ark. Code Ann. § (c)(11)(A)."</p>	EAL: Such definition would be superfluous because the term "Non-Legacy Net-Metering Customer" is not used in the proposed non-legacy net-metering tariff	
EAL	Appendix B, Non-Legacy, Section 1.2	"interpreting the language ... such that legacy net- metering facilities under this rule are subject to the definitions and provisions of the CSPA as they exist today and not as terms previously may have appeared in AREDA."	<p>Proposal: add a term defining a Non-Legacy Net-Metering Customer</p> <p>Proposal: A Non-Legacy Net- Metering Customer could be defined consistent with Ark. Code Ann. § 23-18-604(c)(11)(B) as "a customer that does not meet the requirements of subdivision Ark. Code Ann. § (c)(11)(A)."</p>		