

Docket No. 4743
Summary of Final Positions prepared by legal counsel

Petitioners have requested the PUC issue a declaratory ruling finding that: solar power generating systems no greater than 25kW AC with battery storage, where the battery is only charged from the solar power generation system, and the host is not on Time of Use rates fall within the definition of an eligible net metering system.

Following the filing of initial comments, Petitioner Tesla, in its reply comments, has also agreed to the requirement that the battery will not discharge to the electric grid.

All commenters agree that it is appropriate for the PUC to make a ruling on this issue.

The only issue before the PUC is whether the proposed configuration falls within the definition of eligible net metering system. The implementation issues that were raised by the Division and subsequently addressed by National Grid are not currently before the PUC for purposes of this decision.

In initial comments, all commenters agreed that with the conditions listed in the initial Petition, the PUC may reasonably find that the Petitioner's request be granted. The Division, in supporting the Petition, conditioned its recommendation on a Commission determination that the battery storage system be prohibited from being charged from the grid and other conditions,¹ as discussed further in the remainder of the memorandum (Division Mem. at 3-4).

- The battery storage charges only from the solar power generation system, and that grid-charging is expressly prohibited;

In its reply comments, it appears National Grid adopted the Division's recommendation of the express prohibition on grid charging. (National Grid Reply at 2).

In response to the Division, Tesla argued that the express prohibition on grid-charging is unnecessary and imprudent. Tesla expressed concern that an express prohibition on grid-charging is not technically practical given system response times for solar+storage systems. The amount of grid charging was characterized as "inadvertent" and small. (Tesla Reply at 4).

All commenters support the opening of a docket by the PUC to address net-metering eligibility and treatment of systems under different system configurations, use-cases, sizes, and rate structures, including time of use rates.

If the PUC approves the Petition, it should clarify that for purposes of R.I. Gen. Laws § 39-26.4-2(5), the solar+storage system capacity is equal to the inverter nameplate or capacity rating of the solar PV unit that it is associated with, up to 25kW. Adding a battery to a solar PV system does not alter the size of that system. The size of the solar system does not change with the addition of energy storage. This is consistent with Tesla and Sunrun's joint response to PUC-1-3 and DPUC-1-5.

¹ Most of the "other conditions" are better addressed in implementation, not in the matter before the PUC. National Grid and the Petitioners responded to these implementation issues in reply comments.

Petition:

[Tesla, Inc and Sunrun, Inc. \(Petitioners\) Petition for Declaratory Judgment or an Advisory Ruling on R.I. Gen. Laws Section 39-26.4, the Net-Metering Act \(9/27/2017\)](#)

Comments:

[RI Division of Public Utilities and Carriers \(11/7/17\)](#)

[RI Office of Energy Resources \(11/7/17\)](#)

[The Narragansett Electric Co. d/b/a National Grid \(11/7/17\)](#)

Reply Comments:

[Reply Comments National Grid \(11/14/17\)](#)

[Reply Comments of Tesla, Inc. \(11/14/17\)](#)

[Reply Comments of Sunrun, Inc. \(11/14/17\)](#)

Discovery:

[National Grid's Response to Commission's 1st Set of Data Requests \(10/17/17\)](#)

[National Grid's Response to Division's 1st Set of Data Requests \(10/17/17\)](#)

[National Grid's Supplemental Response to Division Data Request 1-1 \(11/7/17\)](#)

[National Grid's Response to Division's 2nd Set of Data Requests \(10/27/17\)](#)

[Tesla's Response to PUC Data Requests - Set 1 \(10/24/17\)](#)

[Tesla's Response to Division Data Requests - Set 1 \(10/24/17\)](#)

[Sunrun's Response to PUC Data Requests - Set 1 \(10/24/17\)](#)

[Sunrun's Response to Division Data Requests - Set 1 \(10/24/17\)](#)