BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

In the Matter of a Proposed Rulemaking
To Amend Commission Rule 4 CSR 240-20.065 Case No. EX-2009-0267

COMMENTS OF RENEW MISSOURI

We thank the Commission for removing the insurance obligation on customer-generator systems of 10 kW or less, which was not authorized by law. § 386.890, RSMo.

We do, however, object to the language added by the amendment to the rule requiring tariffs and contracts to warn customer-generators of possible "legal liabilities not covered under their existing insurance policy". This is not within the letter or spirit of the Easy Connection Act. It would serve the same function as the deleted insurance requirement itself—to deter net metering by scaring customers away from exercising that statutory option.

The ECA subjects manufacturers, sellers and installers to liability. § 386.890.16–17. It says nothing about customer-generators' liability except that they shall not be subject to additional insurance requirements. § 386.890.6(2). The proposed rule says nothing about manufacturer, seller or installer liability, presumably because these are not matters for the Commission but for the courts. There is no reason to harp on the remote possibility of damage resulting from net-metered systems when it is not even mentioned in the statute.

The purpose of the ECA is to make interconnection "easy." It is not served by putting unnecessary conditions into what is supposed to be a "simple contract," especially conditions that are designed to discourage what the law intends to encourage.

The ECA is replete with safety requirements, including adherence to numerous standards, certification of systems by "a qualified professional electrician or engineer," and a grant of authority to the Attorney General to pursue sellers of EGUs for misrepresentation of safety or performance standards.

From the report "Freeing the Grid: Best and Worst Practices in State Net Metering Policies & Interconnection Standards", released in October 2008, and available at http://www.newenergychoices.org/uploads/FreeingTheGrid2008_report.pdf: "To the authors' knowledge there has never been a documented case of a small net metered system causing electrical failure or creating potential personal injury or property damage liabilities for a Utility. Renewable energy technologies manufactured and installed in compliance with technical interconnection guidelines significantly reduce the risk of potential safety issues" (p. 33).

The Florida Solar Energy Center "opposes special requirements for Liability insurance for owners or operators of grid-tied PV systems. These systems, which have been in operation for two decades and number in the tens of thousands around the world, have had an impressive record of safe operation. Although future injuries cannot be ruled out, **it is clear that grid-**

connected PV systems, using listed equipment in a codecompliant installation, are inherently safe." [Emphasis added.]

We therefore ask the Commission to remove the language about customer liability from the amendment to the rule. It is unnecessary and can only serve to deter customers from making use of the ECA. The Commission should make it a matter of policy to promote clean, renewable generation.

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