

**BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI**

**In the Matter of a Petition To
Interpret 20 CSR 4240-20.065 And
Establish The Status and Eligibility
of the Members of the St. James
Solar Farm Association to Receive
Net-Metering Credits**

Case No: _____

PETITION TO INTERPRET NET-METERING REGULATIONS

COMES NOW Petitioner St. James Solar Farm Association, and for its Petition to Interpret Net Metering Regulations, states as follows:

1. Petitioner St. James Solar Farm Association (“Association”) is a Missouri limited liability company that desires to construct a solar farm in or near St. James, Missouri. A copy of Association’s Articles of Incorporation are attached hereto. Association’s street and mailing address is 104 E. 11th St., Rolla, Missouri 65401. Association’s phone number is 573-341-8186, fax number is 573-364-5324, and email address is cserolla@gmail.com. Association does not have any pending action or final unsatisfied judgments or decisions against it from any state or federal agency or court which involve customer service or rates, which action, judgment, or decision has occurred within three years of the date of the Petition for Rulemaking.
2. The Public Service Commission has the power to take the action requested by Association herein by virtue of R.S.Mo. Sections 386.310 and 386.890.
3. The proposed action to be taken by the Public Service Commission is not a “Rule” under R.S.Mo. § 536.010 because Petitioner is requesting an

interpretation only with respect to Petitioner's specific set of facts and intended to apply only to that specific set of facts.

BACKGROUND

4. Association intends to operate a non-profit cooperative solar farm where Association's members use their own solar energy generation equipment to generate solar electricity on land owned or leased by Association. The electricity generated by Association's members would be fed into the utility's distribution system operated by the municipal utility for the City of St. James, Missouri.
5. Association's operating agreement, a copy of which is attached hereto as Exhibit 1, strictly prohibits Association's members from using or selling their membership interest or their solar electricity generation equipment to make a profit (see Section 4.03 of Exhibit 1).
6. In order to participate in the cooperative solar farm, Association's members will be required to enter into a Solar Farm Association Participation Agreement substantially similar to the agreement attached hereto as Exhibit 2.
7. Association intends to enter into an interconnection agreement with the municipal utility for the City of St. James, Missouri, substantially similar to the agreement attached hereto as Exhibit 3. Under said interconnection agreement, Association's members would generate solar energy which is fed into the utility's distribution system, and in return, Association's members

would receive net-metering credit for the kilowatt-hours generated by each member.

Request for Rule-Making

8. 20 CSR 4240-20.065 defines a “customer-generator” as the “owner or operator of a qualified electric energy generation unit that meets all of the following criteria:
 - a. Is powered by a renewable energy resource;
 - b. Is an electrical generating system with a capacity of not more than one hundred kilowatts (100 kW);
 - c. Is located on premises that are owned, operated, leased, or otherwise controlled by the customer-generator;
 - d. Is interconnected and operates in parallel phase and synchronization with an electric utility and has been approved for interconnection by said electric utility;
 - e. Is intended primarily to offset part or all of the customer-generator’s own electrical energy requirements;
 - f. Meets all applicable safety, performance, interconnection, and reliability standards established by the National Electrical Code, the National Electrical Safety Code, the Institute of Electrical and Electronics Engineers, Underwriters Laboratories, the Federal Energy Regulatory Commission, and any local governing authorities; and

- g. Contains a mechanism that automatically disables the unit and interrupts the flow of electricity onto the electric utility's electrical lines whenever the flow of electricity to the customer-generator is interrupted.
9. At issue for purposes of this Petition for Rulemaking are the requirements that the customer-generator be
- a. the owner or operator of a qualified electric energy generation unit,
 - b. that is located on premises that are owned, operated, leased, or otherwise controlled by the customer-generator; and is
 - c. Is intended primarily to offset part or all of the customer-generator's own electrical energy requirements.
10. Because Association's members will be required to purchase their own solar panels, and will be required to pay for their proportional share of the equipment between the solar panels and the connection to the utility's distribution system, including the future maintenance costs of the same, Association requests that the Public Service Commission find that Association's members are the owner or operator of a qualified electric energy generation unit as required by 20 CSR 4240-20.065(C).
11. Because Association will own or lease the land where the cooperative solar farm is located, and Association's members can select (and remove) Association's manager (who is responsible for the day-to-day management of the cooperative solar farm), Association requests that the Public Service

Commission find that Association's members' qualified electric energy generation units are located on premises that are owned, operated, leased, or otherwise controlled by the customer-generator.

12. Because Association's members will each receive individualized net-metering credit for the kilowatt-hours generated by each member's solar panels, and Association's members are prohibited from generating more energy than they each use, Association requests that the Public Service Commission find that the electricity generated by Association's members is intended primarily to offset part or all of the customer-generator's own electrical energy requirements.
13. Finally, because Association's members are generating electricity solely to offset personal use and are prohibited from making a profit, Association requests that the Public Service Commission determine that Association is not an investor-owned utility.

WHEREFORE, Petitioner requests that the Public Service Commission make each of the findings requested above and award such other and further relief as this Commission deems just and proper.

VERIFICATION

STATE OF MISSOURI)
 : SS
COUNTY OF PHELPS)

St. James Solar Farm Association, LLC, by its manager, AV3 Energy, LLC, being duly sworn, states that the facts set forth in the hereinabove statement are true, correct, and complete, to its best knowledge and belief.

Nicholas Barrack

St. James Solar Farm Association, LLC,
by its manager, AV3 Energy, LLC (by its
member, Nicholas Barrack)

Subscribed and sworn to before me this 10 day of May, 2021.



LOLA D. CAMERON
My Commission Expires
April 3, 2022
Phelps County
Commission #14863690

Lola D. Cameron

Notary Public

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