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March 25, 2019

Via ERF

Steffany Powell Coker, Secretary
Public Service Commission of Wisconsin
4822 Madison Yards Way
Madison, WI 53705

Re: Docket No. 9300-DR-104, Appeal of Denial of Application for Interconnection, Request for Contested Case Hearing, and Petition for Declaratory Ruling.

The League of Wisconsin Municipalities, a nonprofit and nonpartisan association of 591 Wisconsin cities and villages, submits the following comments in support of Eagle Point Solar, LLC's and Eagle Point Energy 6, LLC's (Eagle Point's) petition to open a declaratory ruling. Eagle Point asks the Commission to declare that its performance of the Solar Services Agreement with the City of Milwaukee does not constitute a public utility service offered to or for the public. The League agrees with the points made by Eagle Point in its Appeal and Petition, and our members would welcome such a declaration. The League urges the Commission to open a declaratory ruling.

Although this docket concerns a particular contract between particular parties, the issue of whether third-party financing for solar constitutes a public utility service offered to or for the public is of interest to municipalities statewide. As Wisconsin municipalities look to the future many are recognizing the desirability, and some the necessity, of pursuing and implementing sustainability measures that will serve the needs and interests of current residents without compromising the needs and interests of future residents. Many municipalities are committing to renewable energy goals and seeking ways to achieve them. As the costs associated with solar energy decrease, it has become a more viable option. While municipalities are approaching incorporating solar in a variety of ways, third party financing is advantageous. It allows municipalities to install systems on municipal property through third party investors who, unlike municipalities, are eligible for the federal tax credits supporting investment in renewable energy and can incorporate their tax credit savings into the cost they charge the municipality. Third party financing allows municipalities to reap the benefits of solar while avoiding the initial costs of purchase and installation. Without third party financing, some municipalities would not be able to pursue solar energy because the initial costs of purchase and installation would

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be daunting. For many years now, municipalities have been financially constrained by levy limits, rising costs, and stagnant or decreasing state aids. Wisconsin municipalities are frugal and work hard to provide their residents with excellent local services. Third party financing allows municipalities to maintain the level of services they provide while simultaneously working towards realizing renewable energy goals. The State of Wisconsin should encourage and support municipalities seeking to incorporate renewable energies, along with the benefits and cost savings such measures will bring.

If the Commission grants Eagle Point's petition for declaratory ruling, we are confident it will conclude that performance of agreements like the one between Eagle Point and the City of Milwaukee do not constitute a public utility service offered to or for the public under Wis. Stat. § 196.01(5). A declaratory ruling regarding third party solar financing will offer the City of Milwaukee, and other municipalities watching this docket with interest, certainty and enable them to move forward in an expedient manner.

We urge the Commission to grant Eagle Solar's petition for a declaratory ruling on this important issue.

Sincerely,

A handwritten signature in blue ink, appearing to read "Claire Silverman", with a long horizontal flourish extending to the right.

Claire Silverman
Legal Counsel