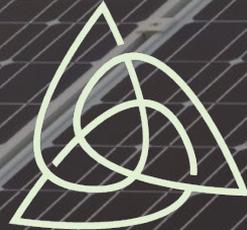


*Miami Valley Regional Planning Commission*

# Sustainability Roundtable: Is Your Community Solar-Friendly? Eliminating Legal Barriers to Solar Deployment



Miranda Leppla, Clean Energy Attorney  
The Ohio Environmental Council

# The Ohio Environmental Council

- Founded 1969
- Ohio's most comprehensive, effective and respected environmental advocate
- Legislative initiatives, legal action, scientific principles, statewide partnerships to secure a healthier, more sustainable Ohio for our families and communities



# OEC's Energy Team

- Trish Demeter, Managing Director of Energy
- Melanie Houston, Director of Oil & Gas
- Miranda Leppla, Clean Energy Attorney
  - Policy and legal work to advance clean energy technology and identify strategies to achieve the fastest, deepest carbon cuts



# Ohio Law on Solar

- Ohio law enables customers of electric utilities to install distributed energy systems (e.g. rooftop solar).
  - Ohio Rev. Code 4928.02 (K): It is state policy to . . . “Encourage implementation of distributed generation across customer classes through regular review and updating of administrative rules governing critical issues such as, but not limited to, interconnection standards, standby charges, and net metering”.
    - Ohio Rev. Code 4928.02 (A)(29) - (32) defines “Customer-generator,” “net metering,” “net metering system,” and “self-generator.”
  - Customer-generators must intend primarily to offset part or all of their requirements for electricity 4928.01(A)(31)(d)
- Solar access easements are permitted under Ohio law.<sup>1</sup>

<sup>1</sup> Ohio Rev. Code 5301.63



# Ohio Law on Solar



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- Ohio law permits net metering.<sup>1</sup>
  - Billing system tracking how much energy is consumed by the customer vs. how much power the customer produces and exports back to the grid. Customers are then compensated for the net energy that they export.
- Ohio only requires net metering in investor-owned utility territories. Municipalities and electric cooperatives are not required to have net metering laws, though many permit it.

<sup>1</sup> Ohio Rev. Code 4928.67; Ohio Admin. Code. 4901:1-10-28.

# Ohio Law on Solar



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- PUCO Finding & Order released Nov. 8th, 2017 revise net metering rules found in Ohio Admin. Code. 4901:1-10-28.<sup>1</sup>
  - Can only size your system up to 100% currently -- but pending rules will permit sizing up to 120% of your consumption.
    - EDUs must provide historical data for net metering customers to rely upon in sizing their net metering systems. Based on average consumption over 3 years.
  - Revises definition of customer generator's premises: *may* now include a contiguous lot--an area owned, operated, or leased by the customer-generator with the metering point for the account--so long as it would not create an unsafe or hazardous condition.
    - Will permit customer-generators to construct net metering systems on contiguous lots.

<sup>2</sup> PUCO Case No. 12-2050-EL-ORD, Finding & Order, Nov. 8, 2017.

# Ohio Law on Solar



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- PUCO Finding & Order, Nov. 8th, 2017 revise net metering rules found in Ohio Admin. Code. 4901:1-10-28 (cont'd)
  - Compensation rate: currently different compensation rates across utilities, but pending rules standardize it across the state. Removes compensation component for capacity--energy only.
  - Shopping customers:
    - CRES providers may offer net metering contracts to customer-generators at any price, rate, credit or refund for excess generation from a customer-generator.
    - Clarifies rules related to data access for CRES providers, billing information, and when they must notify EDU

# Barriers to Solar at the Local Level

1

Zoning restrictions / Restrictive Ordinances / HOAs

2

Permitting Processes

3

Lack of knowledge/awareness of opportunities



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# Lead by Example

Pass resolution on clean energy/zero emissions goals for your community. Create awareness.

Encourage distributed generation: update regulations to permit and incentivize solar and small wind.

Revise building codes

- Require homes to be “solar-ready” -- ensures that new homes won't need rewiring or other building modification to use solar power.
- Solar-reflectance standards: require new buildings to have low-slope roofs with minimum initial solar reflectance values.



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# Lead by Example

Ensure ordinances are not unnecessarily or unintentionally restrictive.

- Well intentioned ordinances, i.e. building height restrictions or aesthetic requirements, can hinder solar development.

Draft policy that permits all homes to install solar

- Include recommendations for preferential placement, permitting exceptions for homes in which excessive cost or reduced efficiency of panels would restrict the ability by eliminating overly restrictive placement requirements.

Maintain flexibility for technological advances.



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# OEC Local Solar Toolkit

- Sample resolution for local communities
- Model ordinance regarding solar installation
- Ideas for incentives and/or resources
- Useful data/background info on solar
- Additional resources



# Questions?

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