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# PURPA/Solar Qualifying Facilities: Federal Energy Regulatory Commission Petition Submitted Challenging Alabama Public Service Commission Rates

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The Southern Environmental Law Center and Ragsdale, LLC (collectively, “SELC”) filed a March 31st Petition before the Federal Energy Regulatory Commission (“FERC”) styled:

*Petition for Enforcement Under the Public Utility Regulatory Policies Act of 1978 (“Petition”)*

The *Petition* states that SELC is requesting that FERC:

... initiate an enforcement action against the Alabama Public Service Commission (“Alabama PSC”).

... to compel the Alabama PSC to implement this Commission’s PURPA regulations requiring just, reasonable and non-discriminatory rates for the sale of electricity to solar qualifying facilities (“QFs”) served by Alabama Power Company (“Alabama Power” or “the Company”).

By way of background, the Public Utility Regulatory Policies Act of 1978 (“PURPA”) was enacted by Congress in 1978 during a period of energy crisis. Goals of the federal statute included:

- Conservation of electric energy
- Increased efficiency in the use of facilities and resources by electric utilities
- Equitable retail rates for electric consumers
- Expeditious development of hydroelectric potential of existing small dams
- Conservation of natural gas while ensuring that rates to natural gas consumers are equitable

The federal statute established a new class of generating facilities that were provided special rate and regulatory treatment. Such generating facilities are classified as qualifying facilities and are encompassed by one of two categories:

- Qualifying Small Power Production Facilities
- Qualifying Co-Generation Facilities

The *Petition* challenges Alabama’s Power’s rates for sales to QFs (including customers with distributed solar generation). SELC argues that the inclusion of back-up power services for such customers violates the FERC regulations as not being just and reasonable and in the public interest.

FERC is requested to institute an enforcement action to compel Alabama Power to implement 18 C.F.R. § 292.305(a).

The *Petition* asks that Alabama Power be ordered to set non-discriminatory rates for sales to solar QFs.

A copy of the *Petition* can be downloaded [here](#).