
Proposed Rulemaking to)
Revise Regulations Implementing)
Sections 201 and 210 of the) Docket Nos.
RM19-15-000 and)

particular, the NOPR would allow states to remove a qualifying facility's option for a fixed contract without any similar restriction on incumbent utilities that enjoy long-term revenue security. The NOPR also does not appear to explain sufficiently its proposed reduction in the size of qualifying facilities that are eligible for the rebuttable presumption of non-discriminatory access in organized markets. FERC should retain the fixed contract option for qualifying facilities and develop a comprehensive record of the competitive effects of any final actions based on the NOPR's proposed reforms.

PURPA sits at the intersection of competition and regulatory policy in an area of vital and urgent interest.² By enacting PURPA, Congress sought to encourage the development of cost-efficient alternative sources of electricity generation, including renewable energy sources, and promote substitution from the traditional power sources to renewable- and cogeneration-based facilities. Indeed, PURPA represents one of the few instances where Congress expressed a

unsubsidized utility-scale wind- and solar-based energy costs are already in line with and, in some cases, even cheaper than the most efficient fossil fuel-based energy sources in the U.S.⁷ With utility-scale energy storage costs projected to decline by roughly 52% by 2030,⁸ several analysts predict that renewables will be

At a minimum, I urge FERC to develop a record that addresses how the NOPR's proposed reforms will alter the competitive balance in affected regions. FERC should also retain the long-term contract option for qualifying facilities unless, in cases where states impose short-term rates on such facilities, their incumbent utility rivals agree to be bound by the same short-term rates.

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