Arkansas Public Service Commission

In the Matter of an Investigation of the Practices of Certain Electric Distribution Cooperatives Impacting Net Metering

Statement of Chairman Thomas

In February 2022 I participated in a zoom call at a legislator’s request regarding difficulties that a constituent was having getting their solar facility interconnected to the distribution grid. Subsequent conversation among legislators resulted in a directive to me to present to the Joint Energy Committee to discuss solar interconnection issues in cooperative service territories. I was also asked to address legislators concerns regarding the high price of natural gas.

The factual basis for the Motion to Recusal consists solely of what I said during the legislative hearing. The motion is correct in its description of part of what I said. What I said is also correct in its substance as it is my responsibility to testify truthfully when speaking before a legislative committee. The motion then waxes eloquently if repetitively about fairness and due process for the monopolist.

But what about fairness for Belinda and Samuel Lister of Fairfield Bay, Arkansas who have had solar panels on their house since June of 2021 that have still not been interconnected to the grid? What does Petit Jean Electric Cooperative have in store for “members” like the Listors? More blows from the billy-club of the monopolist, soullessly wielded by a litigation machine paid for by the same “members” that they club.

These kinds of tactics are not new for Petit Jean Electric Cooperative or its counsel. In 2019, Petit Jean on 4 separate occasions defied PSC orders

1 Ark. Code Ann § 23-18-604 (a) “An electric utility shall allow net-metering facilities to be interconnected...
2 Docked entry #19 in the above referenced docket.
3 While correct some context is omitted. For example, one reading the motion would conclude that I oppose inspection of solar facilities prior to interconnection. This is not the case as was specifically stated during the legislative hearing.
to file a tariff\textsuperscript{4} adopting language directly taken from the Solar Access Act of 2019. After the 4 occurrences of defiance of the law, it was communicated to Petit Jean that continued defiance of the PSC order would result in a contempt filing. Then, like a Saul Goodman\textsuperscript{5} stunt, Petit Jean’s counsel falsely accused me of criminal conduct and sought my recusal. Better Call Saul! “Members” like Belinda and Samuel Listor got billed for that garbage too. Of course, Petit Jean and its counsel are entitled to and in fact receive fair hearings at the PSC, up to and including the rate increase that was approved for Petit Jean a few weeks ago.

I said what I said at the legislative because it is true. I said “do the right thing” because leaving solar panels on a roof not interconnected for over a year is not doing the right thing. Why is it so important to Petit Jean that the Listor’s solar panels not be connected to the grid? At the hearing I said that the purpose not interconnecting is so that they will stand as an example to their neighbors about to what happens when a mere “member” seeks to oppose the monopolist and its army of litigators. “Members” then get to pay the army of litigators that oppose them.

As explained at the legislative hearing, I asked them to do the right thing because solar panels have been sitting in the sun not interconnected for months and months and a formal PSC process would be litigated and appealed for additional months if not years. This result seems to be the monopolist’s intended purpose. If history repeats itself then one point of a meritless appeal could be my recusal. I do not wish to be use as a weapon by the monopolist in the endless expensive efforts to keep people like Belinda and Samuel Lister from interconnection to the grid.

It’s all good man\textsuperscript{6}. I recuse.

\textsuperscript{4} In utility regulation a tariff is a filing with the PSC that states the terms and conditions under which the utility may charge customers or (in this case) the terms and conditions for interconnection of solar facilities.

\textsuperscript{5} Jimmy McGill a/k/a Saul Goodman is a fictional character from the television shows \textit{Breaking Bad} and \textit{Better Call Saul}.

\textsuperscript{6} \url{https://www.youtube.com/watch?v=GU_XoU_mV30}
This 7th day of September, 2022.

Ted J. Thomas, Chairman