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Court Affirms Mid-Atlantic Renewable Energy Association's Right to Know, Orders DEP to Release Solar Data

September 18, 2012, Kutztown, PA A renewable energy organization's request for access to information regarding solar installations receiving rebates from the \$100 million state [Sunshine Program](#) was recently upheld by the Commonwealth Court of Pennsylvania. Noting that the rebate [guidelines](#) themselves spell out that "rebates and rebate applications are public documents and subject to disclosure to the public upon request," a three-judge panel denied efforts by the Department of Environmental Protection to block an open records request by Dr. Vera Cole, president of the nonprofit [Mid-Atlantic Renewable Energy Association](#) (MAREA). The Court [agreed](#) with an earlier [decision](#) by the Office of Open Records ordering the release of all requested data within 30 days.

With some 5,000 solar installations through the rebate program, the MAREA board approved Cole's request to perform a long-term solar study, using rebate program data, of "performance, permitting, renewable energy credits, net metering, overall satisfaction, property resale issues and values, and equipment (warranty claims)." The results would be published in an annual report that MAREA hoped would be useful to the citizens of PA, the solar industry, government agencies and policy makers.

Cole, also program officer for Penn State's [Energy and Sustainability Policy Program](#), filed the records request in July 2011 on behalf of MAREA, a volunteer-driven, educational organization that supports small-scale solar development.

Regarding the 14-month delays and obstructions by the DEP, Cole said, "I am astounded at the time and money the DEP has spent fighting this case. They have argued variously that they don't have the data, they don't have to provide the data because it's in a database and that providing the name and location of solar installations, funded with public money, jeopardizes the constitutional right to privacy, while their own program guidelines clearly state these are public records. Bottom line, the DEP has approved \$100 million for solar rebates and won't tell the public who got the money and where the installations are. The DEP has important work to do, like protecting the environment. We count on them to protect our air, land and water. Why would they choose to spend their limited resources putting up such a fight over solar installations they helped fund? Why would they work to prevent this promising research? We're scratching our heads over this one."

Bill Hennessy, vice president of MAREA and a solar installer, commented, "This research is a golden opportunity for renewable education. Solar offers free fuel for system owners. It benefits utilities and all consumers by reducing demand for high cost extra power on sunny summer days. It benefits all citizens, by displacing fossil fuels with clean power and it's a baby step towards national energy independence."

[Mid-Atlantic Renewable Energy Association](#) is a 501(c) 3 non-profit dedicated to informing and educating the public on renewable energy production, energy efficiency, and sustainable living through meetings, workshops, educational materials and energy fairs.