



May 24, 2019

Ms. Judith C. Whitney
Vermont Public Utility Commission
112 State Street
Montpelier, VT 05620

Re: Case No. 18-2820-INV
2019 Standard Offer Program RFP Recommendations

Dear Ms. Whitney:

Please find below the Standard Offer Facilitator's recommendations for the 2019 Standard Offer Program Request for Proposals (RFP). We recommend twenty-three proposals for the Award Group and three for the Reserve Group. We also recommend three proposals be rejected for failure to satisfy the RFP requirements.

I. AVAILABLE CAPACITY

| 2019 Standard Offer Program RFP: Capacity Allocation | |
|--|------------------------------|
| DEVELOPER BLOCK | |
| Price Competitive Block | 3.552 MW |
| Technology Diversity Block | |
| Biomass | 1.3484 MW |
| Small Wind | 1.3484 MW |
| Large Wind | 1.3484 MW |
| Food Waste | 1.3484 MW |
| Hydroelectric | 1.3484 MW |
| PROVIDER BLOCK | |
| Provider Projects | 2.574 MW |
| Total | 12.868 MW¹ |

¹ Pursuant to 30 V.S.A § 8005a(c)(1)(A), the annual increase is 10 MW. The additional capacity of 2.868 MW was made available by the 2018 Provider Block unused capacity and withdrawn projects.



II. PROPOSALS RECEIVED

On May 1, 2019, the Standard Offer Facilitator received thirty-eight proposals totaling 48.974 MW. On May 3, 2019, the proposals were opened publicly at the Vermont Public Utility Commission (Commission). The proposals are summarized below.

| 2019 Standard Offer Program RFP: Proposals Received | | | | |
|---|------------|----------------|---------------|---------------------|
| Project Name | Technology | Price (\$/kWh) | Capacity (MW) | Category Total (MW) |
| PROVIDER BLOCK | | | | |
| Salvage Yard Solar | Solar | 0.1200 | 2.100 | |
| Center Road Solar | Solar | 0.1240 | 2.100 | 4.200 |
| DEVELOPER BLOCK | | | | |
| Technology Diversity Block | | | | |
| Rothblatt Wind | Small Wind | 0.2520 | 0.025 | |
| Shepard Wind | Small Wind | 0.2520 | 0.025 | |
| Cross Wind Project A | Small Wind | 0.2580 | 0.050 | |
| Cross Wind Project B | Small Wind | 0.2580 | 0.050 | |
| Cross Wind Project C | Small Wind | 0.2580 | 0.050 | |
| Cross Wind Project D | Small Wind | 0.2580 | 0.050 | |
| Tomlinson Wind 2 | Small Wind | 0.2580 | 0.050 | |
| Howrigan Wind Farm | Small Wind | 0.2580 | 0.100 | |
| Way Out Wind Farm | Small Wind | 0.2580 | 0.100 | |
| Merck Forest Wind Farm | Small Wind | 0.2580 | 0.100 | |
| Hespos Wind Farm | Small Wind | 0.2580 | 0.100 | |
| Auger Heights Wind A | Small Wind | 0.2580 | 0.100 | |
| Auger Heights Wind B | Small Wind | 0.2580 | 0.100 | |
| Pennock Hill Wind | Small Wind | 0.2580 | 0.100 | |
| Purpose Energy-St. Albans | Food Waste | 0.2038 | 1.014 | |
| Franklin Foods VT Recovery Ctr. | Food Waste | 0.2050 | 0.710 | |
| Cabot Creamery | Food Waste | 0.2080 | 0.250 | 2.974 |



Price Competitive Block

| | | | | |
|----------------------|-------|--------|-------|---------------|
| Vermont Solar DG | Solar | 0.0838 | 2.200 | |
| St. Albans Solar DG | Solar | 0.0849 | 2.200 | |
| Post Road Solar 1 | Solar | 0.0861 | 2.200 | |
| Post Road Solar 2 | Solar | 0.0861 | 2.200 | |
| Sand Hill Solar | Solar | 0.0910 | 2.200 | |
| Vergennes Solar DG | Solar | 0.0919 | 2.200 | |
| ER The Narrows Solar | Solar | 0.0930 | 2.200 | |
| Silk Road Solar | Solar | 0.0939 | 2.200 | |
| Lemay Solar Park | Solar | 0.0998 | 2.200 | |
| Windsor Solar | Solar | 0.1079 | 2.200 | |
| Safford Solar | Solar | 0.1182 | 2.200 | |
| Galusha Solar | Solar | 0.1184 | 2.200 | |
| Cannon Green Solar | Solar | 0.1186 | 2.200 | |
| Willard Solar | Solar | 0.1187 | 2.200 | |
| Rose Solar | Solar | 0.1188 | 2.200 | |
| Brown Bridge Solar | Solar | 0.1191 | 2.200 | |
| Lemuel Solar | Solar | 0.1196 | 2.200 | |
| St. Andrews Solar | Solar | 0.1199 | 2.200 | |
| Sawyer Road Solar | Solar | 0.9981 | 2.200 | 41.800 |
| Total | | | | 48.974 |



III. AWARD GROUP RECOMMENDATION

The following award group recommendation is made in accordance with *RFP Section 3.2.1: Selection of Award Group*.

Provider Block

The Provider Block capacity is reserved for proposals by Vermont retail electric utilities.² The Provider Block capacity allocation is 2.574 MW. Two Provider Block proposals, each 2.100 MW in capacity, were received. We recommend both projects for the Provider Block Award Group.³ There is no unbid capacity remaining within the Provider Block to be allocated to the 2020 RFP.

| Provider Block: Award Group | | |
|-----------------------------|------------|---------------|
| Project Name | Technology | Capacity (MW) |
| Salvage Yard Solar | Solar | 2.100 |
| Center Road Solar | Solar | 2.100 |

Developer Block – Technology Diversity

The Developer Block capacity is reserved for proposals by private developers.⁴ The Developer Block includes the Price Competitive Block and the Technology Diversity Block. The Technology Diversity Block capacity allocation is 6.742 MW, divided equally among five non-solar technology categories equaling 1.3484 MW each: biomass, small wind, large wind, food waste, and hydroelectric.

Seventeen Technology Diversity Block proposals were received totaling 2.974 MW. Fourteen of the proposals are for small wind totaling 1.000 MW. Three of the proposals are for food waste totaling 1.974 MW. We recommend all seventeen proposals for the Technology Diversity Block Award Group. The table below illustrates the Technology Diversity Block capacity distribution.

² 30 V.S.A. § 8005a(c)(1)(B).

³ Once the Provider Block allocation is approached but not exceeded, the proposal that would cause the size of the award group to exceed the allocation **will** be included in the award group. *State of Vermont Request for Proposals for the Standard-Offer Program*, Section 3.2.1, Page 10, January 28, 2019.

⁴ 30 V.S.A. § 8005a(c)(1)(B).



Technology Diversity Block: Capacity Distribution

| | Capacity Allocation (MW) | Capacity Distribution (MW) | |
|---------------|--------------------------|----------------------------|-----------------|
| | | Proposals Received | Unused Capacity |
| Biomass | 1.3484 | 0.000 | 1.3484 |
| Small Wind | 1.3484 | 1.000 | 0.3484 |
| Large Wind | 1.3484 | 0.000 | 1.3484 |
| Food Waste | 1.3484 | 1.974 | -0.6256 |
| Hydroelectric | 1.3484 | 0.000 | 1.3484 |
| Total | 6.742 | 2.974 | 3.768 |

Technology Diversity Block: Award Group

| Project Name | Technology | Capacity (MW) |
|---------------------------------|------------|---------------|
| Rothblatt Wind | Small Wind | 0.025 |
| Shepard Wind | Small Wind | 0.025 |
| Cross Wind Project A | Small Wind | 0.050 |
| Cross Wind Project B | Small Wind | 0.050 |
| Cross Wind Project C | Small Wind | 0.050 |
| Cross Wind Project D | Small Wind | 0.050 |
| Tomlinson Wind 2 | Small Wind | 0.050 |
| Howrigan Wind Farm | Small Wind | 0.100 |
| Way Out Wind Farm | Small Wind | 0.100 |
| Merck Forest Wind Farm | Small Wind | 0.100 |
| Hespos Wind Farm | Small Wind | 0.100 |
| Auger Heights Wind A | Small Wind | 0.100 |
| Auger Heights Wind B | Small Wind | 0.100 |
| Pennock Hill Wind | Small Wind | 0.100 |
| Purpose Energy-St. Albans | Food Waste | 1.014 |
| Franklin Foods VT Recovery Ctr. | Food Waste | 0.710 |
| Cabot Creamery ⁵ | Food Waste | 0.250 |

⁵ Although the addition of the Cabot Creamery food waste project exceeds the oversubscribed 1.3484 MW food waste capacity allocation, the RFP requires any unused capacity within the Technology Diversity Block be made available to the rest of the Technology Diversity Block. *State of Vermont Request for Proposals for the Standard-Offer Program*, Section 3.2.1, Page 10, January 28, 2019. Any unused capacity within the Technology Diversity Developer Block must



Developer Block – Price Competitive

The Price Competitive Block capacity allocation is 3.552 MW. Any unused capacity from the Technology Diversity Block must be allocated to the Price Competitive Block.⁶ Adding the Technology Diversity Block unused capacity of 3.768 MW (see table above) to the initial 3.552 MW allocation, brings the Price Competitive Block adjusted capacity allocation to 7.320 MW.⁷

Nineteen Price Competitive Block proposals were received totaling 41.800 MW. All proposals were for solar projects. We recommend the following four projects totaling 8.800 MW for the Price Competitive Block Award Group.⁸

| Price Competitive Block: Award Group | | |
|--------------------------------------|------------|---------------|
| Project Name | Technology | Capacity (MW) |
| Vermont Solar DG | Solar | 2.200 |
| St. Albans Solar DG | Solar | 2.200 |
| Sand Hill Solar | Solar | 2.200 |
| Vergennes Solar DG | Solar | 2.200 |

IV. RESERVE GROUP RECOMMENDATION

Three projects are recommended for the Reserve Group in accordance with *RFP Section 3.2.2: Reserve Group*, which states: “VEPP will then establish a reserve comprised of no more than 6.6 MW of proposals with the lowest prices that were not awarded standard-offer contracts.”⁹

| Reserve: Award Group | | |
|----------------------|------------|---------------|
| Project Name | Technology | Capacity (MW) |
| ER The Narrows Solar | Solar | 2.200 |
| Lemay Solar Park | Solar | 2.200 |
| Windsor Solar | Solar | 2.200 |

be first made available to the rest of the Technology Diversity Developer Block (Modified Approach). *Programmatic Adjustments to the Standard-Offer Program for 2018*, Case No. 17-3935, Order of 3/16/18 at 50.

⁶ *State of Vermont Request for Proposals for the Standard-Offer Program*, Section 3.2.1, Page 10, January 28, 2019.

⁷ *Id.*

⁸ The 8.800 MW recommendation exceeds the 7.320 MW adjusted capacity allocation in accordance with *Section 3.2.1: Selection of Award Group*, which states: “Once the annual capacity cap is approached but not exceeded, the proposal that would cause the size of the award group to exceed the annual capacity cap by no more than 2.2 MW **will** be included in the award group.” *State of Vermont Request for Proposals for the Standard-Offer Program*, Section 3.2.1, Page 10, January 28, 2019.

⁹ *State of Vermont Request for Proposals for the Standard-Offer Program*, Section 3.2.2, Page 11, January 28, 2019.



V. 2019 STANDARD OFFER PROGRAM RFP RECOMMENDATION

| Award Group Recommendation Summary | | | | |
|------------------------------------|------------|----------------|---------------|---------------------|
| Project Name | Technology | Price (\$/kWh) | Capacity (MW) | Category Total (MW) |
| PROVIDER BLOCK | | | | |
| 1. Salvage Yard Solar | Solar | 0.1200 | 2.100 | |
| 2. Center Road Solar | Solar | 0.1240 | 2.100 | 4.200 |
| DEVELOPER BLOCK | | | | |
| Technology Diversity Block | | | | |
| 1. Rothblatt Wind | Small Wind | 0.2520 | 0.025 | |
| 2. Shepard Wind | Small Wind | 0.2520 | 0.025 | |
| 3. Cross Wind Project A | Small Wind | 0.2580 | 0.050 | |
| 4. Cross Wind Project B | Small Wind | 0.2580 | 0.050 | |
| 5. Cross Wind Project C | Small Wind | 0.2580 | 0.050 | |
| 6. Cross Wind Project D | Small Wind | 0.2580 | 0.050 | |
| 7. Tomlinson Wind 2 | Small Wind | 0.2580 | 0.050 | |
| 8. Howrigan Wind Farm | Small Wind | 0.2580 | 0.100 | |
| 9. Way Out Wind Farm | Small Wind | 0.2580 | 0.100 | |
| 10. Merck Forest Wind Farm | Small Wind | 0.2580 | 0.100 | |
| 11. Hespos Wind Farm | Small Wind | 0.2580 | 0.100 | |
| 12. Auger Heights Wind A | Small Wind | 0.2580 | 0.100 | |
| 13. Auger Heights Wind B | Small Wind | 0.2580 | 0.100 | |
| 14. Pennock Hill Wind | Small Wind | 0.2580 | 0.100 | |
| 15. Purpose Energy-St. Albans | Food Waste | 0.2038 | 1.014 | |
| 16. Franklin Foods VT Recovery | Food Waste | 0.2050 | 0.710 | |
| 17. Cabot Creamery | Food Waste | 0.2080 | 0.250 | 2.974 |
| Price Competitive Block | | | | |
| 1. Vermont Solar DG | Solar | 0.0838 | 2.200 | |
| 2. St. Albans Solar DG | Solar | 0.0849 | 2.200 | |
| 3. Sand Hill Solar | Solar | 0.0910 | 2.200 | |
| 4. Vergennes Solar DG | Solar | 0.0919 | 2.200 | 8.800 |
| Total | | | | 15.974 |
| RESERVE GROUP | | | | |
| 1. ER The Narrows Solar | Solar | 0.0930 | 2.200 | |
| 2. Lemay Solar Park | Solar | 0.0998 | 2.200 | |
| 3. Windsor Solar | Solar | 0.1079 | 2.200 | 6.600 |



VI. DISCUSSION

Independent Technical Facility Requirement

RFP Section 3.1.5: Independent Technical Facility (Section 3.1.5) states:

If a proposed project is located at, adjacent to, or near an existing or proposed renewable energy generation facility, the project proponent must demonstrate that the two facilities would be considered separate plants under 30 V.S.A. § 8002(18).¹⁰

Pursuant to 30 V.S.A. § 8002(18), a “plant” is defined as:

... an independent technical facility that generates electricity from renewable energy. A group of facilities, such as wind turbines, shall be considered one plant if the group is part of the same project and uses common equipment and infrastructure such as roads, control facilities, and connections to the electric grid. Common ownership, contiguity in time of construction, and proximity of facilities to each other shall be relevant to determining whether a group of facilities is part of the same project.

The Commission has stated that the Legislature intended that a group of facilities are a single plant if they are “...part of the same project *and* share common equipment and infrastructure.”¹¹

Proposals for projects that would be located at, adjacent to, or near an existing or proposed renewable energy generation facility, were required to demonstrate that the facilities would be considered separate plants under 30 V.S.A. § 8002(18) by completing *Appendix C: Independent Technical Facility (Appendix C)*.

Fourteen proposals recommended for the Award and Reserve Groups are located at, adjacent to, or near an existing or proposed renewable energy facility.¹² The proposals were examined to determine whether the facilities constitute a single plant because the capacity of such a plant could exceed the Standard Offer Program capacity limits. All proposals state in Appendix C that the projects are (1) not part of the same project and (2) do not share common equipment and infrastructure. Therefore, the proposals are included in the Award and Reserve Groups as satisfying *Section 3.1.5*.¹³

¹⁰ *State of Vermont Request for Proposals for the Standard-Offer Program*, Section 3.1.5, Page 7, January 28, 2019.

¹¹ *Programmatic Adjustments to the Standard-Offer Program*, Docket No. 8817, Order of 10/20/17 at 14; *Programmatic Adjustments to the Standard-Offer Program* for 2018, Case No. 17-3935, Order of 7/20/18 at 7.

¹² “We direct the SPEED Facilitator to identify any developer of projects on the same parcel of land, or contiguous parcels of land that collectively, would exceed the 2.2 MW cap, and inform the Board of such applications.” Attachment 1 contains the list of projects recommended for the Award and Reserve Groups that are located at, adjacent to, or near an existing or proposed renewable energy facility.

¹³ This decision is guided by the Commission’s analysis in *Programmatic Adjustments to the Standard-Offer Program*, Docket No. 8817, Order of 10/20/17 and *Programmatic Adjustments to the Standard-Offer Program* for 2018, Case No. 17-3935, Order of 7/20/18.



Tomlinson Wind 2 Proposal

The Tomlinson Wind 2 proposal omitted the project's nameplate capacity on page one of the *2019 Standard Offer Program RFP Application (Application)*. The omission was disregarded as a minor deficiency pursuant to *RFP Section 4.3: Reserved Rights*. First, the proposal complies in all material respects with the requirements of the RFP. Second, the nameplate capacity is identified on other proposal documents. Third, the omission did not preclude evaluation of the proposal for consideration in the Award Group.

Proposals Not Recommended for Award or Reserve Group

A. Post Road Solar 1, Post Road Solar 2, and Silk Road Solar: Project Map Requirement Not Satisfied

The Post Road Solar 1, Post Road Solar 2, and Silk Road Solar projects are not being recommended for the Award or Reserve Group, because the proposals do not satisfy the mandatory requirements of *RFP Section 3.1.4: Project Map (Section 3.1.4)*.

The project map requirement is contained in *RFP Section 3.1: Mandatory Requirements*, which states: "Proposals must satisfy the mandatory requirements outlined in this section to be considered further in the evaluation process. Proposals that fail to satisfy these mandatory requirements shall be rejected."¹⁴ Specifically, *Section 3.1.4* states:

Proposals must include a detailed, high resolution project map that identifies the property for which the proponent has site control and includes all of the following clearly labeled: (1) property line boundaries; (2) location of the project site on the property; (3) any required rights-of-way; (4) total acreage of the project site; (5) anticipated interconnection point; (6) location of any existing projects or other proposed projects that would share common equipment and infrastructure with the proposed project (such as roads, control facilities, and connections to the electric grid); (7) local infrastructure, including power lines and roadways; and (8) lakes, rivers, and streams. **The project map must be provided in 24" x 36" and indicate the scale at a sufficient ratio (i.e., 1 inch = 50 feet) such that the location of all project facilities is easily discerned** (Emphasis Added).¹⁵

Pursuant to *Section 3.1.4*, all proposals must include a project map in 24" x 36" size and indicate the scale at a sufficient ratio (i.e., 1 inch = 50 feet) such that the location of all project facilities is easily discerned. The Post Road Solar 1, Post Road Solar 2, and Silk Road Solar projects failed to include project maps in 24" x 36" size. Instead, the proposals include 8 ½" x 11" maps with a stated scale of 1 inch = 80 feet. Because the maps have been greatly reduced in order to fit on an 8 ½" x 11" sheet, the actual scale of the map is much smaller, thereby making it difficult to discern the location of all project facilities with any level of detail or assess the presence of each of the eight elements comprising the project map requirement.

¹⁴ *State of Vermont Request for Proposals for the Standard-Offer Program*, Section 3.1, Page 6, January 28, 2019.

¹⁵ *State of Vermont Request for Proposals for the Standard-Offer Program*, Section 3.1.4, Page 7, January 28, 2019.

Additionally, *Appendix B: Project Map* lists the project map requirements, with "24" x 36" Size Map" stated as the first item at the top.



The deficiencies in the maps are not minor. The 24" x 36" size and scale requirements were specifically included to enable effective evaluation of proposals. The purpose of the project map requirement is to promote preliminary project vetting, identify parcel constraints, and assist proposal review to ensure that projects receiving RFP awards can be constructed. The Commission has stated: "The requirement that proposals include a map is not overly burdensome, should assist proposal review, and promotes the likelihood that projects receiving RFP awards will actually be developed."¹⁶

We cannot recommend the Post Road Solar 1, Post Road Solar 2, and Silk Road Solar projects for the Award or Reserve Group, because the project maps submitted do not satisfy the mandatory requirements of *Section 3.1.4*.

B. Post Road Solar 1 and Post Road Solar 2: Independent Technical Facility Requirement Not Satisfied

The Post Road Solar 1 and Post Road Solar 2 projects are also not being recommended for the Award Group, because the proposals do not satisfy the mandatory requirements of *Section 3.1.5*.

The Independent Technical Facility requirement is contained in *RFP Section 3.1: Mandatory Requirements*, which states: "Proposals must satisfy the mandatory requirements outlined in this section to be considered further in the evaluation process. Proposals that fail to satisfy these mandatory requirements shall be rejected."¹⁷ Specifically, *Section 3.1.5* states:

Pursuant to 30 V.S.A. § 8002(18), plant means "an independent technical facility that generates electricity from renewable energy. A group of facilities, such as wind turbines, shall be considered one plant if the group is part of the same project and uses common equipment and infrastructure such as roads, control facilities, and connections to the electric grid. **Common ownership, contiguity in time of construction, and proximity of facilities to each other shall be relevant to determining whether a group of facilities is part of the same project**" (Emphasis Added).

If a proposed project is located at, adjacent to, or near an existing or proposed renewable energy generation facility, the project proponent must demonstrate that the two facilities would be considered separate plants under 30 V.S.A. § 8002(18).¹⁸

The Post Road Solar 1 and Post Road Solar 2 projects appear to be adjacent to each other. Both projects are located at 350 US-7 in Rutland, Vermont. Both projects have a nameplate capacity of 2.200 MW, and if they comprise a single plant, would exceed the Standard Offer Program capacity limits.

The proponent was asked to demonstrate that the facilities would be considered separate plants under 30 V.S.A. § 8002(18) by completing *Appendix C*. Pacific Northwest Solar, LLC (Pacific Northwest Solar), the projects' proponent, enclosed *Appendix C* for each project, but both of the

¹⁶ *Programmatic Adjustments to the Standard-Offer Program*, Case No. 17-3935, Order of 3/16/18 at 12;

Programmatic Adjustments to the Standard-Offer Program for 2018, Case No. 17-3935, Order of 7/20/18 at 9.

¹⁷ *State of Vermont Request for Proposals for the Standard-Offer Program*, Section 3.1, Page 6, January 28, 2019.

¹⁸ *State of Vermont Request for Proposals for the Standard-Offer Program*, Section 3.1.5, Page 7, January 28, 2019.



appendices are missing mandatory information and contain information that conflicts with the rest of their proposals. Pacific Northwest Solar did not complete the entire Appendix for either project, omitting a response regarding the proximity of the facilities, as required by 30 V.S.A. § 8002(18). Additionally, information stated in the appendices conflicts with information provided in the Applications. Both appendices state that the facilities do not share common ownership, while the Applications list ownership of both projects to the same entity: Pacific Northwest Solar.

Because the proposals omit mandatory information and include conflicting information, we are not able to make a determination as to whether the Post Road Solar 1 and Post Road Solar 2 projects satisfy *Section 3.1.5* and, therefore, do not recommend the projects for the Award Group.

C. Post Road Solar 1, Post Road Solar 2, and Silk Road Solar: Additional Concerns

The Post Road Solar 1, Post Road Solar 2, and Silk Road Solar proposals raise the following additional concerns.

Confidentiality

The Post Road Solar 1, Post Road Solar 2, and Silk Road Solar proposals do not comply with *RFP Section 2.3: Confidentiality (Section 2.3)*.

Section 2.3 mandates the protocol proponents must follow when filing proprietary information with their proposals. *Section 2.3* clearly states:

Proponents should be aware that all materials associated with the RFP are subject to the terms of the Vermont Access to Public Records Act (1 V.S.A. Chapter 5, Subchapter 3) and all rules, regulations, and interpretations resulting therefrom, including those from the Commission, the office of the Attorney General of the State of Vermont, the office of the Vermont Secretary of State, and any other applicable rules, regulations, or judicial decisions regarding access to the records of government.

The Commission does not favor the filing of proprietary information in this context. In particular, the Commission does not anticipate that price information will be deemed proprietary. If a proponent believes it necessary to include allegedly confidential material in a proposal, all such materials must be submitted in a separate sealed envelope and marked “CONFIDENTIAL.”

It will not be sufficient for proponents to merely state generally that the proposal is proprietary in nature and not therefore subject to release to third parties. Those particular pages or sections which a proponent believes to be proprietary and of a trade secret nature must be specifically identified as such and must be separated from other sections or pages of its proposal. Convincing explanation and rationale sufficient to justify each exemption from release consistent with Section 316 of Title 1 of the Vermont Statutes Annotated must accompany the proposal. The rationale and explanation must be stated in terms of the prospective harm to the competitive position of the vendor that would result if the material



were to be released and the reasons why the materials are legally exempt from release pursuant to the above-cited statute.¹⁹

The Post Road Solar 1, Post Road Solar 2, and Silk Road Solar proposals include Disclaimer Agreements that state: “This document includes data that is proprietary to Pacific Northwest Solar, LLC (PNW Solar), and that shall not be (a) disclosed outside of VEPP Inc. (VEPP) or (b) duplicated, used, or disclosed, in whole or in part, for any purpose other than to evaluate this proposal. PNW Solar seeks a non-disclosure agreement to be executed by the duly authorized representatives of each party in furtherance of this proposal. This restriction does not limit VEPP’s right to use information contained in this data if it is obtained from another source without restriction.” Additionally, each proposal page contains the following language at the bottom: “PNW Solar Confidential Information and Proposal (see Disclaimer).”

The Post Road Solar 1, Post Road Solar 2, and Silk Road Solar proposals do not comply with the protocol mandated in *Section 2.3*. The proposals were not submitted in a separate sealed envelope marked “CONFIDENTIAL.” The particular pages or sections which Pacific Northwest Solar believes to be proprietary and of a trade secret nature were not specifically identified nor where they separated from other sections or pages of its proposal. There is no explanation or rationale sufficient to justify any exemption from release consistent with Section 316 of Title 1 of the Vermont Statutes Annotated accompanied with the proposals. Although Pacific Northwest Solar subsequently notified the Standard Offer Facilitator that it would not be seeking confidential treatment of the proposals, the proposals as submitted do not comply with the *Section 2.3* confidentiality requirements. We also note that the Standard Offer Facilitator is not authorized to enter into non-disclosure agreements.

Parcel ID Discrepancy

The Post Road Solar 1 and Post Road Solar 2 proposals list a parcel identification number on their Applications that do not match the parcel identification number stated on the enclosed site control documents. The Applications both list the site control parcel identification number as 540-170-12375 on page 3. However, the site control enclosed with each proposal is a purchase and sale agreement with a completely different parcel identification number of 00063-0350. It is unclear why the parcel identification numbers do not match.

D. Remaining Price Competitive Block Proposals

The remaining proposals are not being recommended for the Award Group, because there is no capacity remaining in the Price Competitive Block.

Thank you for the opportunity to submit recommendations for the 2019 Standard Offer Program RFP.

VEPP Inc.

C. Alderman

Standard Offer Program Facilitator

¹⁹ *State of Vermont Request for Proposals for the Standard-Offer Program*, Section 2.3, Page 4, January 28, 2019.



ATTACHMENT A

| Independent Technical Facility List | | | |
|-------------------------------------|------------|----------------|---------------|
| Project Name | Technology | Price (\$/kWh) | Capacity (MW) |
| Rothblatt Wind | Small Wind | 0.2520 | 0.025 |
| Shepard Wind | Small Wind | 0.2520 | 0.025 |
| Cross Wind Project A | Small Wind | 0.2580 | 0.050 |
| Cross Wind Project B | Small Wind | 0.2580 | 0.050 |
| Cross Wind Project C | Small Wind | 0.2580 | 0.050 |
| Cross Wind Project D | Small Wind | 0.2580 | 0.050 |
| Tomlinson Wind 2 | Small Wind | 0.2580 | 0.050 |
| Hespos Wind Farm | Small Wind | 0.2580 | 0.100 |
| Auger Heights Wind A | Small Wind | 0.2580 | 0.100 |
| Auger Heights Wind B | Small Wind | 0.2580 | 0.100 |
| Cabot Creamery | Food Waste | 0.2080 | 0.250 |
| Vermont Solar DG | Solar | 0.0838 | 2.200 |
| Vergennes Solar DG | Solar | 0.0919 | 2.200 |
| ER The Narrows Solar | Solar | 0.0930 | 2.200 |
