

STATE OF VERMONT
PUBLIC SERVICE BOARD

Docket No. 7780

Investigation into the Review of Standard-Offer Prices)
under the Sustainably Priced Energy Enterprise)
Development ("SPEED") Program)

Docket No. 7781

Investigation into the Establishment of a Standard-Offer)
Price for certain Existing Hydroelectric Plants under)
SPEED Program)

Docket No. 7782

Investigation into the Establishment of a Standard-Offer)
Price for Baseload Renewable Power under SPEED)
Program)

Order entered: 9/13/2011

ORDER OPENING INVESTIGATIONS
AND NOTICE OF PREHEARING CONFERENCES

I. BACKGROUND

Pursuant to the Vermont Energy Act of 2009,¹ the Public Service Board ("Board") established a standard-offer program under which qualifying facilities (new renewable projects with capacity of 2.2 MW or less) would receive standard-offer prices based on the cost of developing a project plus a reasonable rate of return.

The Board established the present rates for the standard-offer program under 30 V.S.A. § 8005 by Order issued January 15, 2010, in Docket 7533. The Order set prices for each of the following technology categories: solar, wind, biomass, landfill gas, farm methane, and

1. Public Act No. 45 (2009 Vt., Bien. Sess.), codified in 30 V.S.A. § 8005.

hydroelectric. The governing statutes, and amendments enacted this year by the Legislature, require that the Board:

- (1) pursuant to Section 8005(b)(2)(C), "review" the standard-offer prices established in Docket 7533 and determine whether such prices provide sufficient incentive for the rapid deployment and commissioning of plants by January 15, 2012;
- (2) pursuant to Section 8005(b)(2)(G), establish a standard-offer price for certain existing hydroelectric plants by March 12, 2012; and
- (3) pursuant to Section 8009, establish a standard-offer price for baseload renewable power by November 1, 2012.

At this time, pursuant to 30 V.S.A. §§ 8005 and 8009, the Board opens three investigations to comply with the January 15, 2012, March 12, 2012, and November 1, 2012, statutory deadlines.

Pursuant to 30 V.S.A. § 8, we are appointing George Young, Policy Director, and Mary Jo Krolewski, Utilities Analyst, as Co-Hearing Officers to conduct the proceedings in these three dockets.

The Act does not prescribe the manner in which the Board must proceed to meet the statutory deadlines, but merely requires the Board to "set" the prices. The Act does not require a hearing or an opportunity for hearing. Thus, it is not a contested case as defined by 3 V.S.A. § 801(b)(3). It is our intention that these dockets will not follow contested case procedures. For the most part, the issues before the Board in these three proceedings are policy issues similar to those that would be addressed in rulemaking. As these dockets progress, we may adjust the procedures and impose any necessary limits on ex parte contacts. The Hearing Officers will issue a procedural memorandum shortly proposing a process for these dockets.

II. ORDER

IT IS HEREBY ORDERED, ADJUDGED AND DECREED by the Public Service Board of the State of Vermont that:

1. Pursuant to 30 V.S.A. § 8005, an investigation is opened to review the price to be paid to a plant owner under a standard offer from the SPEED Facilitator and determine whether such

prices provide sufficient incentive for the rapid deployment and commissioning of plants (Docket 7780).

2. Pursuant to 30 V.S.A. § 8005, an investigation is opened to establish the price to be paid to a plant owner under a standard offer from the SPEED Facilitator for certain existing hydroelectric plants (Docket 7781).

3. Pursuant to 30 V.S.A. § 8009, an investigation is opened to establish the price to be paid to a plant owner under a standard offer from the SPEED Facilitator for baseload renewable power (Docket 7782).

4. Pursuant to 30 V.S.A. § 8, George E. Young, Director of Regulatory Policy, and Mary Jo Krolewski, Utilities Analyst, are appointed to serve as Co-Hearing Officers in Dockets 7780, 7781 and 7782.

5. Pursuant to 30 V.S.A. § 10, prehearing conferences will be held in these matters on Friday, September 23, 2011, commencing at: 9:30 A.M. in Docket No. 7780; 10:00 A.M. in Docket 7781; and 10:30 A.M. in Docket 7782.

Dated at Montpelier, Vermont, this 13th day of September, 2011.

<u>s/James Volz</u>)	
)	PUBLIC SERVICE
)	
<u>s/David C. Coen</u>)	BOARD
)	
)	OF VERMONT
<u>s/John D. Burke</u>)	

OFFICE OF THE CLERK

FILED: September 13, 2011

ATTEST: s/Susan M. Hudson
Clerk of the Board

NOTICE TO READERS: This decision is subject to revision of technical errors. Readers are requested to notify the Clerk of the Board (by e-mail, telephone, or in writing) of any apparent errors, in order that any necessary corrections may be made. (E-mail address: psb.clerk@state.vt.us)