

STATE OF VERMONT
PUBLIC UTILITY COMMISSION

Case No. 20-2935-INV

Investigation to review the 2021 implementation of the standard-offer program	
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Order entered: 09/28/2021

ORDER RE: 2021 STANDARD OFFER AWARD GROUP

I. INTRODUCTION

In today's Order, the Vermont Public Utility Commission ("Commission") announces the award group and reserve group under the 2021 standard-offer program request for proposals ("RFP"). The Commission will defer a decision about whether to award a contract to the Harriman Reservoir Minimum Flow Project ("HRMFP") until after conducting a separate proceeding to review the HRMFP's eligibility.

II. PROCEDURAL HISTORY

On October 9, 2020, the Commission opened this investigation to conduct a review of the 2021 implementation of the standard-offer program.

On April 26, 2021, the Commission adopted price caps for the 2021 standard-offer program and directed the Standard Offer Facilitator ("Facilitator") to issue the RFP.

On May 24, 2021, the RFP was issued. The deadline for proposal submissions was July 21, 2021.

On July 23, 2021, the proposals were opened.

On August 6, 2021, the Facilitator filed a list of projects recommended to receive standard-offer contracts. The Commission requested that participants file any comments on the Facilitator's recommendations by no later than September 10, 2021. The Commission also requested comment on whether a separate proceeding should be opened to review the eligibility of the HRMFP proposal submitted by Great River Hydro, LLC ("Great River Hydro").

On September 1 and 13, 2021, MHG Solar, LLC ("MHG Solar") filed comments.

On September 9, 2021, the Rutland Regional Planning Commission filed comments.¹

On September 10, 2021, Great River Hydro and the Department of Public Service filed comments.

III. STANDARD OFFER FACILITATOR'S RECOMMENDATION

The standard-offer program has capacity reserved from proposals submitted by utility providers (the "Provider Block") and independent developers (the "Developer Block"). No proposals were received in the Provider Block. With respect to the Developer Block, capacity is reserved for specific renewable technologies ("Technology Diversity Block") and for price competitive proposals (the "Price Competitive Block"). Seventeen proposals were submitted in the Price Competitive Block, all 2.2 MW solar facilities. Six proposals were submitted in the Technology Diversity Block, consisting of small and large wind facilities and a new hydroelectric facility. The Facilitator recommended that nine projects be awarded contracts and that three projects be placed in the reserve group, as shown in Table 1, below.

¹ The Rutland Regional Planning Commission asserted that the Grandpa's Knob Community Wind Project is inconsistent with certain provisions of the regional plan and several town plans. These comments are not relevant to the issues resolved in this Order. The Commission will consider the Rutland Regional Planning Commission's comments once a complete petition for a certificate of public good has been filed.

Table 1.

Award & Reserve Group Recommendations Summary				
Project Name	Technology	Price (\$/kWh)	Capacity (MW)	Category Total (MW)
AWARD GROUP				
Technology Diversity Developer Block				
1. Quarterline Wind	Small Wind	0.2540	0.03	
2. Howrigan Wind Farm II	Small Wind	0.2580	0.05	
3. Prevailing Wind Farm A	Small Wind	0.2580	0.10	
4. Prevailing Wind Farm B	Small Wind	0.2580	0.10	
5. Grandpa's Knob Community Wind	Large Wind	0.1160	1.50	
6. Harriman Reservoir Minimum Flow	New Hydro	0.1299	1.70	3.480
Price Competitive Developer Block				
1. Olde Farmhouse Solar	Solar	0.0848	2.20	
2. Boardman Hill Solar	Solar	0.0849	2.20	
3. Halladay Solar	Solar	0.0857	2.20	6.600
Total				10.08
RESERVE GROUP				
1. Bullfrog Hollow Solar	Solar	0.0857	2.20	
2. Midway Ave Solar	Solar	0.0857	2.20	
3. Berlin Dog River Solar	Solar	0.0858	2.20	6.600

IV. DISCUSSION AND CONCLUSION

The Commission provided notice of the Facilitator’s recommendation and requested comment on whether it should open a separate proceeding to review the eligibility of the HRMFP. The HRMFP is located at an existing impoundment that feeds the Harriman Generation Station (“Station”). If the HRMFP and the Station are part of the same “plant,” as that term is defined in 30 V.S.A. § 8002(18), then the HRMFP would not be a “new standard offer plant” that is eligible for a standard-offer contract and the combined plant capacity of the HRMFP and the Station would exceed the statutory cap on standard-offer plant capacity.²

In response to the Commission’s request for comments, Great River Hydro filed an affidavit stating that the HRMFP’s powerhouse is located 2.5 miles from the existing Station and that the HRMFP “will not use the existing equipment or infrastructure associated with Harriman Station.”³ However, the affidavit also states that “[t]he only infrastructure that the two facilities will share is the dam and impoundment, valve vault, maintenance roads and spillway—which infrastructure serve as ‘fuel delivery’ systems to the existing generation units, and is not the infrastructure that generates power.”⁴ Great River Hydro also attested that the HRMFP and Station would be electrically interconnected with different utilities.

The Department commented that the information provided by Great River Hydro indicated that the HRMFP and Station are separate plants and that the Commission should award a contract. The Department also commented that the Commission could review the HRMFP’s eligibility for the standard-offer program during a subsequent Section 248 certificate of public good proceeding, and therefore no other proceeding was necessary.

MHG Solar argued that the facilities are part of the same plant because they share common infrastructure and are part of the same project. According to MHG Solar, the two facilities could not operate independent of the existence of the Harriman dam. MHG Solar contended that the Commission’s past decision to reject a proposed new unit at the North Hartland generation station is controlling in this case. MHG Solar also argued that the 2021 RFP states that standard-offer plants must not already be selling output to VEPP or to Vermont

² 30 V.S.A. 8005a(b) (“‘new standard offer plant’ means a renewable energy plant that is located in Vermont, that has a plant capacity of 2.2 MW or less, and that is commissioned on or after September 30, 2009.”).

³ Affidavit of Brandon Kibbe at 1.

⁴ *Id.* at 2.

distribution utilities and that Great River may be selling output from the Harriman Station to Green Mountain Power.

Based on the information contained in Great River Hydro's attestation, we are unable to determine that the two facilities qualify as separate plants under Section 8002(18). The Commission has previously found that the addition of an additional generation unit at an existing hydroelectric facility was an expansion of an existing plant that was not eligible for a standard-offer contract.⁵ The HRMFP raises the same issues, and therefore we will open a separate proceeding to review the HRMFP's eligibility for a standard-offer contract as a new hydroelectric facility.

Normally, the Commission would accept a project proponent's representation in its bid that its proposal is an independent plant at this stage, and any disputes about the accuracy of that representation would be addressed in a subsequent Section 248 proceeding because the sworn testimony and detailed plans describing the facilities provided in such a proceeding aid the Commission's review of the single-plant issue. However, it appears to the Commission that the HRMFP is part of the federally licensed Deerfield River Project and thus would be exempt from the requirement to obtain a certificate of public good prior to construction.⁶ Accordingly, a separate proceeding is necessary to develop an adequate record for determining the Project's eligibility.

The Standard Offer Facilitator will set aside 1.7 MW of program capacity, and this capacity will be awarded either to the HRMFP or to the next eligible project in the reserve group depending on the outcome of the Commission's determination of the HRMFP's eligibility. The Commission adopts the Facilitator's other recommendations and directs the Facilitator to award standard-offer contracts to the facilities listed in Table 2, below. The Facilitator will also establish a reserve group consistent with the list below.

⁵ *Investigation into programmatic adjustments to the standard-offer program for 2018*, Case No. 17-3935-INV Order of 07/20/2018.

⁶ 30 V.S.A. § 248(a)(2). The Harriman Reservoir is part of the Deerfield River Project, which operates under FERC license number P-2323. If the HRMFP is not part of the federally licensed Deerfield River Project, then Great River Hydro may provide the Commission a more detailed description of the physical and regulatory relationship of the two facilities in the follow-on proceeding.

Table 2.

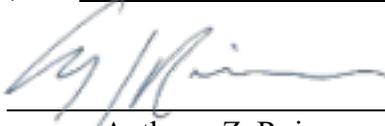
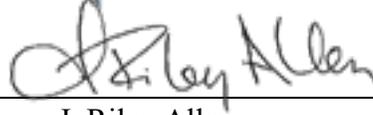
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5. Grandpa's Knob Community Wind	Large Wind	0.1160	1.50	1.780
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Total				8.380
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2. Midway Ave Solar	Solar	0.0857	2.20	
3. Berlin Dog River Solar	Solar	0.0858	2.20	6.600

V. ORDER

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED by the Vermont Public Utility Commission (“Commission”) that:

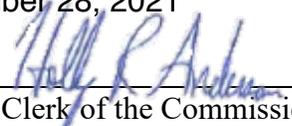
1. The Standard Offer Facilitator is directed to award standard-offer contracts to the projects included in the award group consistent with Table 2.
2. The Standard Offer Facilitator is directed to place three plants in the reserve group, consistent with Table 2.
3. The Commission will open a proceeding to determine whether the Harriman Reservoir Minimum Flow Project is eligible to receive a standard-offer contract.

Dated at Montpelier, Vermont, this 28th day of September, 2021.

 _____)) PUBLIC UTILITY)) COMMISSION) OF VERMONT
Anthony Z. Roisman)	
_____)	
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Margaret Cheney)	
_____)	
 _____)) PUBLIC UTILITY)) COMMISSION) OF VERMONT
J. Riley Allen)	

OFFICE OF THE CLERK

Filed: September 28, 2021

Attest: 
_____)
Clerk of the Commission

Notice to Readers: This decision is subject to revision of technical errors. Readers are requested to notify the Clerk of the Commission (by e-mail, telephone, or in writing) of any apparent errors, in order that any necessary corrections may be made. (E-mail address: puc.clerk@vermont.gov)

Appeal of this decision to the Supreme Court of Vermont must be filed with the Clerk of the Commission within 30 days. Appeal will not stay the effect of this Order, absent further order by this Commission or appropriate action by the Supreme Court of Vermont. Motions for reconsideration or stay, if any, must be filed with the Clerk of the Commission within 28 days of the date of this decision and Order.

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