

STATE OF VERMONT
PUBLIC UTILITIES COMMISSION

Case No. 20-2935-INV

Investigation to Review the 2021)
Implementation of the)
Standard-Offer Program)
)

COMMENTS OF GREAT RIVER HYDRO, LLC

Great River Hydro, LLC (“GRH”) hereby provides the following comments in response to the Vermont Public Utilities Commission’s (“Commission”) Request for Comments issued on August 12, 2021 in connection with the above-captioned matter.

I. INTRODUCTION

The Standard-Offer Program was established in 2009, pursuant to 30 V.S.A. § 8005a, to promote the rapid deployment of small renewable generation. Under the Program, Vermont distribution utilities are required to buy renewable power from an eligible generator at a specified price for a specified period of time. Eligible hydroelectric facilities can bid for a twenty-year Standard Offer contract through an annual request for proposals (“RFP”) process, under the requirements set forth in the RFP. The Program is administered by the Commission’s appointed Standard Offer Facilitator, Vermont Electric Power Producers, Inc. (“VEPP”).

In July 2021, GRH submitted an application in response to VEPP’s May 2021 Standard Offer RFP. *See* Affidavit of Brandon Kibbe (“Kibbe Affidavit”), ¶ 3. GRH’s bid proposed construction of a new 1.7-MW hydroelectric generation unit, Harriman Reservoir Minimum Flow Project (“HRMFP”), to be located in the vicinity of its existing Harriman Dam in Whitingham, Vermont. (Kibbe Affidavit, ¶ 4). HRMFP would generate new renewable energy from the required minimum flow which currently passes through Harriman Dam without

generating power. (Kibbe Affidavit, ¶ 5). GRH certified in its RFP proposal that the two facilities would function as a separate “plant” as defined by 30 V.S.A. § 8002(18). Based on GRH’s certification, as well as the project’s significant environmental, distribution, and reliability benefits to the State, VEPP recommended that HRMFP receive a Standard-Offer contract under the Technology Diversity Block Grant for new hydroelectric generation on August 6, 2021. (Kibbe Affidavit, ¶ 6)

II. DISCUSSION

A. GRH’s Harriman Reservoir Minimum Flow Project Meets All Requirements for “New Hydroelectric” Under 30 V.S.A. ch. 89.

The Request for Comments asks if a proceeding should be opened to review HRMFP’s eligibility to receive a standard-offer contract as a “new hydroelectric” system. Under 30 V.S.A. § 8005a(b), eligibility under the Standard Offer Program is determined by project size, net metering capabilities, and its standing as a “new standard offer plant.” The statute defines a new standard offer plant as a “renewable energy plant that is located in Vermont, that has a capacity of 2.2. MW or less, and that is commissioned on or after September 30, 2009.” 30 V.S.A. § 8005a(b). HRMFP satisfies these eligibility requirements in that it i) would be a new 1.7-MW unit for the primary purpose of generating new renewable energy from the required minimum flow currently passed at the dam without generation; ii) will be located in Town of Whitingham, Vermont; and iii) has an expected site commissioning in 2024.

The definition of a “plant” pursuant to 30 V.S.A. § 8002(18) is intended “[t]o ensure that larger projects do not take advantage of limited financial incentives intended for small and moderately sized projects.” *In re Portland Street Solar LLC*, 2021 VT 67, ¶ 8. 30 V.S.A. § 8002(18) provides as follows:

“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.

30 V.S.A. § 8002(18). The definition of a “plant” under § 8002(18) is analyzed as two prongs: (1) “whether the facilities are part of the same ‘project,’ considering ‘common ownership, contiguity in time of construction, and physical proximity’”; and (2) “whether the facilities ‘share common equipment and infrastructure.’” *In re Portland Street Solar LLC*, 2021 VT 67, ¶ 9. Importantly, “a finding that a plant is ‘an independent technical facility’ is not a separate prong to the analysis; it is the conclusion.” *Id.*

HRMFP constitutes an independent technical facility under § 8002(18). Though HRMFP is under common ownership with and benefits from the existing Harriman Dam, construction of Harriman Station was completed in 1925. (Kibbe Affidavit, ¶ 7). Construction of HRMFP would therefore begin nearly a century after the existing Station. Such absence of contiguity in time of construction makes clear that the two sites are not the product of coordinated, simultaneous planning by a common owner to take advantage of the Program. The “contiguity of construction” factor therefore favors a determination that the two projects are separate. In addition, HRMFP will be located 2.5 linear miles—or 4 river miles upstream—from the existing Station. (Kibbe Affidavit, ¶ 8). Thus, an overall assessment of the first prong supports a conclusion that the HRMFP is an independent technical facility.

With respect to the second prong, HRMFP will not use the existing equipment or infrastructure associated with the Harriman Station. (Kibbe Affidavit, ¶ 9). Rather, the proposed project would consist of a newly constructed minimum flow unit, located inside of a newly constructed powerhouse near the existing dam, with a proposed location at the dam toe. (Kibbe Affidavit, ¶ 10). It would require its own intake, control gate, penstock, transformer, generator, powerhouse and outflow. (Kibbe Affidavit, ¶ 11). Interconnection is expected at the distribution level with the Village of Jacksonville Electric Company,

necessitating new electrical equipment at the point of interconnection (i.e., poles, transformers, breakers, protection equipment, etc.), whereas the existing Harriman Station is transmission interconnected with National Grid. (Kibbe Affidavit, ¶¶ 12–13). The infrastructure shared by the facilities would be limited to the dam and impoundment, valve vault, maintenance roads and spillway—which infrastructure functionally serves as “fuel delivery” systems to the existing generation units and is not the infrastructure that generates power. (Kibbe Affidavit, ¶ 14). Accordingly, analysis of the second prong supports the conclusion that HRMFP is an independent technical facility.

B. Application References to Increasing Unit Size is Separate Are Specific to HRMFP and Helping Meet Standard-Offer Program Capacity Targets.

GRH’s Application materials state that it proposes to “increase the size of the new unit to optimize its generating capacity at this location, which will have the added benefit of increasing the flows in the by-passed reach above the minimum requirements, and thereby improving the aquatic habitat in those 4.5 riverine miles downstream.”

To clarify this language, under the Standard-Offer Program, eligible projects are capped at 2.2 MW. HRMFP’s proposal sought approximately 1.3 MW of generation capacity. At the license-required minimum flow release, a unit sized at about 1 MW would be appropriate for the corresponding flow level. The reference to increasing the new unit size refers to GRH’s ability to increase the size of the HRMFP unit to fill the unused annual capacity under the Program’s Technology Diversity Block and is not a reference to an increase in the size of any existing facility or infrastructure.

III. CONCLUSION

GRH appreciates the opportunity to submit these comments and to participate in the Commission's effort to promote the development new hydroelectric generation in the State of Vermont. Because the facts demonstrate that HRMFP is an independent technical facility and therefore independently a new standard offer plant, it satisfies the eligibility requirements of the Standard Offer Program. Accordingly, there is no need to open a proceeding to investigate its eligibility.

Dated this 10th day of September, 2021 in Manchester Center, Vermont.

/s/ Merrill E. Bent

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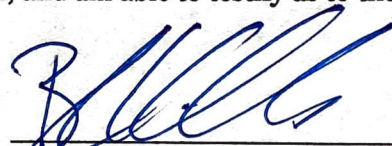
AFFIDAVIT OF BRANDON KIBBE

I, Brandon Kibbe, being duly sworn and under oath, depose and state as follows:

1. My name is Brandon Kibbe. I am director of Business Development and Legislative Affairs for Great River Hydro, LLC (“GRH”).
2. I am over the age of 18 years, am of sound mind, and am fully competent to testify to all matters stated herein. I have personal knowledge of the facts stated herein, and they are true and correct.
3. In July 2021, GRH submitted an application in response to Vermont Electric Power Producer Inc.’s (“VEPP”) May 2021 Standard Offer request for proposals.
4. GRH’s bid proposed construction of a new 1.7-MW hydroelectric generation unit, the Harriman Reservoir Minimum Flow Project (“HRMFP”), to be located in the vicinity of its existing Harriman Dam in Whitingham, Vermont, with an anticipated commissioning date in 2024.
5. HRMFP would generate new renewable energy from the required minimum flow which currently passes through Harriman Dam without generating power.
6. VEPP recommended that HRMFP receive a Standard-Offer contract under the Technology Diversity Block Grant for new hydroelectric generation.
7. Construction of Harriman Dam began in 1922, and was completed in 1925.
8. HRMFP will be located 2.5 linear miles—or 4 river miles upstream—from the existing Harriman Station.
9. HRMFP will not use the existing equipment or infrastructure associated with Harriman Station.

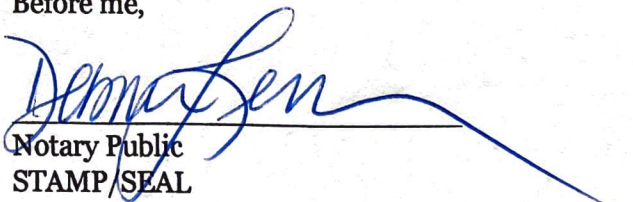
10. HRMFP would consist of a newly constructed minimum flow unit, located inside of a newly constructed powerhouse near the existing dam, with a proposed location in the dam toe.
11. HRMFP would require its own intake, control gate, penstock, transformer, generator, powerhouse, and outflow.
12. Interconnection is expected at the distribution level with the Village of Jacksonville Electric Company, whereas the existing Harriman Station is transmission interconnected with National Grid.
13. New electrical equipment will be installed at the point of interconnection, including poles, transformers, breakers, protection equipment, etc.).
14. The 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.

On this 10th day of September, 2021, I, Brandon Kibbe, do hereby swear and affirm under penalty of law that the information provided in my affidavit is accurate to the best of my knowledge and that I have personal knowledge of, and am able to testify as to the validity of, the information contained in my Affidavit.



Brandon Kibbe

Subscribed and sworn this 10th day of September, 2021.

Before me,


Notary Public
STAMP/SEAL

