

STATE OF VERMONT  
PUBLIC SERVICE BOARD

Docket No. 8817

Investigation into programmatic adjustments to the )  
standard-offer program )

Order entered: 6/20/2017

**ORDER RE: 2017 STANDARD OFFER REQUEST FOR PROPOSALS**

**I. Introduction**

On May 24, 2017, the Standard Offer Facilitator received 32 proposals in response to the 2017 Request for Proposals (“RFP”) under the standard-offer program.

In this Order, the Vermont Public Service Board (“Board”) seeks comment on several specific issues described below, as well as the general question of whether the Board should adopt the recommendations of the Standard Offer Facilitator concerning which proposals should be included in the 2017 award group.

**II. Discussion and Conclusion**

On April 24, 2017, the Standard Offer Facilitator issued an RFP to solicit standard-offer projects to meet the requirements of 30 V.S.A. § 8005a(c). The available annual capacity in 2017 was 7.33 MW for the Developer Block and 1.295 MW for the Provider Block. In addition, 1.343 MW of the Developer Block was set aside for small wind plants (wind power with a capacity less than or equal to 100 kW) and another 1.343 MW was set aside for food waste anaerobic digestion plants.<sup>1</sup>

Pursuant to Section 8005a(c)(1)(D), a preferred location pilot program was established for the 2017 RFP. The Developer Block was allocated 1.222 MW for projects located on parking canopies and 1.222 MW for projects located on other types of preferred locations.<sup>2</sup> The Provider

---

1. *Order Re: Motions to Alter or Amend and Motion to Reconsider*, Docket 8817, Order of 3/29/17 at 12.

2. The criteria for preferred locations are located in 30 V.S.A § 8005a(c)(1)(D)(iv).

Block was allocated 0.216 MW for projects located on parking canopies and 0.216 MW for projects located on other types of preferred locations.

On May 24, 2017, the Standard Offer Facilitator received 32 proposals in response to the RFP. The proposals were opened on May 26, 2017, at the Board’s offices. The proposals are summarized in the following table.

PROJECT NAME	TECHNOLOGY	CATEGORY	PRICE (\$/kWh)	SIZE (kW)	CATEGORY TOTAL (kW)
<b>Provider Block - Other</b>					
Trombley Hill Solar	Solar	Other Provider	0.1290	855	
Blackberry Solar 1	Solar	Other Provider	0.1295	860	1,715
<b>Preferred Location Block - Parking Canopy</b>					
Eitri Foundry, LLC	Solar	Parking Canopy	0.1396	1,200	1,200
<b>Preferred Location Block - Other</b>					
VT Fresh Energy	Solar	Other Preferred	0.0899	1,200	
Windsor Tech Park Solar 1	Solar	Other Preferred	0.1089	1,222	
Hess Auto Solar	Solar	Other Preferred	0.1120	1,200	
Battle Creek Solar 3	Solar	Other Preferred	0.1189	1,000	
Richville Road Solar	Solar	Other Preferred	0.1213	1,222	
Pig Pen Solar	Solar	Other Preferred	0.1246	1,050	6,894
<b>Technology Diversity Block - Food Waste</b>					
Middlebury Resource Recovery	Food Waste	Technology Diversity Block	0.2050	1,014	
Battleboro Organic Energy	Food Waste	Technology Diversity Block	0.2080	300	1,314
<b>Technology Diversity Block - Small Wind</b>					
Forgues Dairy	Small Wind	Technology Diversity Block	0.2520	50	
Addie Wind 1	Small Wind	Technology Diversity Block	0.2550	90	
Haydale Wind A	Small Wind	Technology Diversity Block	0.2550	90	
Middle Wind A	Small Wind	Technology Diversity Block	0.2550	90	
Addie Wind 2	Small Wind	Technology Diversity Block	0.2570	90	
Alburgh North Wind B	Small Wind	Technology Diversity Block	0.2570	90	
Alburgh North Wind C	Small Wind	Technology Diversity Block	0.2570	90	
Haydale Wind B	Small Wind	Technology Diversity Block	0.2570	90	
Missile Base Wind	Small Wind	Technology Diversity Block	0.2580	60	
Alburgh North Wind A	Small Wind	Technology Diversity Block	0.2580	90	
Haydale Wind C	Small Wind	Technology Diversity Block	0.2580	90	
Middle Wind B	Small Wind	Technology Diversity Block	0.2580	90	
Middle Wind C	Small Wind	Technology Diversity Block	0.2580	90	1,100
<b>Price Competitive Block</b>					
Golden Solar	Solar	Price Competitive Block	0.0889	2,200	
Babcock Solar	Solar	Price Competitive Block	0.0904	2,200	
Wallingford Solar	Solar	Price Competitive Block	0.0946	2,200	
Otter Creek 2 Solar	Solar	Price Competitive Block	0.1020	2,200	
Blackberry Solar 2	Solar	Price Competitive Block	0.1037	2,150	
IP Solar	Solar	Price Competitive Block	0.1038	2,000	
Sunderland Solar	Solar	Price Competitive Block	0.1045	2,200	
Missisquoi Valley Solar	Solar	Price Competitive Block	0.1117	2,200	17,350

On June 2, 2017, the Standard Offer Facilitator filed a report on the proposals and recommended that the Board award contracts to 9 proposals. However, the Standard Offer Facilitator recommended that the Board reject several proposals because the Standard Offer Facilitator concluded that they were not separate plants and, thus, they exceeded the 100 kW capacity limit for the small wind technology set-aside.<sup>3</sup> Pursuant to Section 8002, 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.

Fundamental Energy, LLC (“Fundamental”) submitted 12 proposals for small wind facilities, all located in Alburgh, Vermont. Based on Fundamental’s common ownership of the plants, contiguity in time of construction, and proximity of the projects, the Standard Offer Facilitator recommended that the Board reject all of these proposals except for one, the Missile Base Wind project.

In addition to the Fundamental proposals, the Standard Offer Facilitator identified 4 other proposals that are located adjacent to an existing or proposed renewable energy facility: Blackberry Solar 1, Blackberry Solar 2, Otter Creek 2 Solar, and Sunderland Solar. The Standard Offer Facilitator did not recommend that the Board reject these facilities but stated that the Board should determine whether such proposals qualify as separate facilities under state law.

Finally, the Standard Offer Facilitator recommended that the Board reject several proposals because they had failed to comply with the requirements of the RFP regarding site control. The Standard Offer Facilitator stated that the following proposals failed to adequately demonstrate site control: Eitri Foundry, LLC, VT Fresh Energy, Middlebury Resource Recovery, and the Fundamental proposals.

---

3. Pursuant to Section 8005a(c)(2), the Board must allocate a portion of the standard offer program capacity to wind plants with a capacity of 100 kW or less.

In light of the issues described above, the Board requests comments on the following issues:

(1) The Standard Offer Facilitator recommended that the Board reject three groups of projects proposed by Fundamental (for example, the Haydale Wind A, B, and C proposals). Should each of these groups be considered a single “plant” within the meaning of Section 8002(18)?

(2) If the Board were to determine that each group constitutes a single plant, should the Board nonetheless offer a contract to the lowest-bid proposal contained in each group (for example, Haydale Wind A) and reject the other, higher-cost proposals?

(3) Whether the Blackberry Solar 1, Blackberry Solar 2, Otter Creek 2 Solar, and Sunderland Solar are part of larger “plants” within the meaning of Section 8002(18) and whether these proposals should be rejected because they exceed either the statutory limit on plant capacity or the annual capacity allocation for the Provider Block.

(4) Whether the Standard Offer Facilitator’s method of allocating unused capacity is consistent with the Board’s Orders of March 2 and 29, 2017. This methodology is described in the document titled “2017 Standard Offer RFP Decision Matrix” and is posted on the Board’s website along with the Facilitator’s report.

(5) Whether the failure of Fundamental to file fully executed site control documents constitutes the type of “minor deficiency” that the Standard Offer Facilitator may disregard, pursuant to Section 4.3 of the 2017 RFP.

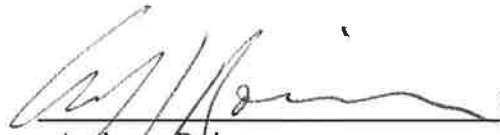
In addition to these specific issues, participants may comment generally on whether the Board should adopt the recommendations of the Standard Offer Facilitator. The Standard Offer Facilitator’s report, along with relevant information submitted by proponents in support of their proposals, is available for review on the Board’s website:

<http://psb.vermont.gov/news/public-service-board-seeks-comment-2017-standard-offer-request-proposals>.


Written comments must be submitted to the Board by Friday, July 14, 2017. Accordingly, the dates for the remaining steps in the contracting process that are set forth in the 2017 RFP are hereby suspended. The Board will issue revised dates for the remainder of the contracting process after the award group is determined.

**SO ORDERED.**

Dated at Montpelier, Vermont, this 20<sup>th</sup> day of June, 2017.

  
\_\_\_\_\_  
Anthony Roisman )

PUBLIC SERVICE

  
\_\_\_\_\_  
Margaret Cheney )


BOARD

  
\_\_\_\_\_  
Sarah Hofmann )

OF VERMONT

OFFICE OF THE CLERK

FILED: June 20, 2017

ATTEST:   
\_\_\_\_\_  
Deputy 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@vermont.gov)*