

Robert K. Taylor
(401) 861-8288
rtaylor@psh.com

July 15, 2022

VIA EMAIL AND FED/EX

Ms. Luly Massaro
Commission Clerk
Rhode Island Public Utilities Commission
89 Jefferson Boulevard
Warwick, RI 02888

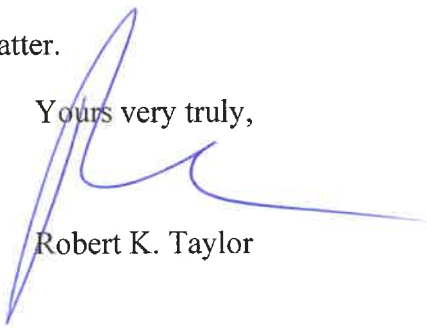
Re: Ecogy Energy, Inc. – Petition for Dispute Resolution

Dear Ms. Massaro:

Enclosed for docketing, please find the original and five copies of Ecogy Energy, Inc.'s Petition for Dispute Resolution.

Thank you for your assistance in this matter.

Yours very truly,


Robert K. Taylor

RKT/tlc
Enclosures

cc: Andrew S. Marcaccio, Esq. *(via email)*
Cynthia G. Wilson-Frias, Esq. *(via email)*
Christy Hetherington, Esq. *(via email)*
Ms. Shauna Beland *(via email)*

4302189.1/31696-2

**STATE OF RHODE ISLAND
PUBLIC UTILITIES COMMISSION**

In Re:
ECOGY ENERGY, INC.

Docket No.

PETITION FOR DISPUTE RESOLUTION

Ecogy Energy, Inc. (“Ecogy”), through counsel, submits this petition for dispute resolution pursuant to Section 10 the Renewable Energy Growth Program for Non-Residential Customers (“REG Program”), RIPUC No. 2152-I (the “Tariff”), and Section 9.2 of the Standards for Connecting Distributed Generation, RIPUC No. 2244.

Introduction

This dispute arises from the 2022 First REG Program Open Enrollment. Pursuant to the Tariff and the REG Program Solicitation and Enrollment Rules (“Rules”), Ecogy timely applied for certificates of eligibility (“COEs”) for five medium-scale solar projects and one small wind project (the “Six Projects”). On June 27, 2022, Rhode Island Energy (the “Company”) notified Ecogy that the Six Projects were ineligible for COEs in the 2022 First Open Enrollment. The Company asserted that the Six Projects were ineligible because Ecogy had not complied with an alleged Tariff requirement to first “terminate” COEs for the same projects that were obtained in previous open enrollments. The Company further claimed that Ecogy was required to obtain the Company’s consent to “terminate” the existing COEs.

The alleged prior termination requirement is not contained in the Tariff or Rules and is arbitrary and illegal. In fact, just a few months ago in the 2021 Third Open Enrollment, the Company – under its prior owner, National Grid – awarded Ecogy COEs for two medium-scale solar projects that, like the projects at issue in this Petition, had obtained COEs in a previous

open enrollment. The Company advised Ecogy, in writing, that the proper procedure was for Ecogy to give up the existing COEs *after* the new award. Ecogy justifiably expected that the Company would follow the same procedure in 2022. It is unfair and unjustified for the Company to impose alleged solicitation rules and procedures on Ecogy that are different from the rules and procedures that the Company followed just a few months ago under its previous owner.

The General Assembly established the REG Program to promote the development of renewable energy in Rhode Island. The statute spells out an important legislative concern: predictability for project developers and owners. R.I. Gen. Laws § 39-26.6-6 (tariffs “shall not be altered in any way that would undermine such reliance on those tariffs during the applicable terms”). Under the Tariff and Rules, Ecogy’s Six Projects were eligible for COEs in the 2022 First Open Enrollment, and were not required to first “terminate” COEs awarded in prior enrollment rounds. Ecogy is seeking an order from the Commission that directs the Company to award COEs to any and all of Ecogy’s Six Projects that were competitively priced in comparison with other applicants in the 2022 First Open Enrollment.

Parties

1. Ecogy is an experienced developer, financier, and owner-operator of distributed generation projects across the U.S. and Caribbean. Ecogy, which has offices in Newport R.I. and Brooklyn, N.Y., is a leading developer of solar projects sited on rooftops, parking lots and brownfields in Rhode Island.

2. Rhode Island Energy (“RI Energy”) is the dominant electric distribution company in Rhode Island. RI Energy’s parent company, PPL, acquired RI Energy (then known as The Narragansett Electric Company) from National Grid in May 2022.

Jurisdiction

3. The Commission has jurisdiction over this petition for dispute resolution pursuant to R.I. Gen. Laws § 39-26.2-2 (REG Program shall be “subject to the review and supervision of the commission”); Section 10 of the Tariff; and Section 9.2 of the Standards for Connecting Distributed Generation.

The Renewable Energy Growth Program

4. The REG Program is intended to “facilitate and promote installation of grid-connected generation of renewable energy,” to “support and encourage development of distributed renewable energy generation systems,” and to “reduce carbon emissions that contribute to climate change by encouraging the siting of renewable energy projects in the load zone of the electric distribution company.” R.I. Gen. Laws § 39-26.6-1.

5. The REG Program supports the development, construction, and operation of renewable energy distributed generation projects through a performance-based incentive system. Incentives under the REG Program are awarded through a competitive bidding process. *See* R.I. Gen. Laws § 39-26.6-2.

6. The terms and conditions of the REG Program incentives are set forth in the Tariff and the Rules. By law, “[t]he non-price conditions in the tariffs for small- and medium-scale solar shall take into account the different circumstances for distributed-generation projects of the smaller sizes.” R.I. Gen. Laws § 39-26.6-5(a).

7. The General Assembly recognized that for the REG Program to succeed, project developers, owners, investors, customers, and lenders had to be able to rely on the written Tariff. The General Assembly therefore mandated that “the terms under the tariffs for a given program year, once approved by the commission, shall not be altered in any way that would undermine

such reliance on those tariffs during the applicable terms of the tariffs.” R.I. Gen. Laws § 39-26.6-6.

8. Open Enrollments in the REG Program are conducted at least three times each program year. R.I. Gen Laws § 39-26.6-12(a). The Company reviews the Open Enrollment applications for eligibility and selects the eligible applicants that will be awarded COEs based on the lowest bids. COEs for medium-scale solar projects are issued by the Company without further action by the Commission. R.I. Gen. Laws § 39-26.6-20(a). COEs for small wind projects require Commission approval. R.I. Gen. Laws § 39-26.6-20(b).

9. A COE entitles the renewable energy developer to receive performance-based incentive payments at the rate and for the term specified in the certificate, generally 20 years in the case of medium-scale solar and small wind. *See* R.I. Gen. Laws § 39-26.6-20(c). The maximum performance-based incentive rate is reviewed and approved annually by the Commission. R.I. Gen. Laws § 39-26.6-15(c).

10. Unlike other REG Program projects, which are allowed more time to become operational, medium-scale solar projects have only 24 months after being awarded a COE to achieve operation at the expected availability and capacity. Tariff Sec. 3(i). Medium-scale solar projects that do not meet the 24 month deadline for any reason do not receive performance-based incentive payments under the Tariff. *Id.*

Ecogy's Rhode Island Renewable Energy Projects

11. Ecogy focuses on renewable projects under 1 MW, and particularly on systems sited on rooftops, parking lots, and brownfields. Ecogy believes that by focusing on projects constructed in and on the built environment, the development community can preserve precious and limited natural resources while directing the benefits of the REG Program to local small businesses, affordable housing, nonprofits and other organizations that need them most. These benefits, including new revenue streams through lease payments and discounted electricity (through CRDG), in turn allow such organizations to create jobs, expand municipal tax bases and stimulate the local economy.

12. Ecogy's Six Projects will offer these benefits in communities around the state. The five medium-scale solar projects are Ecogy Energy RI I LLC (250 kW in Tiverton, R.I.), Ecogy Energy RI V LLC (184 kW in Pawtucket, R.I.), Ecogy Energy RI XIV LLC (250 kW in Cranston, R.I.), Ecogy Energy RI XX LLC (250 kW in Richmond, R.I.) and Ecogy Energy RI XXIII LLC (250 kW in Pawtucket, R.I.). The sixth project, Ecogy Energy RI VII LLC, is a 1,000 kW small wind project in Tiverton, R.I.

13. Each of the Six Projects has an executed Interconnection Service Agreement ("ISA"). Each was awarded a COE in a prior enrollment round under the Tariff and Rules.¹

14. Ecogy applied for COEs for each of the Six Projects in the 2022 First Open Enrollment because either (a) the project was unlikely to come on line within the mandatory 24 month period for medium-scale solar projects due to supply chain and/or permitting delays outside of Ecogy's control, and would therefore not receive incentive payments under its existing COE awarded in a prior enrollment round, making the project not financially viable; or (b) the

¹ Ecogy VII's COE was issued on October 7, 2020. The COEs for the other five projects were issued on June 4, 2021.

project was unlikely to be financially viable even if completed before the applicable deadline due to additional post-award Company requirements² and/or the unforeseen sharp escalation of construction and equipment costs across the entire industry in 2021 and early 2022.

15. Ecogy submitted applications for COEs for the Six Projects in the 2022 First Open Enrollment with the intention of relinquishing any rights to the existing COEs for those projects if the new applications were successful. This was the exact procedure followed by the Company in 2021, when Ecogy submitted open enrollment applications in the 2021 Third Open Enrollment for two other Ecogy medium-scale solar projects that had existing COEs that would no longer support the projects as intended.³ Exhibit A. New COEs for the Six Projects, which would extend the deadline for completing the projects and potentially allow a higher incentive payment as authorized by the Commission for 2022 to address recent dramatic project cost increases, are critical for these projects to move forward to completion in support of Rhode Island's ambitious renewable energy goals.

16. Contrary to past practice, the Company (by then under the control of PPL) notified Ecogy on June 27, 2022 that the Six Projects were not eligible to bid in the 2022 First Open Enrollment because the same projects had been awarded COEs in a prior enrollment round. Exhibit B.

17. On June 30, 2022, Ecogy submitted a pre-petition demand letter to the Company. Exhibit C. Ecogy's demand letter reviewed the eligibility requirements set forth in the Tariff and

² In addition to market driven price increases, escalating costs for the Ecogy Energy RI XXIII LLC project were driven by the Company. Ecogy entered into an ISA with National Grid for this project on March 2, 2021 and was awarded a COE in the 2021 First Open Enrollment. Months later, on August 18, 2021, Ecogy received an email from the Company, requiring meter relocation and other work not specified in the ISA. The cost for this work is substantial (estimated at \$110,000 or roughly 15-20%% of project cost) and was unaccounted for at the time that Ecogy received its current COE.

³ The Company awarded COEs to Ecogy Energy RI IV LLC (250 kW in Tiverton, R.I.) and Ecogy Energy RI IX LLC (250 kW in Rumford, R.I.) in the 2020 First Open Enrollment and again in the 2021 Third Open Enrollment.

Rules and the Company's prior practice of awarding COEs to Ecogy projects with existing COEs from a previous enrollment round.

18. On July 7, 2022, the Company responded to Ecogy's pre-petition demand. Exhibit D. The Company's response asserted that the Six Projects were not eligible for the 2022 First Open Enrollment because they "already have pending obligations stemming from COE's that were awarded through the 2020-2021 Program Year Open Enrollments." The Company further asserted that the Six Projects would not be eligible for consideration in future 2022 open enrollments until after the existing COEs were terminated pursuant to Section 11 of the Tariff. *Id.*

Discussion

The Company's position that the Six Projects are not eligible for REG Program Open Enrollments unless and until the COEs awarded in prior enrollment rounds are "terminated" is contrary to the Tariff, Rules, and the Company's own practice before the PPL acquisition. It is exactly the kind of bureaucratic roadblock of distributed generation projects that the REG Program aims to prevent.

The eligibility requirements for the Open Enrollment process are stated in the Rules. To be eligible, an applicant must be in "good standing on its obligations" to the Company. Rules Section 1.2.2.2. The project must "(1) be an eligible renewable energy resource under the RE Growth Program, as determined by the Board and approved by the Commission; (2) have a nameplate capacity equal to or less than five megawatts (5 MW); (3) interconnect with the distribution system of The Narragansett Electric Company; and (4) be located in The Narragansett Electric Company ISO-NE load zone." Rules Section 1.2.2.3. Furthermore, the project must not be "(1) already operating; (2) under construction, except for preparatory site work that is less than twenty-five percent (25%) of the estimated total project cost; or (3) fully

financed for construction, except to the extent that financing agreements are conditioned upon the selection of the project in this program.” *Id.*

Applications are required to be evaluated under a “consistent, defined review and selection process.” Rules Section 2.1. Projects that meet certain threshold criteria (relating to interconnection progress prior to enrollment, site control, and application completeness and timeliness) are then evaluated based on bid price. Projects are selected “by ranking the eligible projects from lowest bid price received to highest, but not to exceed the applicable ceiling price.” Rules Section 2.1.4.

The Six Projects meet all of the eligibility criteria set out in the Rules, but were arbitrarily and illegally declared ineligible for the 2022 First Open Enrollment by the Company. The Rules do not limit the eligibility of projects that were awarded COEs in prior enrollment rounds in any way. Before it was acquired by PPL, the Company was operating in accordance with the Rules when it awarded Ecogy COEs for two medium-scale solar projects that, like the Six Projects, had obtained COEs in a previous open enrollment. The Company advised Ecogy, in writing, that the proper procedure was for Ecogy to give up its existing COEs for those projects *after* the new award, which Ecogy did. Exhibit E.

The alleged requirement to terminate existing COEs *before* applying in a new enrollment round is entirely new and found nowhere in the eligibility requirements set out in the Rules. Moreover, there is no such requirement under the Tariff. Section 11 of the Tariff, relied on the Company, provides that the “Applicant and the Customer may not terminate their obligations under this Tariff unless and until the Company consents to such termination.” Even assuming that the existing COEs for the Six Projects create “obligations” to the Company within the meaning of Section 11, which Ecogy disputes, this general termination provision does not

change the eligibility requirements for Open Enrollments under the Rules. In fact, to the extent that Section 11 applies to COEs at all, the Company is prohibited from unreasonably delaying or withholding its consent to termination of a project's COE when requested by the Applicant *after* a new COE for the same project is awarded in a subsequent Open Enrollment. Again, that was the process followed by the Company in 2021, before it was acquired by PPL.

Ecogy, like many developers, has experienced major disruption to its development cycle due to pandemic-related cost increases, rapid inflation, and project delays beyond Ecogy's control. Ecogy has already spent significant resources in the development process leading up to the receipt of the ISAs and existing COEs for the Six Projects, and it applied for new COEs for the same projects in the 2022 First Open Enrollment in order to maintain the viability of those projects. The Tariff and Rules require that projects will be evaluated based on a "consistent, defined review and selection process," *see* Rules Section 2.1, not based on undisclosed alleged eligibility requirements that applicants are not informed of until after the enrollment closes. The Tariff and Rules nowhere state that a previous award is a legitimate basis to deny a new COE to an otherwise highly competitive project.

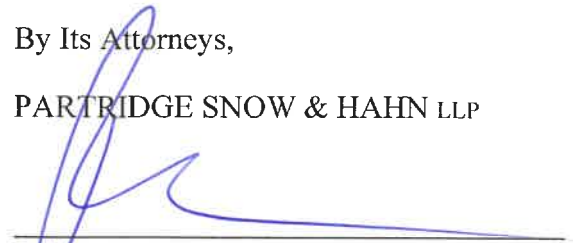
Conclusion

Under the Tariff and Rules, Ecogy's Six Projects were eligible for COEs in the First 2022 Open Enrollment, and are eligible for future open enrollments, notwithstanding COEs awarded in prior enrollment rounds. Ecogy respectfully requests an order from the Commission that directs the Company to award COEs to any and all of Ecogy's Six Projects that were competitively priced in comparison with other applicants in the 2022 First Open Enrollment.

ECOGY ENERGY, LLC

By Its Attorneys,

PARTRIDGE SNOW & HAHN LLP



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DATED: July 15, 2022

4299545

EXHIBIT A
(12/10/2021 Email)



Brittany Friese <brittany@ecogysolar.com>

RE: EXT || Re: Rhode Island Renewable Energy Growth Program Certificate of Eligibility Offer: Ecogy Energy RI IX LLC

3 messages

Renewable Contracts <RenewableContracts@nationalgrid.com>

Fri, Dec 10, 2021 at 2:31 PM

To: Brittany Friese <brittany@ecogyenergy.com>, Renewable Contracts <RenewableContracts@nationalgrid.com>

Cc: "projectmanagement@ecogyenergy.com" <projectmanagement@ecogyenergy.com>, "development@ecogyenergy.com" <development@ecogyenergy.com>, "Joiner, Keyette" <Keyette.Joiner@nationalgrid.com>

Hello Brittany,

I have received the Termination of COE from Keyette. This is to confirm your acceptance of the COE in the 2021 Third Open Enrollment.

Regards,

Tom

From: Brittany Friese <brittany@ecogyenergy.com>**Sent:** Tuesday, December 7, 2021 12:32 PM**To:** Renewable Contracts <RenewableContracts@nationalgrid.com>**Cc:** projectmanagement@ecogyenergy.com; development@ecogyenergy.com**Subject:** EXT || Re: Rhode Island Renewable Energy Growth Program Certificate of Eligibility Offer: Ecogy Energy RI IX LLC

Hi there,

Ecogy would like to accept this offer under the Third 2021 Open Enrollment period as soon as possible. I have contacted Keyette Joiner and Felicia Marcello requesting a termination of our existing COE. Please let me know if anything further is required.

Best,

Brittany Friese

Senior Project Manager

Ecogy Energy

www.ecogyenergy.com

Brooklyn, NY

Cell: 646-983-2867 *new phone number

Office: 718-304-0945

On Mon, Dec 6, 2021 at 2:21 PM Renewable Contracts <RenewableContracts@nationalgrid.com> wrote:

Good Day Brittany,

National Grid offers the project a Certificate of Eligibility for the Rhode Island Renewable Energy Growth Program in the Third 2021 Open Enrollment.

Project Name: Ecogy Energy RI IX LLC

Case #: 227017

Size (Nameplate kW): 250

Bid Price (cents/kWh): 21.14

Please confirm your acceptance of this offer via e-mail by **5 PM Eastern Prevailing Time on December 8, 2021**.

As this project has already received a Certificate of Eligibility under another Enrollment, you must terminate your existing COE before accepting this offer. Please notify your Customer Energy Integration consultant of your intent to terminate your existing COE, and CC this mailbox on the communication.

Please let us know if you have any questions.

Thank you.

National Grid Long Term Clean Energy Supply

RenewableContracts@nationalgrid.com

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6/27/22, 10:54 AM

Ecogy Solar Mail - RE: EXT II Re: Rhode Island Renewable Energy Growth Program Certificate of Eligibility Offer: Ecogy Energy RI IX LLC

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Brittany Friese <brittany@ecogyenergy.com>

Fri, Dec 10, 2021 at 2:39 PM

To: Renewable Contracts <RenewableContracts@nationalgrid.com>

Cc: "projectmanagement@ecogyenergy.com" <projectmanagement@ecogyenergy.com>, "development@ecogyenergy.com" <development@ecogyenergy.com>, "Joiner, Keyette" <Keyette.Joiner@nationalgrid.com>

Hi,

Thank you. Confirmed.

Brittany Friese

Senior Project Manager

Ecogy Energy

www.ecogyenergy.com

Brooklyn, NY

Cell: 646-983-2867 *new phone number

Office: 718-304-0945

[Quoted text hidden]

Joiner, Keyette <Keyette.Joiner@nationalgrid.com>

Fri, Dec 10, 2021 at 5:24 PM

To: Brittany Friese <brittany@ecogyenergy.com>, Renewable Contracts <RenewableContracts@nationalgrid.com>

Cc: "projectmanagement@ecogyenergy.com" <projectmanagement@ecogyenergy.com>, "development@ecogyenergy.com" <development@ecogyenergy.com>

No worries

[Quoted text hidden]

EXHIBIT B
(6/27/2022 Email)



Project Management <projectmanagement@ecogysolar.com>

Rhode Island Renewable Energy Growth Program - Application Submission (Ecogy Energy RI XX LLC)

Renewable Contracts <RenewableContracts@nationalgrid.com>

Mon, Jun 27, 2022 at 9:56 AM

To: Brittany Friese <brittany@ecogyenergy.com>, "projectmanagement@ecogyenergy.com" <projectmanagement@ecogyenergy.com>

Cc: "Mattiello, Joseph (RI Energy)" <JMattiello@rienergy.com>, "assetmanagement@ecogyenergy.com" <assetmanagement@ecogyenergy.com>, Renewable Contracts <RenewableContracts@nationalgrid.com>

Hello Julia and Brittany,

Your application for **Ecogy Energy RI XXV LLC** has not been awarded a Certificate of Eligibility in the Rhode Island Renewable Energy Growth Program 2022 First Open Enrollment, due to the projects existing Certificate of Eligibility awarded per the Renewable Energy Growth Program Tariff for Non-Residential Customers, RIPUC No. 2152-H. Currently, the **Ecogy Energy RI XX LLC project** has an awarded Certificate of Eligibility from the Rhode Island Renewable Energy Growth Program 2021 First Open Enrollment, with a Certificate Issue Date of 6/24/2021 and an Output Certification Deadline of 6/24/2023.

Regards,

Tom

Tom Kender

Lead Renewable Energy Trader

Energy Procurement – Long Term Clean Energy Supply

nationalgrid

Cell: (516) 329-2431

Thomas.Kender@nationalgrid.com

Long Term Clean Energy Supply

RenewableContracts@nationalgrid.com

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7/8/22, 10:51 AM

Ecogy Solar Mail - Rhode Island Renewable Energy Growth Program - Application Submission (Ecogy Energy RI XX LLC)

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<https://www.nationalgrid.com/group/about-us/corporate-registrations>

EXHIBIT C
(6/30/2022 Pre-Petition Demand Letter)

June 30, 2022

John Kennedy
Joseph Mattiello
Thomas Kender
Nicholas Neilsen
Rhode Island Energy (formerly National Grid)
c/o PPL Corporation
2 N. Ninth Street
Allentown, PA 18101-1179
VIA ELECTRONIC MAIL

Dear Messrs. Kennedy, Mattiello, Kender, and Neilsen:

Re: **Denial of Issuance of Certificates of Eligibility to Ecogy Required to Preserve Viability of Solar Projects**

We write in response to your decision to deny to issue a new Certificate of Eligibility (“COE”) in the 2022 First Open Enrollment for the Rhode Island Renewable Energy Growth Program for Ecogy Energy RI I LLC, Ecogy Energy RI V LLC, Ecogy Energy RI VII LLC, Ecogy Energy RI XIV LLC, Ecogy Energy RI XX LLC, and Ecogy Energy RI XXIII LLC, each respectively, a company developing a valuable solar project in Rhode Island and each a subsidiary of Ecogy Energy, Inc. (“Ecogy”).

The rationale for the denials stated by Rhode Island Energy (formerly National Grid), a wholly owned subsidiary of PPL Corporation (“Rhode Island Energy”) was that the outdated COEs issued per the REG Program Tariff for Non-Residential Customers, RIPUC No. 2152-G (“Tariff”) for these six solar projects have not yet expired and Ecogy must wait for such expirations before seeking new COEs that will maintain the viability of these solar projects in radically changed market conditions. This rationale is flawed on both procedural and practical, pragmatic grounds.

First, there is no prohibition precluding a solar developer holding an outdated COE that is no longer viable in current market conditions from seeking a new viable COE. In fact, if you will recall, just last year Ecogy went through the exact same process with two COEs for solar projects in the Town of Tiverton, Rhode Island that were no longer viable because (i) Tiverton needed additional time to pass an applicable solar ordinance allowing solar projects to go forward and (ii) pandemic

induced supply chain disruptions and dramatic inflation in the cost of both materials and labor rendered the previous COEs incapable of supporting the deployment of solar projects in Rhode Island. In that instance, Rhode Island Energy acknowledged that the outdated COEs would not support solar project deployment and readily issued new COEs to ensure that Ecogy could help Rhode Island meet its renewable energy goals. We note that this instance occurred before PPL Corporation had finalized its purchase of Rhode Island Energy but understand that PPL Corporation is still motivated to honor its commitments to encourage the deployment of solar projects and abide by all rules and regulations of the Rhode Island Public Utilities Commission (the “RIPUC”). .

Second, the rationale is flawed because it forces solar developers to wait until non-viable COEs expire, grinding further development to a standstill while inflation and supply chain disruptions further increase costs and further decreasing the potential of deploying the projects, thereby working directly against the stated goals of the RIPUC and Rhode Island voters. We believe the projects should be competitively reviewed and eligible for COEs immediately and without delay for the following reasons:

I. Prior Practice

Our intent and usual practice, as guided by the Rhode Island Renewable Energy Growth Program Solicitation and Enrollment Process Rules for Solar (Greater than 25 kW), Wind, Hydro and Anaerobic Digester Projects (“Process Rules”) is to terminate the existing COE if and once a new COE is awarded. Previously, Rhode Island Energy had adhered to this practice and explicitly stated in writing to Ecogy that doing so was the expected and proper process (. We understand that the previous approvals are based on Rhode Island Energy’s understanding of the Process Rules and the real-world dynamics of building solar power projects. As previously discussed, the COVID-19 pandemic, the ensuing supply chain bottlenecks and the resulting inflation affecting all goods and services in the US and world-wide have dramatically increased the costs for the components and labor used to construct solar projects as well as increasing the timelines for placing solar projects into commercial operation.

Separate from market challenges such as cost increases and supply chain constraints, there are other constraints impacting a project’s ability to build within the timeframe and the price awarded with a current COE, making it necessary to reapply. Several of our projects simply could not apply for a permit due to moratoriums enacted in the towns in which they are located or due to requirements from Rhode Island Energy after a COE was awarded that required other on-site work which has yet to be finalized.

As demonstrated above, to ensure continued project viability, from time to time, solar project developers are required to apply for an upcoming year's Open Enrollment for a project that has an existing COE that in current market conditions will not support the deployment of a solar project. A new COE enables us to take advantage of the extended timeline presented by a subsequent Open Enrollment. We have done this in continued adherence to the Process Rules and Tariff and at no time were we informed that the practice can lead to a refusal to award. Written communications between Rhode Island Energy and Ecogy evidences this fact and Ecogy has acted in reliance of such written confirmations of policy and procedures.

Ecogy, like many developers, has experienced a major disruption to our development cycle with the biggest outcoming being an increase in costs. Solar developers are consistently faced with unknown variables throughout the long development cycle that continue to appear after receipt of the Interconnection Service Agreement ("ISA") and COEs. Despite solar developers spending significant resources in the development process leading up to the receipt of the ISA and COEs, there are unforeseeable events that may require that a new COE be issued in order to maintain the viability of project such as the discovery that, structural reinforcements on rooftops or even the installation of an entire new roof are required to support the solar system, site improvements, lengthy permitting timelines, extended procurement, and more. For example, Ecogy has a ground-mounted solar project in the Town of Tiverton that has been required to maintain a standstill for over two years as we wait for a new Solar Ordinance to be passed. We are unable to predict these variables, therefore we need to adapt by applying for higher incentive rates that allow developers like Ecogy to successfully build these solar projects, and more in the future.

II. Competitive Bidding Process

The Process Rules and Tariff state that projects will be awarded only based on a competitive bidding process and not due to other factors that applicants are not aware of. The Process Rules and Tariff nowhere state that a previous award is a legitimate basis to deny a new COE to an otherwise highly competitive project. It is our understanding that our bids can only be rejected if they are not competitive.

III. RIPUC Properly Raised Ceiling Prices due to COVID Price Pressures among other Higher Costs

Ecogy has multiple projects that simply cannot be built with the prices that were offered in the Renewable Energy Growth ("REG") Program in 2020 and 2021, requiring a re-bid to make the projects economical. Upward cost pressures and inflationary pressures influenced the amount of lease payments requested by hosts and clients. As a result of a mix of substantial upstream supply



chain challenges for solar projects related to converging supply and demand shocks closely related to the effects of the COVID-19 pandemic, the proposed 2022 solar ceiling prices incorporate an assumed year-on-year increase factor to reflect higher expected prices for projects expected to be bid during the 2022 program year.

In the Division of Public Utilities Direct Testimony of Michael W. Brennan on January 25, 2022, the Division acknowledged the likelihood of upward pressure on project costs due to inflationary pressures and supply chain constraints but suggested that industry stakeholders provide documentation to support a reasonable adjustment to the project costs used in the ceiling prices. The Public Utilities Commission held a public hearing on Thursday, February 24, 2022, in which Michael W. Brennan on behalf of the Division of Public Utilities stated that the evidence Ecogy presented in our comments in response to the 2022 REG Program Tariff and Rule Changes for Docket No. 5202 for the Rebuttal Testimony to Direct Testimony of Michael Brennan - Division of Public Utilities provided compelling evidence of project cost impacts that will last for years to come resulting in an increase to the ceiling prices for the Medium Solar Category (25kW - 250 kW) from their proposed 21.65 to 24.45.

The truth is that solar developers need higher prices to make projects work. The current inflationary pressures plaguing the economy is felt by everyone, including solar developers. Eversource and UI in CT had a 37% and 14% rate increase starting in January 2022.¹ Ratepayers in Eversource East, a leading utility in Massachusetts are experiencing a 25% rate hike in eastern MA.² These circumstances reflect the reality not just for utilities but also for solar developers. Without an opportunity to take advantage of higher incentives through COEs, serious developers with proven track records like Ecogy cannot build, thereby frustrated the goals of the RIPUC and Rhode Island voters. Without the ability to reapply and receive new COEs, these projects will not happen and will represent loss to communities, renewable energy deployment progress, revenue, and clean energy jobs in the state of Rhode Island.

¹ CONSUMER ALERT: JANUARY 2022 INCREASE IN ELECTRIC SUPPLY RATES

² [Eversource Seeking 25% Rate Hike for Eastern Mass. Customers](#) ; [JCPL in NJ 8.5% increase in 2021 for residential customers](#) [Jersey Central Power & Light files with state regulators for rate increase - Daily Energy Insider](#); [PSEG New Jersey in NJ 5.5% increase in 2021 PSEG Raises Electricity Rates for Residential Customers](#); [ACE in NJ 3.7% increase from 2022 – \\$0.10 kWh for residential customers](#) [NOTICE OF FILING OF ELECTRIC RATE INCREASE AND PUBLIC HEARINGS TO CUSTOMERS OF ATLANTIC CITY ELECTRIC COMPANY IN THE MATTER OF](#); [ConEdison in NY Electricity 13% and Gas 25% increase from 2023](#) [Con Edison asking for gas and electric price hikes in 2023](#); [NJBPU in NJ Gas to increase by 5% from November 2021](#) <https://www.njspotlightnews.org/2021/11/nj-natural-gas-prices-increase-electricity-costs-winter-heating-bill/>; [PSEG Long Island in NY 4.5% in 2022](#) <https://www.newsday.com/long-island/politics/lipa-pseg-rates-1.50480583%23;~:text=%3DCustomers%2520opening%2520their%2520PSEG%2520Long,from%25208.71%2520cents%2520in%25202021.1.&sa=D&source=editors&ust=1656616914528347&usq=AOvVaw1xAYS4JxSvJeLU2eWlQK4P>

Specific Cost Examples for Medium-Scale Rooftop Solar

Modules

In the last six to eight months, we have seen module price increases from \$0.38-\$0.43/W to \$0.48-\$0.53/W. This equates to over \$37,000 extra module costs in the worst case scenario for a 250kW solar project. We do not expect to see module pricing plateau until 2023 at the earliest.

Additionally, the US Department of Commerce's anti-circumvention investigation has halted the majority of US procurement of modules in the first six months of 2022. This slash in supply, with no decrease in demand, has greatly inflated the cost of modules.

Racking

Ecogy typically procures racking for its rooftop installations from KB Racking and Unirac. All orders placed with Unirac on or after August 19, 2021, were subject to a Master Price increase of approximately 40-50%. KB Racking has increased its pricing by a similar amount.

Installation Labor

Ecogy started constructing four rooftop solar projects in Rhode Island during Q3 and Q4 of 2021. Installation prices for these projects are as follows; \$0.72/W in July 2021, \$0.87/W in October, \$0.68/W in Nov 2021, and \$0.68/W in Dec 2021. On average, this equals \$0.7375/W.

In preparation of building the Ecogy Energy RI XX, RI V, and RI XII projects, Ecogy requested bids from solar installers throughout Q1 and Q2 2022. Installation prices now range from \$0.96-\$1.55/W.

IV. National Grid Requirements

Ecogy Energy RI XXIII LLC entered into an Interconnection Service Agreement with National Grid on March 2, 2021 and a COE in June 2021. Ecogy subsequently received an email, months later on August 18, 2021, requiring meter relocation and grouping of the large commercial plaza. The cost for this work is substantial (estimated at \$110,000 or roughly 15-20%% of project cost) and was unaccounted for at the time that Ecogy received its current COE on June 24, 2021. Conversations around this scope of work should have been addressed during the initial National Grid Screening Review since knowledge of this requirement would have influenced Ecogy's bid price entered into when it applied for its COE.

V. Authority having Jurisdiction / Permitting Issues that Preclude Projects from being Completed by the COE's Required Deadline

In one of the Ecogy's solar projects located in the Town of Tiverton, Rhode Island that was previously issued a COE, Ecogy Energy RI I LLC entered into a lease agreement with Sandywoods Land Trust on November 20, 2018. Sandywoods Land Trust is an affordable housing community focused on sustainability initiatives. Shortly after, Tiverton enacted a moratorium on all new solar project applications. Tiverton still has not passed a new zoning ordinance to allow solar development, as of June 30, 2022, and does not intend to pass a new one until early 2023. Once a new Tiverton zoning ordinance allowing solar development is in place, the Town's permitting process is expected to take between 6 to 9 months, making it impossible to receive PTO within the required timeline mandated by the project's previous COE, no matter what efforts, time and resources Ecogy expends to speed the process. This also has affected the adjacent wind turbine COE that was rejected in this solicitation (Ecogy Energy RI VII LLC) as both projects have linked infrastructure, procurement and permitting as the Town requires us to complete construction in tandem to minimize disturbance.

VI. Lack of Extension Option for Medium-Scale Solar

COEs for Medium-Scale solar projects expire two years after issuance, without an option for an extension. Medium-Scale projects cannot apply for either of the six-month extensions afforded to larger projects (Ecogy has already submitted comments to Rhode Island Energy detailing how this practice is unreasonable and unfair to Medium-Scale projects). This means they must be built and operational on a quicker timeline. Consequently, it is unworkable for projects to wait the entire two year period to rebid. The two year wait period poses the risk of even further price increases.

VII. Rhode Island Renewable Energy Goals

On June 29, 2022, Governor Daniel McKee signed H-7277 |S-2274 into law and Rhode Island is officially committed to procuring electricity from 100% renewable sources by 2033 – the fastest timeline of any state in the nation. This drastically increases the Renewable Portfolio Standard by an additional 4% of retail electricity sales in 2023; 5% in 2024; 6% in 2025; 7% of retail electricity sales in 2026, and 2027; 7.5% in 2028; 8% in 2029; 8.5% in 2030; 9% of retail electricity sales in 2031; and 9.5% in 2032 and 2033 to achieve the goal that one hundred percent (100%) of Rhode Island's electricity demand is from renewable energy by 2033 and each year thereafter. Rhode Island has been lauded for being the first state in the nation to enact this bold legislation. Projects like ours support the overarching goals of Rhode Island and we hope that Rhode Island Energy will re-consider its initial position and award the new COEs requested by Ecogy to allow Ecogy



ECOGY ENERGY

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to continue to help Rhode Island archive its important environmental goals.

VIII. CONCLUSION

Rhode Island Energy's refusal to issue new COEs for these six (6) projects will not only render these projects uneconomic and kill them but will also diminish all developers' interest in expending valuable resources participating in the Rhode Island Renewable Energy Growth Program, thereby frustrating the will of Rhode Island voters and working directly against the stated goals of the RIPUC.

We hope that the points set forth in this Pre-Petition Letter will cause Rhode Island Energy to reconsider its initial denial, complete the process of competitively reviewing these projects for eligibility and if competitive, promptly award them the new COEs required to maintain their viability. We are keen to resolve this matter amicably. Nevertheless, in the event we are unable to resolve the issue, please be on notice that Ecogy will file an emergency petition requesting that the Rhode Island Public Utilities Commission formally pause the COE process until this issue is resolved.

Sincerely,

ECOGY ENERGY, INC.

/s/ Anthony Lebe

ANTHONY LEBE

GENERAL COUNSEL

Ecogy Energy, Inc.

315 Flatbush Ave, Suite 393

Brooklyn, NY 11217

EXHIBIT D
(7/7/2022 Response to Demand Letter)

July 7, 2022

VIA ELECTRONIC MAIL

Ecogy Energy, Inc.
Attn: Anthony Lebe, General Counsel
315 Flatbush Ave, Suite 393
Brooklyn, NY 11217

RE: Denial of Issuance of Certificates of Eligibility

Dear Mr. Lebe:

On behalf of The Narragansett Electric Company d/b/a Rhode Island Energy (the “Company” or “Rhode Island Energy”), we write in response to your correspondence dated June 30, 2022 related to the Company’s decision to deny the issuance of a new Certificate of Eligibility (“COE”) to the Ecogy RI Projects¹ as part of the 2022 First Open Enrollment for the Rhode Island Renewable Energy Growth Program (“RE Growth Program”). The Company denied the issuance of a COE because the Ecogy RI Projects that participated in the 2022 First Open Enrollment are the identical Ecogy projects that already have pending obligations stemming from COEs that were awarded through the 2020 - 2021 Program Year Open Enrollments. For reasons explained herein, if Ecogy wishes to seek termination of its current obligations, Ecogy should submit a request and accompanying documentation to the Company for consideration.

On June 27, 2022 the Company communicated with Ecogy via electronic mail that the Ecogy RI Projects were not being awarded a COE for the RE Growth Program’s 2022 First Open Enrollment. The Company explained that each project already has an existing COE awarded per the Renewable Energy Growth Program Tariff (the “Tariff”) for Non-Residential Customers. The Company explained that for all but one of the Ecogy RI Projects, a COE had been issued on June 4, 2021 with an Output Certification Deadline of June 24, 2023.²

The Tariff and Solicitation and Enrollment Process Rules governs how the Company operates the RE Growth Program. Pursuant to the Tariff, the “[a]pplicant and the Customer may not terminate their obligations under [the] Tariff unless and until the Company consents to such termination.” §11 (emphasis added). If an Applicant wishes to terminate its existing Certificate of Eligibility, it can submit a request to terminate to the Company. The Tariff further provides that

¹ The “Ecogy RI Projects” consist of Ecogy Energy RI I LLC, Ecogy Energy RI V LLC, Ecogy Energy RI VII LLC, Ecogy Energy RI XIV LLC, Ecogy Energy RI XX LLC and Ecogy Energy RI XXIII LLC.

² Ecogy Energy RI VII LLC’s Certificate of Eligibility was issued on October 7, 2020 and has an Output Certification Deadline of April 7, 2023.

Anthony Lebe, General Counsel
Denial of Issuance of Certificates of Eligibility
July 7, 2022
Page 2 of 2

The Company will not unreasonably delay or withhold its consent to an Applicant's request to terminate if the Applicant cannot fulfill the obligations because of an event or circumstance that is beyond the Applicant's reasonable control and for which the Applicant could not prevent or provide against by using commercially reasonable efforts. Id.

As of the date of this letter, Ecogy has not made a formal request to terminate its existing obligations. As indicated above, Ecogy may submit such request to the Company. Following receipt of a request from Ecogy to terminate its obligations under the Tariff, the Company will make a determination as to whether termination is appropriate, including whether it meets the termination standard specifically outlined in the Tariff as described above. If the request meets the Tariff's termination standard, the Company must consent to termination and the Ecogy RI Projects will be free to participate in the 2022 Second or Third RE Growth Open Enrollment (or in future program years) without pending obligations stemming from the prior awarded COE. If the request does not meet the RE Growth Tariff's termination standard, the Company has discretion not to consent to the requested termination. If Ecogy disagrees with the Company's determination, the dispute may be brought before the Public Utilities Commission ("PUC") for resolution.

Rhode Island Energy is committed to the continued growth of Rhode Island's solar development and to ensuring that the growth of solar development is done equitably and in the best interest of RE Growth customers and Rhode Island distributed customers, who bear the incremental costs associated with the RE Growth Program.

Thank you for your attention to this filing. If you have any questions or concerns, please do not hesitate to contact me at 401-784-4263.

Sincerely,

A handwritten signature in blue ink, appearing to read "Andrew S. Marcaccio".

Andrew S. Marcaccio

EXHIBIT E
(10/20/2021 Email)

Brittany Friese <brittany@ecogysolar.com>**RE: EXT || Re: Rhode Island Renewable Energy Growth Program - Application Submission Confirmation (Ecogy Energy RI IX LLC)**

12 messages

Renewable Contracts <RenewableContracts@nationalgrid.com> Wed, Oct 20, 2021 at 11:36 AM
To: "Brock D. Gibian" <brockgibian@ecogyenergy.com>, Renewable Contracts <RenewableContracts@nationalgrid.com>
Cc: "projectmanagement@ecogysolar.com" <projectmanagement@ecogysolar.com>, "development@ecogysolar.com" <development@ecogysolar.com>, "assetmanagement@ecogysolar.com" <assetmanagement@ecogysolar.com>

Brock,

Thanks for resending the documents.

Note: if you are offered a Certificate of Eligibility in this 2021 Third Open Enrollment you will need to terminate the COE issued in 2020; prior to accepting this offer (reminding you, to remind me).

Thanks,

Tom

From: Brock D. Gibian <brockgibian@ecogyenergy.com>
Sent: Tuesday, October 19, 2021 3:45 PM
To: Renewable Contracts <RenewableContracts@nationalgrid.com>
Cc: projectmanagement@ecogysolar.com; development@ecogysolar.com; assetmanagement@ecogysolar.com
Subject: EXT || Re: Rhode Island Renewable Energy Growth Program - Application Submission Confirmation (Ecogy Energy RI IX LLC)

Tom,

See attached requested documents for project 227017.

We want to note that this project previously received a COE on 6/22/20, however, due to the property owner needing a reroof and the lengthy East Providence Zoning Board process as well as the COVID-19 long lead times for equipment - we are unable to achieve commercial operation by our deadline and are unable to apply for an extension as this is a Medium-Scale project.

Let us know if you require any additional information. Thank you in advance for your consideration.

Regards,

On Tue, Oct 19, 2021 at 3:24 PM Renewable Contracts <RenewableContracts@nationalgrid.com> wrote:

Hello Brittany,

Thank you for your application in the 2021 Rhode Island Renewable Energy Growth Program Third Open Enrollment. To start, I apologize that we have been having some technical issues associated with the web-application submittals, and note the NG application team has been working on fixing it for future enrollments:

- You may not have received an auto- confirmation e-mail with your application submitted data.
- This is to confirm we received your application submittal form for the **Ecogy Energy RI IX LLC** project (case# **227017**).
- We also did not receive the submitted PDF attachments.

To perform a complete evaluation of your **Ecogy Energy RI IX LLC** project application please provide the following (via e-mail):

- **System Impact Study/Interconnection Service Agreement**
- **Project Segmentation and Tax Credit Eligibility Affidavit**
- **Assessor's maps**

Regards,

Tom

Tom Kender

Lead Renewable Energy Trader

Energy Procurement – Long Term Clean Energy Supply

nationalgrid

Cell: (516) 329-2431

Thomas.Kender@nationalgrid.com

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For the registered information on the UK operating companies within the National Grid group please use the attached link: <https://www.nationalgrid.com/group/about-us/corporate-registrations>

Brock D. Gibian (He/Him/His)

Director of Development
Ecogy Energy
www.ecogyenergy.com
Brooklyn, NY
Office: 718-304-0945
Mobile: 607-220-8049

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Brittany Friese <brittany@ecogyenergy.com>

Wed, Oct 20, 2021 at 11:42 AM

To: Renewable Contracts <RenewableContracts@nationalgrid.com>
Cc: "Brock D. Gibian" <brockgibian@ecogyenergy.com>, "projectmanagement@ecogysolar.com" <projectmanagement@ecogysolar.com>, "development@ecogysolar.com" <development@ecogysolar.com>, "assetmanagement@ecogysolar.com" <assetmanagement@ecogysolar.com>

Hi Tom,

Yes, understood. Thank you for the reminder! Is there a formal application to terminate a COE?

Best,

Brittany Friese
Senior Project Manager
Ecogy Energy
www.ecogyenergy.com
Brooklyn, NY
Mobile: 845-541-1226

[Quoted text hidden]

Renewable Contracts <RenewableContracts@nationalgrid.com>

Wed, Oct 20, 2021 at 11:44 AM

To: Brittany Friese <brittany@ecogyenergy.com>, Renewable Contracts <RenewableContracts@nationalgrid.com>
Cc: "Brock D. Gibian" <brockgibian@ecogyenergy.com>, "projectmanagement@ecogysolar.com" <projectmanagement@ecogysolar.com>, "development@ecogysolar.com" <development@ecogysolar.com>, "assetmanagement@ecogysolar.com" <assetmanagement@ecogysolar.com>

Hello Brittany,

You will need to formally notify your NG Customer Energy Integration Consultant, who handles your projects.

Regards,

Tom

[Quoted text hidden]

Brittany Friese <brittany@ecogyenergy.com>

Wed, Oct 20, 2021 at 7:47 PM

To: Renewable Contracts <RenewableContracts@nationalgrid.com>

Cc: "Brock D. Gibian" <brockgibian@ecogyenergy.com>, "projectmanagement@ecogysolar.com" <projectmanagement@ecogysolar.com>, "development@ecogysolar.com" <development@ecogysolar.com>, "assetmanagement@ecogysolar.com" <assetmanagement@ecogysolar.com>

Understood. Thank you!

Brittany Friese
Senior Project Manager
Ecogy Energy
www.ecogyenergy.com
Brooklyn, NY
Mobile: 845-541-1226

[Quoted text hidden]

Renewable Contracts <RenewableContracts@nationalgrid.com> Fri, Dec 3, 2021 at 1:36 PM
To: Brittany Friese <brittany@ecogyenergy.com>, "Brock D. Gibian" <brockgibian@ecogyenergy.com>
Cc: "projectmanagement@ecogysolar.com" <projectmanagement@ecogysolar.com>, "development@ecogysolar.com" <development@ecogysolar.com>, "assetmanagement@ecogysolar.com" <assetmanagement@ecogysolar.com>, "Joiner, Keyette" <Keyette.Joiner@nationalgrid.com>, Renewable Contracts <RenewableContracts@nationalgrid.com>

Hello Brittany and Brock,

Keyette has informed me that this project (Ecogy Energy RI IX LLC, case# 227017) will be complete by June 2022. **Will you be withdrawing your application in this current 2021 REGrowth Third Open Enrollment?**

Note, the ISA for this project is dated 12/17/2019, and for my group to evaluate this project it would require an updated ISA or confirmation from Keyette that the 12/17/2019 ISA is still valid (for a re-application). If the project is withdrawn, Keyette would need to determine if a re-study is required. As of today, Keyette has not informed me if a restudy is required if you terminate the existing Certificate of Eligibility, so the Ecogy Energy RI IX LLC project is currently not eligible for selection in the 2021 REGrowth Third Open Enrollment.

[Quoted text hidden]

Brittany Friese <brittany@ecogyenergy.com> Fri, Dec 3, 2021 at 1:38 PM
To: Renewable Contracts <RenewableContracts@nationalgrid.com>
Cc: "Brock D. Gibian" <brockgibian@ecogyenergy.com>, "projectmanagement@ecogysolar.com" <projectmanagement@ecogysolar.com>, "development@ecogysolar.com" <development@ecogysolar.com>, "assetmanagement@ecogysolar.com" <assetmanagement@ecogysolar.com>, "Joiner, Keyette" <Keyette.Joiner@nationalgrid.com>, Renewable Contracts <RenewableContracts@nationalgrid.com>

Hi Tom,

Ecogy will NOT be withdrawing our application in this current 2021 Third Open Enrollment period. Our design has not changed so our ISA dated 12/17/2019 should still be valid.

Does this answer your question?

Thanks,
Brittany Friese
Senior Project Manager
Ecogy Energy
www.ecogyenergy.com
Brooklyn, NY
Cell: 646-983-2867 *new phone number
Office: 718-304-0945

[Quoted text hidden]

Renewable Contracts <RenewableContracts@nationalgrid.com>

Fri, Dec 3, 2021 at 2:52 PM

To: Brittany Friese <brittany@ecogyenergy.com>, Renewable Contracts <RenewableContracts@nationalgrid.com>
Cc: "Brock D. Gibian" <brockgibian@ecogyenergy.com>, "projectmanagement@ecogysolar.com" <projectmanagement@ecogysolar.com>, "development@ecogysolar.com" <development@ecogysolar.com>, "assetmanagement@ecogysolar.com" <assetmanagement@ecogysolar.com>, "Joiner, Keyette" <Keyette.Joiner@nationalgrid.com>

Hello Brittany,

Thanks for responding. I have been communicating with Keyette and she is on this e-mail. Due to the ISA being two years old, if you terminate the existing COE and re-apply to REGrowth then the interconnection application needs to be reevaluated. Keyette is in the process of confirming if your project needs to be restudied. If a re-study is required then the ISA dated 12/17/2019 is not acceptable for eligibility in this Open Enrollment. I am waiting on a response from Keyette.

[Quoted text hidden]

Brittany Friese <brittany@ecogyenergy.com>

Fri, Dec 3, 2021 at 2:55 PM

To: Renewable Contracts <RenewableContracts@nationalgrid.com>
Cc: "Brock D. Gibian" <brockgibian@ecogyenergy.com>, "projectmanagement@ecogysolar.com" <projectmanagement@ecogysolar.com>, "development@ecogysolar.com" <development@ecogysolar.com>, "assetmanagement@ecogysolar.com" <assetmanagement@ecogysolar.com>, "Joiner, Keyette" <Keyette.Joiner@nationalgrid.com>

Got it. Thanks for clarifying. Please let us know as soon as you have an answer from Keyette.

Will we run into this same issue with our re-application for Ecogy Energy RI IV at 590 Fish Rd?

Brittany Friese
Senior Project Manager
Ecogy Energy
www.ecogyenergy.com
Brooklyn, NY
Cell: 646-983-2867 *new phone number
Office: 718-304-0945

[Quoted text hidden]

Renewable Contracts <RenewableContracts@nationalgrid.com>

Fri, Dec 3, 2021 at 3:05 PM

To: Brittany Friese <brittany@ecogyenergy.com>, Renewable Contracts <RenewableContracts@nationalgrid.com>
Cc: "Brock D. Gibian" <brockgibian@ecogyenergy.com>, "projectmanagement@ecogysolar.com" <projectmanagement@ecogysolar.com>, "development@ecogysolar.com" <development@ecogysolar.com>, "assetmanagement@ecogysolar.com" <assetmanagement@ecogysolar.com>, "Joiner, Keyette" <Keyette.Joiner@nationalgrid.com>

Hello Brittany,

So that I fully understand what is going on with this project (Ecogy Energy RI IX LLC, case# 227017), if the project is expected to be completed by June 2022 then why are you requesting the existing COE to be terminated and re-applying to REGrowth?

Thanks,

[Quoted text hidden]

Brittany Friese <brittany@ecogyenergy.com>

Fri, Dec 3, 2021 at 3:21 PM

To: Renewable Contracts <RenewableContracts@nationalgrid.com>
Cc: "Brock D. Gibian" <brockgibian@ecogyenergy.com>, "projectmanagement@ecogysolar.com" <projectmanagement@ecogysolar.com>, "development@ecogysolar.com" <development@ecogysolar.com>, "assetmanagement@ecogysolar.com" <assetmanagement@ecogysolar.com>, "Joiner, Keyette" <Keyette.Joiner@nationalgrid.com>

Hi Tom,

There was miscommunication. Keyette spoke with a colleague of mine, not me personally. This project will not be completed by June 2022 given the extreme supply chain and labor shortage delays we are experiencing.

Brittany Friese
Senior Project Manager
Ecogy Energy
www.ecogyenergy.com
Brooklyn, NY
Cell: 646-983-2867 *new phone number
Office: 718-304-0945

[Quoted text hidden]

Renewable Contracts <RenewableContracts@nationalgrid.com> Fri, Dec 3, 2021 at 4:36 PM
To: Brittany Friese <brittany@ecogyenergy.com>, Renewable Contracts <RenewableContracts@nationalgrid.com>
Cc: "Brock D. Gibian" <brockgibian@ecogyenergy.com>, "projectmanagement@ecogysolar.com" <projectmanagement@ecogysolar.com>, "development@ecogysolar.com" <development@ecogysolar.com>, "assetmanagement@ecogysolar.com" <assetmanagement@ecogysolar.com>, "Joiner, Keyette" <Keyette.Joiner@nationalgrid.com>

Hello Brittany,

I have communicated with Keyette and the project interconnection does not require a restudy. The ISA dated 12/17/2019 is acceptable for the application in this Open Enrollment.

[Quoted text hidden]

Brittany Friese <brittany@ecogyenergy.com> Sat, Dec 4, 2021 at 6:55 PM
To: Renewable Contracts <RenewableContracts@nationalgrid.com>
Cc: "Brock D. Gibian" <brockgibian@ecogyenergy.com>, "projectmanagement@ecogysolar.com" <projectmanagement@ecogysolar.com>, "development@ecogysolar.com" <development@ecogysolar.com>, "assetmanagement@ecogysolar.com" <assetmanagement@ecogysolar.com>, "Joiner, Keyette" <Keyette.Joiner@nationalgrid.com>

Hi Tom,

Thank you for the update here. When can we expect the results of the Third Open Enrollment?

Best,
Brittany Friese
Senior Project Manager
Ecogy Energy
www.ecogyenergy.com
Brooklyn, NY
Cell: 646-983-2867 *new phone number
Office: 718-304-0945

[Quoted text hidden]