



March 29, 2024

VIA EMAIL (Luly.Massaro@puc.ri.gov)

Chairman Ronald T. Gerwatowski
Rhode Island Public Utilities Commission
89 Jefferson Boulevard
Warwick, Rhode Island 02888

Commissioner Abigail Anthony
Rhode Island Public Utilities Commission
89 Jefferson Boulevard
Warwick, Rhode Island 02888

Commissioner John C. Revens, Jr.
Rhode Island Public Utilities Commission
89 Jefferson Boulevard
Warwick, Rhode Island 02888

Re: Docket No. 23-44-REG Rhode Island Renewable Energy Growth Program for 2024

Dear Commissioners:

I write in my capacity as Senior Legal Counsel for Revity Energy LLC and its affiliates (“Revity”) and to submit Revity’s public comment regarding the above-referenced Docket matter. Revity is a Rhode Island-based utility scale solar developer which has successfully developed over 158 megawatts, direct current (MW_{DC}) of solar capacity in Rhode Island and Massachusetts and Revity has another 37.6 MW_{DC} in various stages of construction and development in Rhode Island.

I write to support the positions articulated in the March 28, 2024 correspondences of Climate Jobs RI and the Rhode Island ALF-CIO encouraging the Commission to fully consider the updated benefit-cost analysis provided by Sustainable Energy Advantage (SEA) on March 15, 2024. More specifically, Revity would respectfully request that the Commission thoroughly consider SEA’s Schedule 14 (an updated and modified version of SEA’s Schedule 11) which reflects the benefits resulting from the Megawatt Allocation Plan and proposes incentive-payment adders for eligible landfill and brownfield projects. The Rhode Island General Assembly has expressed a clear intent to promote landfill and brownfield solar development through last year’s enactment of S 0684 and H 5853 which prohibited solar development in “core forests” but made an exception for “preferred sites” (defined to include landfill and brownfield sites). Revity echoes the sentiments of Climate Jobs RI and the AFL-CIO that the Commission should evaluate this docket in the context of the desires of the General Assembly as reflected through the passage of the 2023 amendments to the Renewable Energy Growth program.

117 Metro Center Blvd., Ste 1007
Warwick, RI 02886

revityenergy.com

Nicholas L. Nybo
Senior Legal Counsel
C: 508-269-6433

E: nick@revityenergy.com

Reivity would also respectfully request that the Commission carefully consider the Company's proposal to modify the Performance Guarantee Deposit (PGD) which is currently capped at \$75,000. On Page 2, Section 2 of the proposed Tariff, the Company is recommending the removal of the cap and instead requiring that the deposit scale with the size of the project. In its November 15, 2023 Joint Pre-Filed Direct Testimony, the Company provided the following testimony explaining the modification of the PGD:

Given the three additional large-scale solar classes, which increases the maximum capacity for solar projects from 5 MW to up to 39 MW, the Company is recommending that the Tariff and Rules remove the maximum PGD value of \$75,000. Now that solar projects can be sufficiently large, the PGD value should be scaled accordingly, in order to protect Rhode Island customers from the financial risk of projects terminating before they are built. In this scenario, the Company may need to procure additional Renewable Energy Certificates ("RECs"), which may come at a premium. Allowing for the PGD to scale with the size of the project can help mitigate this financial risk. In addition, the PGD provides an incentive for the Applicants to complete construction of their projects and meet the other Tariff and Rule requirements on-time, reducing the risk of termination and having to award new projects in an upcoming enrollment.

The PGD is calculated as \$25 per Renewable Energy Certificate (REC) that is anticipated to be received from the proposed project. Thus, for a twenty (20) megawatt (MW) project, which would be anticipated to produce approximately 26,000 RECs per year, the PGD (without a cap) could be as high as \$650,000. If the project stalls, those funds are lost to the applicant. Whether a project is proposed but later terminated or is never proposed in the first place does not change the Company's obligations to acquire RECs under Rhode Island law. The current investments that an applicant must make at the early stages of a project (to include the capped PGD, interconnection fees, and other development and engineering costs) provide ample incentive for applicants to refrain from abandoning pipeline projects absent good cause. The ratepayer is not harmed by an applicant withdrawing a proposed REG project. Reivity fully understands that the PGD plays an important role in ensuring that applicants are committed to their proposals before the Company spends time reviewing the application; however, the PGD should not be prohibitive. An uncapped PGD that could require an applicant to commit to a seven-figure PGD when the application is filed would be prohibitive. Through S 0684 and H 5853, the General Assembly clearly indicated its intent that solar development pivot its compensation structures from the net-metering program (which will statutorily expire by July 1, 2030) to the REG program. An uncapped PGD will, without a doubt, have the opposite effect.

Reivity fully understands that this tariff proceeding needs to take account of costs and the myriad other considerations involved in the REG Program; however, Reivity would respectfully ask that the Commission take heed of above positions as well as the positions taken by Climate Jobs RI and the AFL-CIO. If the Commission has any additional questions regarding the positions taken in this correspondence, please feel free to contact my office.

Regards



Nicholas L. Nybo
REVITY ENERGY LLC AND AFFILIATES

Copy:

Parties Name/Address	E-Mail	Phone
The Narragansett Electric Company d/b/a Rhode Island Energy Andrew S. Marcaccio, Esq. Celia B. O'Brien, Esq. 280 Melrose Street Providence, RI 02907	AMarcaccio@pplweb.com COBrien@pplweb.com JScanlon@pplweb.com CAGill@rienergy.com KRCastro@rienergy.com ERussell@rienergy.com RConstable@rienergy.com BLJohnson@rienergy.com KMCampbell@pplweb.com HDGonsalves@pplweb.com LKurdgelashvili@pplweb.com	401-784-4263
Leticia Pimentel, Esq. Robinson & Cole LLP One Financial Plaza, 14th Floor Providence, RI 02903	lpimentel@rc.com hseddon@rc.com	401-709-3337
National Grid Thomas Kender Adam Crary	Thomas.Kender@nationalgrid.com Adam.Crary@nationalgrid.com	
DG Board / Office of Energy Resources Albert Vitali, Esq. Division of Legal Services One Capitol Hill, 4 th Floor Providence, RI 02908	Albert.Vitali@doa.ri.gov Nancy.Russolino@doa.ri.gov Christopher.Kearns@energy.ri.gov Shauna.Beland@energy.ri.gov Abigail.Hasenfus@energy.ri.gov Karen.Bradbury@energy.ri.gov William.Owen@energy.ri.gov Karen.Stewart@commerceri.gov	401-222-8880
Jim Kennerly	jkennerly@seadvantage.com jgifford@seadvantage.com Tarmstrong@seadvantage.com	

Division of Public Utilities and Carriers Margaret L. Hogan, Esq.	Margaret.L.Hogan@dpuc.ri.gov Christy.hetherington@dpuc.ri.gov John.bell@dpuc.ri.gov Paul.roberty@dpuc.ri.gov Joel.munoz@dpuc.ri.gov Ellen.Golde@dpuc.ri.gov	401-780-2120
Mike Brennan 500 North Boundary St. Raleigh, NC 27604	mikebrennan099@gmail.com	919-219-2957
Gridwealth Development Seth H. Handy, Esq. Handy Law, LLC 42 Weybosset Street Providence, RI 02903	seth@handylawllc.com conor@handylawllc.com ispringsteel@gridwealth.com	401-626-4839
A. Quincy Vale, Esq. MassAmerican Energy LLC dba Gridwealth 33 Union Avenue Sudbury, MA 01776	qvale@gridwealth.com	617-694-5181
Luly E. Massaro, Commission Clerk Cynthia Wilson-Frias, Commission Counsel Public Utilities Commission 89 Jefferson Blvd. Warwick, RI 02888	Luly.massaro@puc.ri.gov Alan.nault@puc.ri.gov Todd.bianco@puc.ri.gov Cynthia.WilsonFrias@puc.ri.gov Christoper.Carmello@puc.ri.gov	401-780-2107
Interested Parties:		
Paul Rhodes	PRhodes@gridwealth.com	
Matt Sullivan, Green Development	ms@green-ri.com	
Hannah Morini, Green Development	hm@green-ri.com	
Doug Sabetti	doug@newportsolar.com	
Fred Unger	unger@hrtwd.com	
Charlie Grant, Essex Capital Partners	cgrant@essexcapitalpartners.com	
Stuart Flanagan, NPTRE-Newport Renewables	sflanagan@nptre.com	
Seth Handy, Esq.	seth@handylawllc.com	
Maya Gibbs	mgibbs@ameresco.com	
Paul Raducha	praducha@ameresco.com	
Climate Jobs RI Michael Roles	mike@climatejobsri.org	
Rhode Island AFL-CIO Patrick Crowley	patrick@riaflcio.org	