

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
PUBLIC UTILITIES COMMISSION

IN RE: THE NARRAGANSETT ELECTRIC :
COMPANY d/b/a NATIONAL GRID : DOCKET NO. 4790
NET METERING PROVISION :
RIPUC NO. 2207 :

**OFFICE OF ENERGY RESOURCES' RESPONSE TO THE
COMMISSION'S FIRST SET OF DATA REQUESTS**

1-1. Please explain why the proposed tariff revisions filed with the Commission on April 27, 2018 (Revisions), are in the best interest of developers and ratepayers.

Response: The Office of Energy Resources (“OER”) supported a recommendation to amend the original tariff based upon an issue raised by the intervenor, the Coalition for Community Access to Solar (“CCSA”), relating to language to extend the time deadlines for the expiration of capacity allocations issued by National Grid pursuant to the Community Net Metering Program. CCSA proposed an amendment to the tariff which would extend the 24-month deadline to reach commercial operation after securing an allocation of the Community Remote Net Metering Cap. Solar, anaerobic digestion, and small-scale hydro projects would start with 24-month, 36-month and 48-month deadlines, respectively, however these could be extended by 6-months twice for a total extension of 12 months. Additionally, if there were a legal challenge to getting a government permit outside the control of the Customer, the deadline would be extended for the length of the legal challenge.

The original provision in the tariff, left the developer and ratepayers exposed to loss or cancellation of a project, for example, for a delay during the permitting process or litigation which might be entirely beyond the developers control. OER believes the original language was fundamentally unfair and left the developer’s and ratepayers exposed to financial risk for possible forfeiture of their capacity allocation for reasons beyond their control. Provided however, developers have the obligation to otherwise comply with all Standards for Connecting Distributed Generation, Interconnection Rules and the Net Metering Tariff and this amendment does not abrogate any applicable requirements.

1-2. Did OER solicit comments/feedback regarding the Revisions from developers who were not a party to this docket? If no, please explain how the interests of these developers were considered and addressed.

Response: No, OER did not solicit comments or feedback from any developers who are not a party to this docket. The interest of all developers and ratepayers were considered, not just the parties, by OER which led ultimately to its support of the proposed

amendments of CCSA to the tariff here. What moved OER to support the CCSA amendment of the tariff was recognition that developers can now be responsible for their own activities in the process and may limit the acts of a third party which result in delays and blocking of projects which could potentially cause the forfeiture of a developer's cap allocation. This was accomplished by adding language tolling the expiration of commercial performance due to delays in the process which are caused by third party action beyond the control of the developers, therefore mitigating their development risk. Further, delays to a project for example, caused by strategic litigation instituted by a third party should not be cause for a developer to risk loss of financing or its project, a circumstance OER deems inequitable. Provided however, developers have the obligation to otherwise comply with all Standards for Connecting Distributed Generation, Interconnection Rules and the Net Metering Tariff and this amendment does not abrogate any applicable requirements.

1-3. Please explain how the Revisions ensure fair access to capacity under the 30 MW cap if the deadlines are extended indefinitely pending resolution of litigation proceedings?

Response: OER incorporates by reference its response to Commission Data Request 1-2 herein. Further, there must be a level playing field and interests all concerned must be weighed. It appropriate to weigh the safeguard in the revision here with the right of others to access to the program, in doing so, it would be unfair for cap space to freed up for the next developer on the project list because a third party may have instituted strategic litigation geared to delay or derail a project. The scales tip in favor of a developer who has already expended financing and might find the project delayed through no fault of its own, outweighs the interests the developer next on the list who has expended less presumably and has less at risk. It would be rare to see one project delay cause the denial of all access to other cap space. Provided however, developers have the obligation to otherwise comply with all Standards for Connecting Distributed Generation, Interconnection Rules and the Net Metering Tariff and this amendment does not abrogate any applicable requirements.

1-4. Please comment on the following approaches to address the concern of fair access to capacity that is raised in Data Request 1-3, above:

1-4 a. A developer may receive only one extension for a Permit Delay at a time. If a developer is awarded capacity for a second project, the developer would not be eligible to receive an extension for a Permit Delay for a subsequent project.

Response: This could potentially compound the problem described by OER in its response to Commission Data Request 1-3 herein. If, for example, a third-party institutes strategic litigation which causes a delay or cessation of one of the developer's projects there could be a domino effect, if there is a second project, this approach could also halt that project. This could have arbitrary consequences.

1-4 b. Limit the total capacity allocation any one developer may be awarded under the 30 MW cap.

Response: The Company is tasked with the implementation of the program and the program should be allowed to take its natural course before limitations are placed upon it.

1-4 c. Is there a better approach to ensure fair access to capacity?

Response: OER is satisfied that the amendment proposed is appropriate, for time being.

1-4 d. Since this is a limited capacity program, did the parties consider stricter requirements to be eligible to receive an award of capacity?

Response: No. Much like the Renewable Energy Growth program and limited megawatt capacity with that program, there are strict requirements with community solar projects under the net metering tariff to ensure legitimate projects are pursued, including the completion of an interconnection study and bond deposit associated with the projects capacity size.

Sponsor: Christopher Kearns, Office of Energy Resources

Date: June 29, 2018

CERTIFICATE OF SERVICE

I certify that the original and ten copies of this Data Request Response were sent to the Public Utilities Commission, by regular U.S. mail. In addition, PDF copies of the Data Request Response were served electronically on the entire service list of this Docket. I certify that all of the foregoing was done on June 29, 2018.


