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November 23, 2020

Re. Docket 5060

Dear Commissioners:

We file this public comment respectfully, pursuant to rule 1.29 of the Commission Rules of Procedure, to point out a mistake in docket 5060 that needs correction.

The mistake is clear. The Commission concludes that “Commercial Solar” and “Community Remote – Commercial Solar” are one class within which projects can be improperly segmented. However, Commission Order 23849 indicates that the DG Board proposed and the Commission approved “Commercial Solar” and “Community Remote – Commercial Solar” as separate classes with separate allocations and separate ceiling prices. (see Docket 4983, Order 23849 <http://www.ripuc.ri.gov/eventsactions/docket/4983-REGrowth2020-Ord23849%206-23-20.pdf>, Appendix A, attached). There is and can be no segmentation when two projects are bid into separate classes.

The Rhode Island General Assembly specifically established the separate Community Remote – Commercial Solar class by statute in 2016. R.I. Gen. Law § 39-26.6-27.

In order to facilitate the adoption of participation in renewable-energy projects by eligible customers, the board may allocate a portion of the annual MW goal to a separate class, or classes, of community remote-distributed-generation systems, which may compete under separate ceiling prices from non-community remote-distributed-generation systems, for program years starting on or after April 1, 2016.

The policy concern that drove that 2016 legislation was that the renewable energy growth program had been structured to provide disproportionate benefit to large commercial projects and did not allow adequate access for smaller customers including residential customers. The Commission’s conclusion that Community Remote Commercial Solar is one class with Commercial Solar disregards the 2016 statute and its purpose, to enhance program accessibility for smaller customers.

The statutory prohibition against segmentation reads that, “In no case may a project developer be allowed to segment a distributed-generation project on the same parcel or contiguous parcels into smaller-sized projects in order to fall under a smaller-size project classification.” R.I. Gen. Laws §39-26.6-9. Hexagon proposed these separate projects for entirely different project classifications, not in order to access a smaller size project classification. That is absolutely clear.

The Commission's wrongful preclusion of this carport project's eligibility on segmentation grounds impedes the purpose of the renewable energy growth program and other state policy addressing energy and climate. The mistake frustrates the purpose of the carport adder by wrongfully denying a carport project eligibility and expanding access in the commercial solar class for greenfield projects.

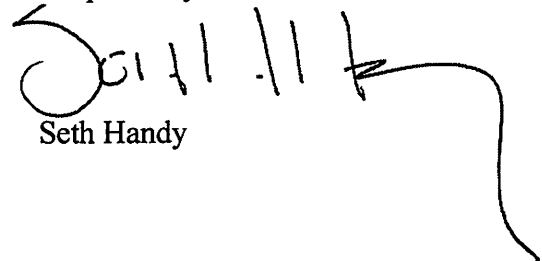
The Commission's finding of segmentation where it does not exist does not reduce cost to ratepayers. The proper comparison of costs is not between the two size classes for commercial solar, since these projects are proposed for separate classes established for a separate policy purposes with separate megawatt allocations and ceiling prices. The right cost comparison is between Hexagon's proposed carport project and its alternative, continued reliance on natural gas for the generating capacity that project offers. By that comparison, the Commission's decision adds cost to ratepayers, the electrical system, and society, according to any application of the docket 4600 cost benefit factors and to the research supporting Rhode Island's energy plan, Energy 2035.

National Grid should have approved this project's enrollment without deferring to the Commission. This proceeding was totally unnecessary and unwarranted. The relevant facts were clear, Hexagon proposed to bid two projects into separate classes.

Having responded to two data requests and a demand for pre-filed testimony before any procedural conference or identification of any disputed issues of fact or law, Hexagon received yet another set of data requests from the Division, which clearly did not pertain to any facts in dispute. The matter was ripe for resolution, especially given the time constraints on REG participation so Hexagon appealed to the DG Board and to the Commission for its expeditious resolution.

Now the waste of resources, time and money is a mistake that would require a RI Supreme Court appeal for correction. If uncorrected, this mistake costs Rhode Island policy.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Seth Handy". The signature is stylized and includes a long, sweeping underline that extends to the right.

Seth Handy

Appendix A

Approved Classes Sizes, and Ceiling Prices for 2020 RE Growth Program Year

Renewable Energy Classes (20 Year Tariff Terms unless otherwise noted), Eligible System Sizes, Ceiling Prices, MW Allocation

Renewable Energy Class	Eligible System Size	Ceiling Price (¢/kWh)	Allocation
Small Solar I (15 Year Tariff)	1 to 10 kW DC	29.65	6.950 MW
Small Solar II	11 to 25 kW DC	23.45	
Medium Solar	26 to 250 kW DC	21.15	3 MW
Commercial Solar	251-999 kW DC	18.25	8.244 MW (1)
Large Solar	1 to 5 MW DC	13.65	18.294 MW (1)
Wind	0 to 5 MW DC	18.85	3 MW
Community Remote – Wind	0 to 5 MW DC	21.65	
Anaerobic Digestion	≤ 5 MW DC	15.35	1 MW
Small Scale Hydropower II	≤ 5 MW DC	21.45	
Community Remote – Commercial Solar	251-999 kW DC	20.99	3 MW
Community Remote – Large Solar	1 to 5 MW DC	15.70	3 MW

(1) The Solar Carport Capacity Target Nameplate (kW DC) is set aside for enrollment through all three Open Enrollments. A Customer whose DG Project includes nameplate capacity that meets the definition as a Solar Carport will be eligible for the approved Solar Carport Incentive and that capacity will be removed from the current target. Solar carport eligible projects should bid in the appropriate class.