

January 30, 2019

**VIA ELECTRONIC MAIL
AND UPS NEXT DAY DELIVERY**

Mr. James J. Murphy, Jr., Vice-Chairman
Connecticut Siting Council
Ten Franklin Square
New Britain, CT 06051

Re: Petition No. 1354 – Chatfield Solar Fund, LLC, petition for a declaratory ruling, pursuant to Connecticut General Statutes §4-176 and §16-50k, for the proposed construction, maintenance and operation of a 1.98-megawatt AC solar photovoltaic electric generating facility located in Killingworth, Connecticut

Dear Vice-Chairman Murphy:

Enclosed for filing with the Connecticut Siting Council (the “Council”) in the above-captioned petition are (1) the request for extension (“Request for Extension”) of ZREC Contract Automatic Termination Date of Standard Solar, Inc. (“SSI”) in connection with PURA Docket No. 17-10-19, *Review of LREC/ZREC Projects*; and (2) PURA’s subsequent approval of the Request for Extension, which approval grants SSI a six-month extension from April 1, 2019, to October 1, 2019, of the automatic termination date of the Standard Contracts L5-3814 and L5-3816 for the Purchase and Sale of Connecticut Class I Renewable Energy Credits by and between SSI and CL&P. With this extension, SSI now has until October 1, 2019, to finish the entire project in connection with the above-captioned petition.

Should the Council have any questions regarding this letter, please do not hesitate to contact me.

Very truly yours,



Bruce L. McDermott

Enclosures

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STATE OF CONNECTICUT
PUBLIC UTILITIES REGULATORY AUTHORITY

Review of LREC/ZREC Projects : Docket No. 17-10-19
:
:
: December 21, 2018

Motion of Standard Solar, Inc. for Extension of ZREC Contract
Automatic Termination Date

Standard Solar, Inc. (“SSI”) respectfully requests that the Public Utilities Regulatory Authority (“PURA” or the “Authority”) direct The Connecticut Light and Power Company d/b/a Eversource Energy (“Eversource”) to grant SSI a six-month extension of the automatic termination date for Contracts L5-3814 and L5-3816, Standard Contract for the Purchase and Sale of Connecticut Class I Renewable Energy Credits by and between SSI and Eversource dated December 12, 2016 (the “ZREC Agreements”). SSI requests that the ZREC Agreements’ automatic termination date (the “Automatic Termination Date”) be extended from April 1, 2019, to October 1, 2019, for the reasons described below. The distributed resources group at Eversource does not object to the filing of this Motion.

On December 12, 2016, Eversource entered into the ZREC Agreements with BeFree Green Energy, LLC (“BeFree”) to support the development of an approximately 2 megawatt (“MW”) solar energy system in Killingworth (the “Project”) and the ZREC Agreements provided a Delivery Term Start Date of October 1, 2017. The Project was subject to a one-year grace period of its Delivery Term Start Date, which date is

October 1, 2018. In August of 2018, in anticipation of being assigned the ZREC Agreements from BeFree, SSI proactively retained professional engineering and wetlands consulting services to begin the necessary studies, designs and engineering needed for the Project. On September 25, 2018, BeFree assigned the ZREC Agreements to SSI. On September 27, 2018, SSI applied for and received a six-month extension for the completion of the Project from Eversource pursuant to the terms of the ZREC Agreement, which requires the Project to be in-service no later than April 1, 2019 (the "Service Date"). On October 23, 2018, SSI submitted a petition ("Petition") to the Connecticut Siting Council ("Council") for a declaratory ruling that no certificate of environmental compatibility and public need was necessary for the development of the Project.¹ Pursuant to Connecticut General Statutes ("C.G.S.") Section 16-50p, the Council has 180 days to render a decision on SSI's Petition, which the Council has determined to be April 21, 2019. However, for solar projects the size (less than 5MW) of the Project, the Council issues approvals an average of approximately 65 days after a petition has been submitted.

At the Council's most recent meeting on December 6, 2018, the Council voted to schedule a public hearing on SSI's Petition due in part to a desire by one of the Council members to question SSI's environmental consultant on the Project's potential impact on vernal pools.² Further, the earliest the Council can establish a date for the hearing is at its next regularly scheduled meeting on January 17, 2019, and pursuant to C.G.S. Section 16-50m(a), the Council must provide at least 30 days' notice of the

¹ The Petitioner is Chatfield Solar Fund, LLC, a subsidiary of SSI.

² The Project's Petition to the Council provides, "With respect to the three potential vernal pools ... no construction will occur within a 100 foot buffer of a vernal pool boundary and no clearing of trees will occur inside a 50 foot buffer of a vernal pool boundary." Petition at p. 10.

hearing, which means that hearing may not occur until at least February 18, 2019.

Thus, while SSI understood at the time it assumed development of the Project that it was operating under a tight timeline, the developments at the Council this month have made obtaining commercial operation by the Service Date highly unlikely.

To date, the Council has completed a review of 30 solar projects by declaratory ruling pursuant to C.G.S. Sections 4-176 and 16-50k and approved 24, totaling nearly 265.46 MW. Additionally, of the 30 solar projects that have been before the Council, 18 were similar to the Project in size (less than 5 MW) and *no hearings were held on those projects*. Based on this prior precedent, SSI did not believe a hearing would be required for the Project and the Council's decision to hold a hearing on the SSI Project was unanticipated.

Since acquiring rights to the Project in September of 2018, SSI has worked in good faith and used commercially reasonable efforts to develop the Project. SSI has spent approximately \$380,000 thus far to complete planning for the Project, and but for the unexpected decision by the Council to hold a hearing on the Petition, SSI would likely have finished all development and would have begun commercial operation before the Service Date. Additionally, if SSI is not able to obtain this extension from the Authority, the \$380,000 will likely be lost.

SSI is a responsible solar developer that has successfully developed a number of projects within the timeline that would be applicable to this Project if this extension request is granted. For example, in Maryland, SSI completed constructions for two similar-sized solar ground mount arrays: (1) a 850 kilowatt system in six months; and (2) a 2.7 MW system in seven months. While SSI has not commenced construction of the Project it has

already invested considerable funds, time, and effort to bring the Project to fruition, and the delay associated with the Council's review of the Project was unforeseen and beyond SSI's control. Specifically, \$380,000 has already been spent on work related to acquisition, the interconnection agreement, and civil engineering.

In conclusion, the Project planning is complete but for review and approval by the Council and the failure to extend the ZREC contract by an additional six months will only serve to undo a fully-planned and ready-to-initiate-development project. SSI did not originally contemplate the Council's new requirement for an administrative hearing and when it became apparent that such a course of action was going to be taken, SSI moved expeditiously to request this extension. Therefore, SSI respectfully requests that the Authority rule that Eversource grant a six month extension to the Automatic Termination Date for the reasons set forth above.

Respectfully submitted,

Standard Solar, Inc.

By:



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STATE OF CONNECTICUT

PUBLIC UTILITIES REGULATORY AUTHORITY

January 28, 2019
In reply, please refer to:
Docket No. 17-10-19
Motion No. 51

Bruce L. McDermott, Esq.
Samuel R. Volet, Esq.
Murtha Cullina LLP
265 Church Street
New Haven, CT 06510

Re: Docket No. 17-10-19, Review of LREC/ZREC Projects

Dear Messrs. McDermott and Volet:

The Public Utilities Regulatory Authority (Authority) acknowledges receipt of the December 21, 2018 motion (Motion No. 51) filed on behalf of Standard Solar, Inc. (Company or SSI), in the above referenced proceeding.

By Motion No. 51, the Company requests that the Authority direct The Connecticut Light and Power Company d/b/a Eversource Energy (CL&P) to grant SSI a six-month extension of the automatic termination date of Standard Contracts L5-3814 and L5-3816 for the Purchase and Sale of Connecticut Class I Renewable Energy Credits by and between SSI and CL&P (Contracts). The Company explained that it encountered unexpected delays that involved the Connecticut Siting Council.

The Authority hereby approves SSI's request and permits CL&P to grant the Company a six-month extension of the automatic termination date of the Contracts, from April 1, 2019 to October 1, 2019. In addition, the Authority orders the Company to post additional performance assurances, in amounts that triple the Contracts' original performance assurances. The additional performance assurances shall be refundable provided the project becomes commercially operational within the additional extension periods.

Sincerely,

PUBLIC UTILITIES REGULATORY AUTHORITY

A handwritten signature in black ink, appearing to read "Jeffrey R. Gaudiosi".

Jeffrey R. Gaudiosi, Esq.
Executive Secretary

cc: Service List

10 Franklin Square, New Britain, CT 06051

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