

STATE OF VERMONT
PUBLIC UTILITY COMMISSION

Case No. 23-2700-PET

Petition of Deerfield Wind, LLC to amend the certificate of public good to allow petitioner to revise decommissioning letter of credit every third year consistent with Public Utility Commission Rule 5.904(B)	
---	--

Order entered: 03/28/2025

ORDER REJECTING REPLACEMENT DECOMMISSIONING FUND LETTER OF CREDIT

On April 16, 2009, the Vermont Public Utility Commission (“Commission”) issued an order and certificate of public good (“CPG”) in Case No. 7250 approving, subject to certain conditions, the construction and operation of an electric generation facility (the “Facility”) by Deerfield Wind, LLC (“CPG Holder”).¹ The CPG included conditions requiring the CPG Holder to file for Commission review and approval of a letter of credit.²

On May 9, 2024, Santander Bank, the financial institution that issued the last-approved letter of credit for the Facility, filed a notice that the letter of credit will expire on July 7, 2024.

On May 17, 2024, the CPG Holder filed with the Commission a replacement letter of credit and drawing certificate.

Having reviewed the replacement letter of credit, we find that it does not comply with our requirements regarding letters of credit.³ The CPG Holder must submit a new letter of credit that addresses these deficiencies:

- The letter of credit must reference Case No. 23-2700-PET in addition to Case No. 7250; and
- The letter of credit references the laws of the State of New York rather than the laws of the State of Vermont.

The CPG Holder is encouraged to consult the Commission’s website (<https://puc.vermont.gov/electric/letter-of-credit>) where information about filing a letter of credit is posted, including a sample letter of credit and drawing certificate.

¹ Case No. 7250, Order of 4/16/09.

² See, CPG at ¶ 19.

³ The Commission intended to issue an order rejecting the replacement letter of credit in July 2024. However, due to an administrative oversight, it was not issued at that time.

The CPG Holder is reminded that letters of credit filed with the Commission must be from an A-rated financial institution as clarified by the Commission's April 25, 2024, general order issued in Case No. 24-1240-INV, which lists the types of documentation that can be provided by CPG holders to verify that the issuing financial institution is the equivalent of "A rated."

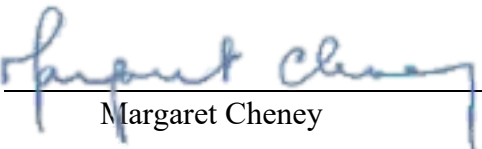
The replacement letter of credit filed on May 17, 2024, is rejected.⁴ Please file a revised letter of credit that meets the Commission's requirements by April 25, 2025.⁵

SO ORDERED.

⁴ The replacement letter of credit filed with the Commission on May 17, 2024, was fully executed and we understand may likely be in place currently. That letter of credit is set to expire on May 10, 2025. If the CPG Holder needs additional time to secure a revised letter of credit that also extends the expiration date, it can file a request for more time with the Commission.

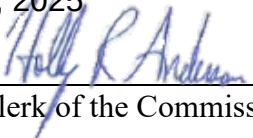
⁵ The Commission prefers that the CPG Holder file a fully revised letter of credit resolving all issues identified above. However, if the CPG Holder is only able to secure an amendment to the already filed letter of credit, then the CPG Holder may file an amendment with a letter explaining that a fully revised letter of credit could not be obtained and the reason.

Dated at Montpelier, Vermont, this 28th day of March, 2025.

	)	
Edward McNamara	)	PUBLIC UTILITY
	)	
	)	COMMISSION
	)	
	)	OF VERMONT
Margaret Cheney	)	

OFFICE OF THE CLERK

Filed: March 28, 2025

Attest: 
Clerk of the Commission

Notice to Readers: This decision is subject to revision of technical errors. Readers are requested to notify the Clerk of the Commission (by e-mail, telephone, or in writing) of any apparent errors, in order that any necessary corrections may be made. (E-mail address: puc.clerk@vermont.gov)

Appeal of this decision to the Supreme Court of Vermont must be filed with the Clerk of the Commission within 30 days. Appeal will not stay the effect of this Order, absent further order by this Commission or appropriate action by the Supreme Court of Vermont. Motions for reconsideration or stay, if any, must be filed with the Clerk of the Commission within 28 days of the date of this decision and Order.

PUC Case No. 23-2700-PET - SERVICE LIST

Parties:

Robert Batarags
Avangrid Renewables
1125 NW Couch Street
Suite 700
Portland, OR 97209
Rob.Batarags@avangrid.com

(for Deerfield Wind,
LLC)

Erin C. Brennan, Esq.
Vermont Department of Public Service
112 State Street
Montpelier, VT 05620
Erin.Brennan@vermont.gov

(for Vermont
Department of Public
Service)

Paul Burns
Vermont Public Interest Research Group
141 Main Street
Suite 6
Montpelier, VT 05602
paul@vpirg.org

(for Vermont Public
Interest Research Group)

Lawrence Christopher Campany
Windham Regional Commission
139 Main Street Suite 505
Brattleboro, VT 05301
ccampany@windhamregional.org

(for Windham Regional
Commission)

Clifford C. Duncan
Duncan Cable TV Service
P.O.Box 685
Wilmington, VT 05363
c.duncan@duncancable.com

(for Duncan Cable TV
Service)

Jamey D. Fidel
Vermont Natural Resources Council
11 Baldwin Street
Montpelier, VT 05602
jfidel@vnrc.org

(for Vermont Natural
Resources Council)

Catherine Gjessing
Vermont Fish & Wildlife Department
1 National Life Drive, Davis 2
Montpelier, VT 05620-3702
catherine.gjessing@vermont.gov

(for Vermont Agency of
Natural Resources)

Geoffrey Hand, Esq.
SRH Law PLLC
91 College Street
PO Box 545
Burlington, VT 05402
ghand@srhlaw.com

(for Deerfield Wind,
LLC)

John W Kessler
Agency of Commerce and Community Development
National Life Building, Drawer 20
Montpelier, VT 05620-0501
john.kessler@vermont.gov

(for Vermont Agency of
Commerce and
Community
Development)

Lisa Linowes
Wind action
llinowes@windaction.org

(for Industrial Wind
Action Group)

Owen McClain, Esq.
Sheehey Furlong & Behm P.C.
30 Main Street
P.O. Box 66
Burlington, VT 05402
omcclain@sheeheyvt.com

(for Green Mountain
Power Corporation)

Andrew N. Raubvogel, Esq.
SRH Law PLLC
91 College Street
P.O. Box 545
Burlington, VT 05402-0545
araubvogel@srhlaw.com

(for Deerfield Wind,
LLC)

Rachel Seelig, Esq.
SRH Law PLLC
91 College Street
Burlington, VT 05401
rseelig@srhlaw.com

(for Deerfield Wind,
LLC)

Tom Shea, *pro se*
380 Lafayette Road, Unit 11-144
Seabrook, NH 03874
tomshea@alum.mit.edu

Chase Whiting, Esq.
Conservation Law Foundation

(for Conservation Law
Foundation)

CLF 15 East State Street, Suite 4
Montpelier, VT 05602
cwhiting@clf.org

John Zaikowski
Vermont Agency of Natural Resources
1 National Life Drive
Davis 2
Montpelier, VT 05620-3901
John.Zaikowski@vermont.gov

(for Vermont Agency of
Natural Resources)