

STATE OF VERMONT
PUBLIC UTILITY COMMISSION

Case No. 20-0789-INV

Vermont Public Utility Commission orders and memoranda issued in response to COVID-19 pandemic	
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Order entered: 06/18/2020

**ORDER REQUESTING PUBLIC COMMENTS RESPONDING TO REQUEST FOR WAIVER OF
COMMISSION RULE 5.508(B) FOR CERTAIN EXECUTION DEADLINES**

I. INTRODUCTION

In this Order, the Vermont Public Utility Commission (“Commission”) directs the Vermont electric distribution utilities to file public comments by July 9, 2020, responding to a request to waive Commission Rule 5.508(B) for those interconnection agreement execution deadlines that fall on or after March 25, 2020, through December 31, 2020.¹ Joint filings are acceptable. The Commission welcomes responsive public comments from other persons or entities by the same date.

II. BACKGROUND

On May 12, 2020, Triland Partners LP (“Triland”) requested that the Commission: authorize, enable and direct Vermont’s utilities to similarly extend, for net metering and standard offer projects, the execution deadline of all Standard Generation Interconnection Agreements whose execution deadlines fall on or after March 25, 2020 through December 31, 2020.²

On May 21, 2020, the Commission issued an order stating that it interpreted Triland’s request as a request for a waiver of one sentence of Commission Rule 5.508(B) for those execution deadlines that fall on or after March 25, 2020, through December 31, 2020. The Commission asked for public comments to be filed by June 10, 2020, on the waiver request, including more information on how the execution of an interconnection agreement may be affected by conditions related to the COVID-19 pandemic.

¹ The relevant sentence of Commission Rule 5.508(B) reads: The Interconnection Requester shall return the executed Interconnection Agreement within one calendar year or the Interconnection Requester’s Application shall be deemed withdrawn and the Interconnection Requester shall lose Interconnection Queue position.

² Triland 5/12/20 Public Comments at 1.

On June 9, 2020, Triland filed a public comment, which elaborates on the reasons behind its initial request. Triland states that interconnection agreements require that facilities be commissioned within one calendar year from the date the interconnection agreement was executed or the agreement will automatically terminate. Triland also notes that:

While the [interconnection agreement] provides terms and conditions for the remedy of a termination, this remedy provision is not a guarantee of a superseding agreement to undue the automatic termination. The automatic termination, presumably caused by issues beyond the Interconnection Requester's control (supply chain and construction disruptions), would jeopardize queue position, and/or increase the real and perceived risk to the project proponent, lender, and investors.³

No other public comments were filed.

III. DISCUSSION AND CONCLUSION

It appears that the underlying issue raised by Triland relates to preserving interconnection queue positions for projects whose construction has been affected by the COVID-19 pandemic. In addition, it appears that there are two distinct deadlines related to interconnection agreements that have the potential to affect this issue: (1) the deadline for executing an interconnection agreement, and (2) the deadline for commissioning a facility that has an executed interconnection agreement. Triland has asked the Commission to address its concerns regarding the preservation of interconnection queue positions by waiving (or extending) the first of those deadlines if the deadline falls on or after March 25, 2020, through December 31, 2020.

In order to evaluate the requested waiver, the Commission would like information from the Vermont electric distribution utilities. Specifically, the Commission directs those utilities to respond to the following questions by July 9, 2020:

- What effect would granting the requested waiver have on the interconnection process, including the utilities' performance of studies for future projects and on the utilities' management of their interconnection queues?
- Could the issue raised by Triland also be addressed by extending the deadline for commissioning a facility that has an executed interconnection agreement? What

³ Triland 6/9/20 Public Comments at 3.

would be the ramifications of extending the commissioning deadline as opposed to the interconnection agreement execution deadline?

- What are the utilities' current practices with respect to interconnection agreements whose facilities are not commissioned within one year of the agreements' execution as a result of the COVID-19 pandemic?
- What effect do these practices have on a facility's interconnection queue position?
- Do the utilities need authority from the Commission to address the issue raised by Triland or do the interconnection agreements' standard terms and conditions allow the issue to be addressed?
- Are there any other factors that the Commission should consider when evaluating Triland's request?

All responses should be filed as public comments in Case No. 20-0789-INV in ePUC; if you are attaching a document, instead of typing "See attached file" in the comment text box, please type "re interconnection agreement execution deadlines" to make it easier for all users to identify those public comments that are responsive to this order.

SO ORDERED.

