



Josh Castonguay
Chief Innovation Officer

Mobile Number
(802) 324-8359
josh.castonguay@greenmountainpower.com

Filed in ePUC

Case Nos. 19-0855/0856-RULE (Rule 5.100 & Rule 5.500 Amendments)

January 14, 2021

Ms. Judith Whitney, Clerk
Vermont Public Utility Commission
112 State Street
Montpelier, VT 05620-2701

Re: Green Mountain Power Notice Regarding Progress Fulfilling Procedural Order; Report Regarding Implementation of Net Metering Interconnect Rules; and Renewed Request to Restart Rule Amendment Proceedings or Other Process to Clarify Net Metering Interconnection Procedures Under Rule 5.100 and Rule 5.500

Dear Ms. Whitney:

I am writing to thank the Public Utility Commission (“Commission”) for its December 21, 2020 Procedural Order by Hearing Officer Tousley in Case No. 20-3293-NMP, Lawson’s Finest Liquids, helping to clarify how to handle net metering projects that fall in a gap between Rules 5.100 and 5.500. Green Mountain Power (“GMP”) submits this letter (1) to explain how GMP plans to implement the Rules in similar situations going forward; and (2) to renew our request, most recently made in Case No. 20-2339-NMP, that the Commission continue to move forward with updates to Rules 5.100 and 5.500 in its open amendment proceedings, or begin other process designed to further clarify procedures for net metering interconnections.

Background

In Case No. 20-3293, Applicant Lawson’s Finest Liquid filed for a certificate of public good for a 150 kW solar carport canopy to be installed by developer SunCommon. GMP sought a Rule 5.500 Interconnection Application for the project so that it would have the information needed to evaluate the project pursuant to Rule 5.107(C)(10)(b). SunCommon objected, stating that the size of the system did not require a Rule 5.500 application, even though utility review of the system was required in order to make the determination required by Rule 5.107(C)(10)(b).

In his December 21, 2020 Procedural Order ruling on the objection (“Procedural Order”), Hearing Officer Tousley noted that “[t]he interplay of [Rule 5.100 and Rule 5.500] is complex and has led to confusion on some cases.” Procedural Order at 2. Hearing Officer Tousley clarified that projects at or under 150kW do not need to utilize a Rule 5.500 interconnection application or pay the application fee, even though GMP must utilize the information typically provided on such an application in order to fulfill Rule 5.107(C)(10)(b) through analysis and studies as needed. Hearing Officer Tousley found that “while GMP may conduct any necessary studies of the proposed interconnection using the procedures of Rule 5.500 generally, the Petitioner is not required to submit a separate standard interconnection application form and fee to GMP.” Procedural Order at 3. He directed GMP to conduct a fast track review “as soon as possible and convey the results to the Petitioner. GMP may seek additional information from the Petitioner if needed Any additional studies should be conducted in accordance with the relevant portions of Rule 5.500.” Id.

GMP appreciates the clarifications provided by Hearing Officer Tousley in the Procedural Order. On December 23, 2020, GMP informed the applicant that the project was not eligible for fast track treatment and that review of the project would proceed under Rule 5.507, as indicated by Hearing Officer Tousley’s Procedural Order. GMP has completed the full project review and has provided the customer with the final study results.

GMP finds projects like this one that bring solar to carport canopies to better utilize available land and co-locate EV charging are positive and welcomed by our customers. GMP would support a further clarification or, if needed, a Rule change to allow solar installed on canopy carports under a certain size to be treated as rooftop.

GMP Updated Procedure to Implement Net Metering Interconnection Rule

Going forward, GMP will incorporate the Hearing Officer’s direction for future net metering interconnection requests. For ground-mounted projects at or under 150kW, unless directed otherwise through updated rulemaking or order, GMP will not require a Rule 5.500 Interconnection Application or filing fee and will evaluate the project as we have been evaluating ground-mounted projects up to 50 kW and roof-mounted projects up to 500kW.¹ Upon notification of such a project, GMP will review the project and determine whether further study is required. If further study is required, GMP will provide a cost estimate for the appropriate study under Rule 5.500 along with the standard agreement. What is not fully resolved is how GMP will obtain the information it needs to evaluate ground-mounted solar arrays above 50kW up to 150kW. All of the needed data is listed in, or included as attachment to, the Rule 5.500

¹ For projects where a Rule 5.500 interconnection application or fee is not required, upon notification of the project via ePUC, GMP evaluates the project to determine whether further study is necessary but does not perform a formal review of the Fast Track Screening Criteria or provide copies of the analysis under each Criteria. It has been GMP’s interpretation that if a Rule 5.500 application is not required, then the fast track process under Rule 5.505, which is triggered after the utility notifies the interconnector that its interconnection application is complete, does not come into play. Instead, we assess whether a feasibility or other study is required to determine impacts of interconnection. This interpretation of the rules seems appropriate and has been efficient as developers generally do not want to wait for fast track completion since projects above a certain size are almost always guaranteed to fail at least one criteria.

Interconnection Application, and GMP suggests that developers either utilize that format (without paying the Rule 5.500 fee or including documentation of site control) or provide that information to GMP in another accessible, easy to review and electronic format.

In addition, for any project that does fall under Rule 5.500 and therefore triggers the fast-track review process, if a developer wishes to save time because of the high likelihood the project will be found ineligible after review, a developer can request that GMP deem the project not eligible for fast track treatment immediately so that we can move expeditiously to further study. A number of developers have asked GMP for this process and we agree that it is both consistent with the intention of the Rule and efficient to proceed in this manner when requested by the developer.

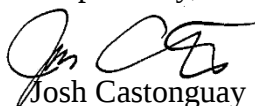
GMP Request to Resume Rulemaking Regarding Net Metering Interconnections or Other Process to Provide Further Clarity

GMP appreciates the clarifications provided in Hearing Officer Tousley's recent Procedural Order. We know that it was issued under the particular circumstances at issue there and did not answer definitively related questions regarding how utilities are to ensure in all circumstances that "additional studies [are] conducted in accordance with the relevant portions of Rule 5.500." Procedural Order at 3. For example, as set forth in Rule 5.507(E), we believe we are required to charge the applicant the estimated costs of performing the feasibility study, with a true up after completion, so that other customers do not pay for such studies, even though developers will not provide a Rule 5.500 application and filing fee for projects at or under 150 kW.

In other matters involving 150 kW or less ground-mounted systems, developers have also objected to providing GMP the information needed to perform the review required by Rule 5.107(b). The lack of clear process has created unnecessary friction between customers, hoping to have solar installed without delay, their developers, and GMP, and points to the need to restart the net metering rule amendment process undertaken by the Commission in related proceedings for Rule 5.100 (19-0855-RULE) and Rule 5.500 (19-0856-RULE). If continuing these general rule amendment proceedings is not feasible at this time, GMP requests that the Commission consider a limited proceeding to address ground mount net metering projects sized 50 kW to 150 kW, and to address the treatment of certain solar canopy projects as rooftop installations.

Thank you for the opportunity to provide these updates and GMP's request to the Commission.

Respectfully,



Josh Castonguay
Chief Innovation Officer

cc: ePUC Service Lists for Rules 5.100/5.500 Rulemaking Process, 19-0855/0856-RULE