

**STATE OF VERMONT
PUBLIC UTILITY COMMISSION**

Petition of Georgia BESS, LLC for a Certificate)
of Public Good, pursuant to 30 V.S.A. §§ 231 and)
248(j), authorizing the ownership, installation,)
and operation of a 4.99 MW battery electric)
storage project to be located in Georgia, Vermont)
to be known as the “Georgia BESS Project”)

Case No. 21-____-PET

**PETITION FOR CERTIFICATES OF PUBLIC GOOD
PURSUANT TO 30 V.S.A §§ 231 AND 248(j)**

By this Petition, Georgia BESS, LLC (“Georgia BESS” or “Petitioner”) requests that the Public Utility Commission (“Commission”) issue Georgia BESS Certificates of Public Good (“CPG”) pursuant to 30 V.S.A. §§ 231 and 248(j) for the ownership, installation, and operation of a 4.99 MW battery electric storage project to be located in Georgia, Vermont. In support of this Petition, Georgia BESS represents as follows:

1. Petitioner Georgia BESS, LLC (“Georgia BESS”) is a Vermont limited liability company with a business address of 800 Taylor Street, Suite 200, Durham, NC 27701. Georgia BESS is a single-purpose entity whose sole member is Strata Storage, LLC (“Strata”), a North Carolina limited liability company.

2. Georgia BESS’s parent company, Strata, has 12 years of experience developing energy projects, with over 250 energy projects and over 2,000 MW of installed capacity, of which it owns 800 MW. Strata is currently developing over 1,000 MW of energy storage systems.

3. Georgia BESS’s activities in the state will be limited to owning, installing, and operating the 4.99 MW battery storage facility (the “Project”). The Project was selected by Green Mountain Power (“GMP”) for a long-term Energy Storage Services contract as part of its October 2019 *Request for Proposals for Distributed Peak Resources in Green Mountain Power’s Service Territory*.

4. The Project will be a privately financed “merchant” facility that will contract directly with GMP for energy services related to the Project, and will not sell or deliver electricity directly to retail customers.

5. Energy will be withdrawn from GMP’s grid, typically during off-peak periods, and stored in the BESS. This energy will then be discharged back to GMP’s grid, typically during peak periods.

6. The BESS will provide peak reduction services to GMP. In addition, the BESS will participate in the ISO-NE frequency regulation markets, via conveyance of electricity that is charged and discharged through GMP’s distribution grid.

7. The Project will decrease the need for generation and transmission build-out, help the electric grid operators balance supply and demand even as non-dispatchable renewables interconnect to the grid, and assist GMP in achieving potential cost savings for ratepayers.

8. The Project will be sited on approximately 0.23 acres of a \pm 560-acre parcel off Ballard Road near the intersection with Sodom Road. The Project will be located near an existing communications tower and a GMP substation.

9. The Project will consist of up to six containerized energy storage systems connected to up to three inverters (to convert the power from AC and DC for storage, and then back to AC) and up to three transformers, depending on the final design of the Project.

10. The Project will be surrounded by a fence a least seven feet high and covered by privacy screening mesh with barbed wire at the top. An overhead electric line will run from the Project to GMP’s existing line on Ballard Road, which runs to the GMP substation located approximately 200 feet to the north of the Project.

11. The Project will be interconnected to GMP's grid through a line extension to GMP's existing 12.47 kV distribution circuit on Ballard Road.

12. The Project will utilize an existing access road off Ballard Road. An approximately 87-foot-long and 20-foot-wide road extension will be added from the existing access drive to the Project site.

13. The Project will be supported by Strata's resources, including its in-house construction, operations, and maintenance team and a Network Operations Center that is staffed 24/7, as well Strata's established history of being able to obtain financing.

14. Georgia BESS will assume the risks of financial harm if the Project fails for any reason, and a proposed Decommissioning Fund for the Project will ensure that Vermont taxpayers will be insulated from risk of financial harm in the event there are any issues with the Project.

15. Given the proposed limited activities that Georgia BESS will engage in with respect to the Project as a merchant facility, and Georgia BESS's need for flexibility with respect to financing decisions, Georgia BESS is requesting *de minimis* regulation under § 231. More specifically, Georgia BESS seeks exemption from §§ 107, 108, and 109 of Title 30 regarding the acquisition of a controlling interest in a company subject to the Commission's jurisdiction; the mortgaging or pledging of corporate property or the issuance of stocks, bonds, notes, or other evidences of indebtedness; and the sale or lease of Vermont property used for generation or transmission services. The Commission has approved such *de minimis* regulation for similar projects.¹

16. Strata has extensive expertise and experience in developing, operating, and owning energy projects, and the financial stability and means to finance, own, and operate the Project.

¹ See, e.g., *Petition of E. BarreCo Corp LLC*, Case No. 18-1658-PET, Final Order of 10/4/18.

Georgia BESS's ownership and operation of the Project will promote the general good of the State, and the company should be granted a Section 231 CPG.

17. The proposed Project meets the requirement for review and issuance of a CPG under §248(j). The Project is of limited size and scope and does not raise a significant issue with the applicable criteria established by 30 V.S.A. § 248, including the applicable environmental criteria incorporated from Title 10 of the Vermont Statutes Annotated pursuant to 30 V.S.A. § 248(b)(5).

18. Georgia BESS followed the filing requirements set forth in Commission Rule 5.402 and submitted plans for construction to the affected municipal and regional planning commissions, and municipal legislative bodies at least 45 days prior to filing this Petition.

19. Georgia BESS has provided a list of adjoining landowners pursuant to Commission Rule 5.402(F)(3). Georgia BESS identified the adjoining landowners using the Vermont Center for Geographic Information database and verified this online information with the Georgia Assistant Assessor, Bob Ware, on January 19, 2021.

20. In support of this Petition, Georgia BESS submits supporting prefiled testimony and exhibits that address each of the applicable § 248(b) criteria and § 231 factors by the following witnesses:

Witness

James Robinson

Subject

Mr. Robinson's testimony provides an overview of Georgia BESS's plans to install and operate the Project. Mr. Robinson also discusses the Project's compliance with the following Section 248(b) criteria: need for the project; system stability and reliability; economic benefits; air pollution; public health and safety; greenhouse gases; transportation systems; educational services; municipal services; development affecting public investments; and decommissioning. Finally, Mr. Robinson testifies regarding how Georgia BESS meets the requirements to be issued a Section 231 CPG.

- Ryan Scott Mr. Scott's testimony provides an assessment of the Project's potential impacts on the natural environment and addresses the following section 248(b)(5) criteria: the natural environment and use of natural resources, outstanding resource waters, headwaters, floodways, streams, shorelines, wetlands, rare and irreplaceable natural areas, threatened and endangered species, necessary wildlife habitat, and historic resources.
- Andrew Mills Mr. Mills addresses the Project's compliance with the following section 248(b)(5) criteria: air and water purity, water conservation, water use & supply, waste disposal, soil erosion and primary agricultural soils.
- Jeremy Owens Mr. Owens' testimony provides an assessment of the Project's compliance with the following section 248(b) criteria: orderly development of the region and aesthetics.

21. In addition to the prefiled testimony and exhibits from these witnesses, Georgia BESS has included Proposed Findings and Proposed CPGs in accordance with the requirements of 30 V.S.A. § 248(j).

Request for Relief

WHEREFORE, Georgia BESS respectfully requests the Commission to:

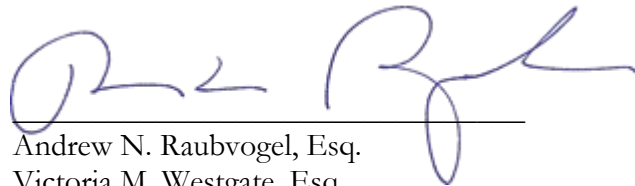
1. Issue notice of the Petition pursuant to 30 V.S.A. §§ 231 and 248(j)(2) and conduct any necessary public comment periods and other statutory processes;
2. Make such findings as required by 30 V.S.A. § 248(j) and Commission procedures for the Commission to authorize Georgia BESS to own, construct, and operate a 4.99 MW battery electric storage project to be located in Georgia, Vermont, that the Petition does not raise a significant issue with respect to the substantive criteria of Section 248, that the public interest is satisfied by the procedures authorized by Section 248(j), and that Georgia BESS's ownership, installation, and operation of the Project will promote the general good of the State of Vermont;

3. Make such findings as required under 30 V.S.A. § 231 for the Commission to determine that the operation of Georgia BESS's business in Vermont will promote the general good of the State, and to authorize *de minimis* regulation exempting the requirements of §§ 107, 108 and 109;
4. Issue Certificates of Public Good pursuant to 30 V.S.A. §§ 248 and 231 to that effect; and
5. Take such other actions as may be required for the expeditious review and approval of this Petition.

DATED at Burlington, Vermont, this 9th day of March, 2021.

Georgia BESS, LLC

By:



Andrew N. Raubvogel, Esq.
Victoria M. Westgate, Esq.
Dunkiel Saunders Elliott Raubvogel & Hand, PLLC
91 College Street, P.O. Box 545
Burlington, Vermont 05402-0545
araubvogel@dunkielsaunders.com
vwestgate@dunkielsaunders.com
(802) 860-1003