

**STATE OF VERMONT
PUBLIC UTILITY COMMISSION**

Case No. 20-0789-INV

Vermont Public Utility Commission orders and memoranda issued in response to the COVID-19 pandemic	
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**THE DEPARTMENT OF PUBLIC SERVICE’S COMMENTS REGARDING
A POTENTIAL FOURTH EXTENSION OF COMMISSIONING DEADLINES
FOR NET-METERING AND STANDARD OFFER PROJECTS**

On January 18, 2022, Renewable Energy Vermont (“REV”) filed a letter with the Vermont Public Utility Commission (“Commission”) requesting a one-year extension to the certificate of public good (“CPG”) commissioning deadlines for all net-metered or Standard Offer projects whose commissioning deadlines fall on or after January 1, 2022, through December 31, 2022, because continued COVID-19 pandemic related disruptions, such as hampered supply chains, are impeding timely construction. To date, nine stakeholders¹ from the renewable energy development community and one retail electric utility have filed comments in support of the extension requested by REV.

The Vermont Department of Public Service (“Department”) supports the proposed extension because of the systemic supply and staffing issues that the COVID-19 pandemic has presented. Moreover, as noted by REV and others, a one-year extension for all net-metering and Standard Offer projects would be more administratively efficient than processing what may otherwise be a high amount of individual extension requests. The Department understands that the Vermont

¹ With AllEarth Renewables, Inc. having filed both a motion and comments in support of the extension.

Agency of Natural Resources (“ANR”) requests that any seasonal CPG restrictions remain in place, that any 30 V.S.A. § 248(b)(5) environmental criteria requirements stay in effect, and that any other permits be kept up to date, if this blanket extension is granted. The Department supports ANR’s position. Previously, the Commission has granted universal CPG extensions, due to COVID-19 pandemic impacts, to all net-metering and Standard Offer projects at least 3 times.² These prior generalized extensions were all provided in 2020, when the COVID-19 pandemic was relatively new, and of these extensions, only projects within the scope of the universal CPG extensions order of 12/10/2020 are expressly contemplated in the systemic extension request under consideration here.³ As such, the Department supports extending the commissioning deadlines for all net-metered or Standard Offer projects whose commissioning deadlines fall on or after January 1, 2022, through December 31, 2022.

Looking Ahead

However, the ongoing COVID-19 pandemic has matured since those early universal CPG extensions were granted in 2020. We are beginning the third year of

² First (in an order issued on 03/27/2020), CPGs that expired between 03/25/2020 and 06/01/2020 were extended until 09/01/2020. Second (in an order issued on 05/21/2020), CPGs were extended by 1 year for projects with deadlines on or after 03/25/2020 through 12/31/2020. Third (in an order issued on 12/10/2020), CPGs were extended by 1 year for projects with deadlines on or after 01/01/2021 through 03/01/2021. The Department supported these previous extensions.

³ The Department notes the important fact that these prior uniform extensions (*See* FN 1, above) had targeted and staggered ranges of applicability, such that instances of projects receiving cumulative extensions, without individual review, were minimized.

the COVID-19 pandemic, with some expectation that the virus will eventually become endemic. It is likely that the effects the COVID-19 pandemic has had, and continues to have, on the broader economy will be grappled with for some time. Given this, it is important to be mindful of how these continued impacts might be best addressed in the coming months and years.

Therefore, the Department recommends that individual review of extension requests for COVID-19 related delays be resumed as soon as appropriate because that process elicits additional information. Until then, the Department recommends that any future systemic changes to Vermont's renewable energy development, to address the economic impacts of COVID-19, use a process which is as close as possible to individual review in terms of obtaining a detailed level of information regarding the nature and extent of project delays. Individual extension requests, while perhaps many and cumbersome in the face of the broad impacts of COVID-19, allows for a record to be documented and for the causes of delays to specific projects to be better understood.⁴ As such, the Department's request for the submission of additional information during the consideration of even further universal extensions, to document and describe COVID-19 pandemic-based supply

⁴ Accordingly, statute provides the Commission the discretion to extend milestones where "the plant owner has proceeded diligently and in good faith and the commissioning of the plant has been delayed because of litigation or appeal or because of the need to obtain an approval the timing of which is outside the Commission's control." 30 V.S.A. § 8005a(j)(2). Similarly, Rule 5.110(C) allows for CPG extensions "upon written request and for good cause shown."

chain disruptions, staffing issues, etc. would serve as a rough functional equivalent to a showing of diligent, good faith pursuit of a project in the face of delays outside the project's control, as required in individual CPG extension requests.⁵

Further documentation of how COVID-19 is impacting the renewable energy development industry would not only provide greater context, but it would also create a public record and provide useful information to regulators that can be used to balance various policy goals. CPG expirations are in place to serve multiple policy objectives, including: encouraging only well planned and organized projects to seek approval, ensuring that impacted stakeholders and underlying considerations (such as environmental conditions or the state of the grid) remain relatively the same between application and commissioning, and that rates don't become stale or otherwise inappropriate due to the positive and negative fluctuation of various costs and incentives with the passage of time.

In sum, the Department supports extending the commissioning deadlines for all net-metered or Standard Offer projects whose commissioning deadlines fall on or after January 1, 2022, through December 31, 2022. In the coming year, the Department recommends that individual review of COVID-19 related extension

⁵ For example, the 02/03/2022 comments of MHG Solar, LLC and the 02/07/2022 comments of Green Peak Solar, LLC contain examples of the type and nature of additional information the Department is interested in learning about (e.g. the timelines and nature of shipping delays, various aspects of construction management and procurement that have been frustrated, the extent and descriptions of various staffing issues, etc.).

requests resume or, that until such resumption is warranted, that more evidence be gathered before granting similar uniform programmatic extensions in the future.

Dated in Montpelier, Vermont on this 11th day of February 2022.

Sincerely,

/s/ Alex Wing
Alexander Wing, Special Counsel
Department of Public Service
112 State Street
Montpelier, VT 05620-2601
(802) 461-5009
alexander.wing@vermont.gov

cc: ePUC Service List