

Comments regarding  
Case No. 25-2607-INV

Investigation into the City of Burlington Electric Department's operations and management practices

Attached are two documents submitted to further document that BED does in fact deliberately "obscure facts" in order to provide misleading information regarding McNeil.

On September 19<sup>th</sup>, BED submitted a comment letter to the Connecticut Department of Energy and Environmental Protection (DEEP) that included several dubious statements:

When McNeil generates power using wood as fuel, the wood used is sustainably harvested, primarily in Vermont and upstate New York, but at times has come from other sources throughout the Northeast. BED has been approached by Connecticut wood suppliers regarding taking wood supply from tree trimming operations and other Connecticut non-commercial wood sources.

On November 17<sup>th</sup>, I requested "to review all documents possessed by Burlington Electric that helped inform these statements, or can substantiate these statements, including wood contracts from other sources throughout the Northeast evidencing dates and source locations of this wood, and emails or other correspondence from Connecticut wood suppliers."

The City of Burlington advised that it had no documents that could substantiate the claims in the BED comment letter to CT DEEP.

The nature of the comment letter, the nature of the comments submitted suggest that on September 19<sup>th</sup>, BED already knew that McNeil would not be eligible for further CT RECs. This knowledge is at odds with statements BED made in case filings, and in comments to City of Burlington committees and commissions which failed to mention the that eligible facilities must support the CT solid waste management plan. BED, by failing to mention this requirement, deliberately obscured facts and suggest misleadingly that McNeil would continue to be eligible for CT RECs.

A recent wood harvest report commissioned by BED at the request of the Burlington City Council found that some wood burned at McNeil comes from land cleared for development or other land use change. Wood cut in the process of land use change cannot be called "sustainable" by either Vermont or federal definition. It is therefor misleading for BED to claim that "the wood sued is sustainably harvested," which suggests, incorrectly, that *all* the wood burned at McNeil is sustainably harvested, when in fact only *some* or *most* of the wood is sustainably harvested.

The comment letter also cites two analyses commissioned by BED that are themselves misleading. Both the VEIC and the INRS analysis exclude the roughly 400,000 tons of CO<sub>2</sub> annually emitted by McNeil from their respective calculations in order to reach their outlandish claims that McNeil is cleaner than the ISO-NE grid supply. In fact, the ISO-NE grid, which is comprised largely of wind and nuclear, averages about fives times less CO<sub>2</sub> annually per MWh than McNeil.



Jevons Paradox <pikeporter@gmail.com>

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## public records request

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**Joseph Dempsey** <jdempsey@burlingtonvt.gov>  
To: Pike Porter <pikeporter@gmail.com>

Mon, Nov 24, 2025 at 3:26 PM

Good afternoon Pike,

I can confirm that the City has no records responsive to this request. There are no written documents or communications with wood suppliers in Connecticut.

Thank you and have a great holiday week,

Joe

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Joseph Dempsey

Public Information Officer

City Attorney's Office

The City of Burlington, Vermont

[jdempsey@burlingtonvt.gov](mailto:jdempsey@burlingtonvt.gov)

Please note that this communication and any response to it will be maintained as a public record and may be subject to disclosure under the Vermont Public Records Act.

**From:** Pike Porter <[pikeporter@gmail.com](mailto:pikeporter@gmail.com)>  
**Sent:** Monday, November 17, 2025 5:53 PM  
**To:** Joseph Dempsey <[jdempsey@burlingtonvt.gov](mailto:jdempsey@burlingtonvt.gov)>  
**Subject:** public records request

[ WARNING ]: This email was sent from someone outside of the City of Burlington.

Hi Joe,

I've attached a letter BED had submitted on its behalf that makes two statements:

...but at times [the wood] has come from other sources throughout the Northeast. BED has been approached by Connecticut wood suppliers regarding taking wood supply from tree trimming operations and other Connecticut non-commercial wood sources.

I request to review all documents possessed by Burlington Electric that helped inform these statements, or can substantiate these statements, including wood contracts from other sources throughout the Northeast evidencing dates and source locations of this wood, and emails or other correspondence from Connecticut wood suppliers.

Thanks.

Pike Porter



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September 19, 2025

**VIA EMAIL** [DEEP.EnergyBureau@ct.gov](mailto:DEEP.EnergyBureau@ct.gov)  
Department of Energy and Environmental Protection  
Bureau of Energy and Technology Policy  
10 Franklin Square  
New Britain, CT 06051

**Re: Public Act 25-173 – Section 44 – Eligible Biomass Facility Procurement**

The City of Burlington Vermont Electric Department (“BED”) respectfully submits the following written comments in response to the September 2, 2025 Notice of Proceeding and Opportunity for Written Comment issued by the Department of Energy and Environmental Protection (“DEEP” or the “Department”). BED appreciates the opportunity to submit comments in advance of the Department’s forthcoming Eligible Biomass Facility Procurement.

**I. Introduction**

BED co-owns and operates the Joseph C. McNeil Generating Station (“McNeil”) in Burlington, Vermont. In 2009, this New England sustainable biomass facility was certified as a Connecticut Class I renewable energy source under Connecticut law.<sup>1</sup> Importantly, the emissions profile required to qualify for Connecticut Class I status, McNeil’s fuel sourcing practices, and the regional contributions of McNeil to New England have not changed since that time. McNeil is a 50-megawatt electric generator that can run on oil, natural gas, or wood fuel. Since 2013 McNeil has exclusively generated energy using wood. When McNeil generates power using wood as fuel, the wood used is sustainably harvested, primarily in Vermont and upstate New York, but at times has come from other sources throughout the Northeast. BED has been approached by Connecticut wood suppliers regarding taking wood supply from tree trimming operations and other Connecticut non-commercial wood sources.

McNeil is a dispatchable generator and analysis from 2022 found that natural gas was the marginal fuel on the New England grid 92 to 98 percent of the time when McNeil was running, meaning that if McNeil was offline, fossil fuel would be the replacement fuel.<sup>2</sup> McNeil contributes to regional fuel source diversity, particularly during high-cost winter months, benefitting ratepayers at a time when the region has been overly reliant on natural gas and fossil fuels. ISO New England data shows increasing natural gas prices are driving overall wholesale electricity cost increases in the region, with wholesale energy costs in the winter of 2024-2025 up 147 percent compared to the prior winter, “driven by a substantial increase in

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<sup>1</sup> See Public Utilities Regulatory Authority Docket 08-01-03.

<sup>2</sup> See Assessment of lifecycle GHG emissions from Joseph C. McNeil Generation Station, Page 5, *available at* <https://www.burlingtonelectric.com/wp-content/uploads/VEIC-Final-Memo-to-BED-LCA-of-GHG-emissions-4.29.22-.pdf>.

natural gas prices.”<sup>3</sup> By generating with wood fuel, McNeil diversifies the region’s energy mix, particularly in the winter, and reduces reliance on natural gas for power generation. Wood fuel can be stored for months on-site or in a satellite wood yard, and this permits McNeil to stockpile inventory before the beginning of the winter season. This stockpile can be replenished with ongoing deliveries during the winter, allowing McNeil to have a high winter capacity factor. For example, during this past winter when costs were high for wholesale electricity, McNeil’s capacity factor was 88 percent in January (availability factor was 100 percent) and 77 percent in February (availability factor was 81 percent), helping to mitigate the regional reliance on natural gas during those important winter months.

In 2014, McNeil was ultimately awarded four separate contracts in DEEP’s biomass procurement pursuant to Section 8 of Public Act 13-303.<sup>4</sup> BED was selected to negotiate two 5-year contracts (one with each Connecticut electric distribution company) for a portion of McNeil’s output. Green Mountain Power, another co-owner of McNeil, was selected to negotiate two 10-year contracts with the Connecticut electric distribution companies (likewise one with each Connecticut electric distribution company). Those contracts have contributed to McNeil’s continued operations in that timeframe and lower emissions throughout New England.

Third-party analysis has indicated McNeil reduces greenhouse gas emissions on a lifecycle basis compared to alternative generation such as natural gas. Analysis from Vermont Energy Investment Corporation (“VEIC”) shows that McNeil reduces lifecycle greenhouse gas emissions by 85 percent compared to alternative ISO New England grid supply.<sup>5</sup> Analysis from Innovative Natural Resource Solutions (“INRS”) found that the lands from which McNeil sources wood from have *increased* their forest carbon storage by the equivalent of 24.3 million tons of CO<sub>2</sub> equivalent between 2007 and 2020.<sup>6</sup> Similar to the VEIC analysis, INRS also found that McNeil’s operation avoided over 80,000 tons of CO<sub>2</sub> annually from being emitted at alternative generators based on ISO New England grid mix emissions data.<sup>7</sup>

McNeil’s current forestry contracts prohibit McNeil from accepting wood harvests conducted solely for energy production, and instead require McNeil to accept tops and limbs, diseased or damaged trees, and non-commercial wood left over from commercial harvests. Using this “wastewood” is particularly sustainable and lower in carbon emissions, as “all bioenergy technologies—even biomass electric power compared to natural gas electric—look favorable when biomass ‘wastewood’ is compared to fossil fuel alternatives.”<sup>8</sup>

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<sup>3</sup> See ISO New England, Winter 2025 Quarterly Markets Report, Page 9, available at <https://www.iso-ne.com/static-assets/documents/100024/2025-winter-quarterly-markets-report.pdf>.

<sup>4</sup> See Section 8 Final Determination, dated January 31, 2014, available at [https://www.dpuc.state.ct.us/DEEPEnergy.nsf/c6c6d525f7cdd1168525797d0047c5bf/9a6d3ba3caa71fac85257c71007778ca/\\$FILE/Section%208%20Determination%20Final.pdf](https://www.dpuc.state.ct.us/DEEPEnergy.nsf/c6c6d525f7cdd1168525797d0047c5bf/9a6d3ba3caa71fac85257c71007778ca/$FILE/Section%208%20Determination%20Final.pdf).

<sup>5</sup> See Assessment of lifecycle GHG emissions from Joseph C. McNeil Generation Station, Page 14, available <https://www.burlingtonelectric.com/wp-content/uploads/VEIC-Final-Memo-to-BED-LCA-of-GHG-emissions-4.29.22.pdf>.

<sup>6</sup> See INRS analysis at Page 7, available at <https://www.burlingtonelectric.com/wp-content/uploads/McNeil-Carbon-6.2023.pdf>.

<sup>7</sup> *Id.* at Page 8.

<sup>8</sup> See Manomet Center for Conservation Sciences, Biomass Sustainability and Carbon Policy Study, Page 110, available at [https://www.manomet.org/wp-content/uploads/2018/03/Manomet\\_Biomass\\_Report\\_Full\\_June2010.pdf](https://www.manomet.org/wp-content/uploads/2018/03/Manomet_Biomass_Report_Full_June2010.pdf).

## **II. Responses to DEEP Questions**

BED responds in turn to the Department's questions below.

### **1. What documentation should a potential bidder be required to submit to demonstrate they are an "eligible biomass facility"?**

The relevant statute defines an eligible biomass facility as "a biomass facility that uses sustainable biomass fuel and has an average emission rate of less than or equal to .075 pounds of nitrogen oxides per million BTU of heat input for the previous calendar quarter, or energy derived from a biomass facility with a capacity of less than five hundred kilowatts that began construction before July 1, 2003, and that has entered into one or more existing biomass power purchase agreements."

Thus, eligible facilities must have been previously qualified as Connecticut Class I by PURA or the DPUC at that emissions level. Thus, BED proposes that provision of a prior CT Class I Final Decision from PURA (or the DPUC as applicable), along with a copy of the facility's most recent quarterly NOx emission certification to PURA should be sufficient to demonstrate emissions eligibility. The separate "existing biomass power purchase agreement" component is addressed below.

### **2. What documentation should a potential bidder be required to submit to demonstrate they have an "existing biomass power purchase agreement"?**

The relevant statute defines an existing biomass power purchase agreement as "a power purchase agreement that: (A) (i) Was entered into by a biomass facility that uses sustainable biomass fuel and has an average emission rate of less than or equal to .075 pounds of nitrogen oxides per million BTU of heat input for the previous calendar quarter, or energy derived from a biomass facility with a capacity of less than five hundred kilowatts that began construction before July 1, 2003, with an electric distribution company in the state on or before June 5, 2013, or (ii) was executed in accordance with a solicitation pursuant to section 16a-3f or 16a-3h, as amended by this act; and (B) was in effect as of January 1, 2024.

BED proposes that submission of one or more power purchase contract(s) between an eligible biomass facility (established per #1 above) and an CT electric distribution company with an effective term encompassing the statutory date of January 1, 2024 would be sufficient. Alternatively, a copy of the PURA Final Decision approving those contracts and referencing the term would also suffice.

### **3. What documentation or other evidence should a potential bidder be required to submit to demonstrate to DEEP the costs to operate such facility and whether the facility supports the state's solid waste management plan for DEEP's standard of review?**

DEEP should require potential bidders to certify with the bid provided, the facility is expected to continue to operate for their proposed bid term, if the submitted bid is accepted (even if the bid is below the facility's variable operating cost).

There are a variety of factors beyond variable operating cost that affect an entity's decision to operate a facility and its energy production in the ISO-NE markets. While other factors such as unit availability could impact production volumes, the primary risk to CT customers would be if a bidder had no intention of offering the unit into the ISO-NE energy markets at a price that will result in its selection for dispatch (*i.e.*, which could be at a price that could be materially above the bid it submits in this RFP). Units that qualify for RECs, including qualifying as a result of an award under this RFP, typically reflect REC values as a

reduction to the ISO-NE bid that would apply (based on variable costs only for example). Other values streams can serve to additionally reduce a bid price from a pure variable cost basis. DEEP should consider that historically REC qualified biomass has been economical in much of the ISO-NE year, and particularly in the winter, when considering the costs submitted by bidders so as not to overstate the risk to CT customers of lower than offered production. Any inclusion in a bid of a Certification that the facility will not be taken out of service for the term of the bid should also be considered favorably.

Regarding whether the facility supports CT's solid waste management plan, there are many ways that potential bidders – even those located out-of-state – could demonstrate such support. BED therefore recommends that DEEP take an expansive and inclusive view of what this “support” could entail, and proposes that DEEP not require bidders to submit any specific form of documentation or evidence, but rather *some* form of documentation or evidence, so as to allow potential bidders the greatest flexibility in meeting this requirement.

### **III. Conclusion**

Finally, like the ongoing Expedited Zero Carbon RFP, BED respectfully requests that the Department hold a Bidder's Conference and allow an opportunity to submit questions on the draft RFP.

BED looks forward to participating in the forthcoming RFP and to working with DEEP to ensure that cost-effective sustainable biomass facilities located in New England that support the state's solid waste management plan can continue low-carbon operations supporting both Connecticut and the region.

Respectfully submitted,



Kathryn E. Boucher  
Counsel to the City of Burlington Vermont Electric Department