

TRILAND PARTNERS LP



June 9, 2020

Filed via ePUC

Judith C. Whitney, Clerk
Vermont Public Utility Commission
112 State Street - Drawer 20
Montpelier, VT 05620-2701

RE: Case No. 20-0789-INV
Response to the Commission's Order requesting Comments on Triland Partners LP Request of a Waiver of Commission Rule 5.508(B) addressing the Execution Deadline of Standard Generation Interconnection Agreements

Dear Ms. Whitney:

Triland Partners LP ("Triland") appreciates the Commission's Order dated, May 21, 2020, to grant a one-year extension of the commissioning deadlines for net-meter and standard offer projects whose Certificate of Public Good call for a commissioning deadline on or after March 25, 2020, through December 31, 2020.

Additionally, Triland Partners LP ("Triland") LP appreciates the opportunity to outline the rationale for Triland's request for a similar one-year extension of the requirement of the project proponent (aka "Interconnection Requester" or "NUG") to execute the Standard Generation Interconnection Agreement ("GIA") within one-year of issuance by the Utility. This requirement is outlined in Commission Rule 5.508(B), which states among other requirements, "...*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Interconnection Agreement within one calendar year or the Interconnection Requester's Application shall be deemed withdrawn and the Interconnection Requester shall lose Interconnection Queue position.*"

In ordinary times, the one-year requirement is of no hardship. Project proponents have, it would appear by the past pace of solar deployment in the State, demonstrated the ability to efficiently and effectively proceed through the development disciplines of permitting, financing, construction, and commissioning, within the letter Rule 5.508(B). However, the onset of the worldwide COVID-19 pandemic has now created extraordinary times with increased risk and uncertainty, exacerbated by supply chain and construction disruptions. The medical and scientific community are already warning of a potential “second pandemic” later this year and early next year, during the annual late fall/early winter flu season.

The Commission’s specific reasons for the May 21, 2020 Order, extending project commissioning dates by one-year, are equally applicable to this request for extension of the execution deadline for the GIAs of these very same projects. Manufacturing delays, supply chain disruptions, and construction stoppages have already affected the ability of new generation facilities to proceed toward meeting their planned commissioning deadlines, as established in their certificates of public good or in their standard-offer contracts. Likewise, these same pandemic-related issues create identical concern for the possibility of project withdrawal or loss of queue position due solely to the GIA requirement for timely completion.

Without the Commission granting a one-year extension of the GIA execution timing requirement, Interconnection Requester’s, in order to protect the project’s queue position, will execute the GIA only to risk termination of the GIA by virtue of the GIA’s Section 5. Term, and more specifically Section 5.2, which states, “*Unless the NUG has built and commissioned the Facility within one calendar year from the date of the execution of this GIA, this Agreement shall automatically terminate.*” While the GIA 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.

By way of example, a typical pre-pandemic project had a GIA execution deadline of May 1, 2020 and a CPG commissioning deadline ninety (150) days hence, or September 30, 2020. The project’s commissioning deadline is now extended one-year, to September 30, 2021, by the Commission’s Order dated 5/21/2020. Without the like-kind extension of the GIA execution requirement, the GIA will be executed by May 1, 2020. This creates the undue burden of the project being commissioned a full five (5)

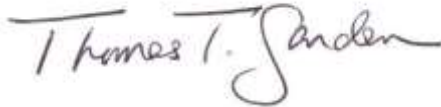
months ahead of the Commission's justifiable extension. Again, in ordinary times, this may not be a perceived risk; in these extraordinary times, it is an extraordinary risk.

Triland sincerely appreciates the Commission's consideration of Triland's proposal to grant a one-year extension of the GIA execution deadlines for net metering and standard offer projects whose GIA execution deadlines fall on or after March 25, 2020 through December 31, 2020. This extension will be critical to preserving the interconnection queue positions for the very same projects the Commission deemed in need of the protection of a commissioning deadline extension.

Thank you for the opportunity to provided comments to the Commission's Order of 5/21/2020.

Sincerely,

TRILAND PARTNERS LP

A handwritten signature in black ink that reads "Thomas T. Garden". The signature is written in a cursive style with a large, stylized 'G' at the end.

Thomas T. Garden
Managing General Partner