

STATE OF MAINE  
PUBLIC UTILITIES COMMISSION

July 13 , 2015

PROCEDURAL ORDER

EXETER AGRI-ENERGY, LLC  
(fka STONYVALE, INC.)  
Request for Certification of a Community-  
Based Renewable Energy Project

Docket No. 2010-00141

JONESPORT WIND POWER, LLC  
Request for Certification of a Community-  
Based Renewable Energy Project

Docket No. 2011-00050

MAINE PUBLIC UTILITIES COMMISSION  
Request for Proposals for Community-  
Based Renewable Energy Projects

Docket No. 2011-00150

MAINE PUBLIC UTILITIES COMMISSION  
PISGAH MOUNTAIN, LLC  
Request for Certification of a Community-  
Based Renewable Energy Project

Docket No. 2011-00154

MAINE PUBLIC UTILITIES COMMISSION  
Request for Proposals for Community-  
Based Renewable Energy Projects

Docket No. 2013-00207

SHAMROCK PARTNERS, LLC  
Request for Certification of a Community-  
Based Renewable Energy Project

Docket No. 2013-00385

CLINTON AGRI-ENERGY, LLC  
Request for Certification of a Community-  
Based Renewable Energy Project

Docket No. 2013-00387

MAINE WOODS PELLET  
Request for Certification of a Community-  
Based Renewable Energy Project

Docket No. 2013-00409

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On June 22, 2015 , the Legislature overrode a Governor's veto to enact P.L. 2015 ch. 232, *An Act to Amend the Community-based Renewable Energy Program* (Act). The Act makes several changes to the existing Community -based Renewable Energy Program authorized under 35-A M.R.S §§ 3600- 3610 (Program). Among other changes, Section 5 of the Act requires that the Commission review all projects that have been certified under the Program but have not yet reached commercial operations to determine whether those projects are reasonably likely to achieve commercial

operations within a 3-year period (Viability Assessment). For those projects the Commission determines will not be viable within a 3-year period, the Act states that the Commission must revoke any contract awarded, but that the projects will remain certified as defined in §4(B) of Chapter 325 of the Commission's Rules .

Pursuant to the requirements of the Act the Commission will conduct the Viability Assessment for the following projects which have not yet reached commercial operations:

- Pisgah Mountain, LLC- Contract Award- October 14, 2011  
Docket No. 2011-00150
- Jonesport Wind, LLC- Contract Award- October 14, 2011  
Docket No. 2011-00150 (later amended in 2013-00207)
- Exeter Agri-Energy, LLC (Expansion)- Contract Award- May 28, 2013  
Docket No. 2013-00207
- Shamrock Partners, LLC- Contract Award- August 27, 2013  
Docket No. 2013-00207 (amended by subsequent Order on July 8, 2014)
- Maine Wood Pellets, LLC- Contract Award- August 27, 2013  
Docket No. 2013-00207
- Clinton Agri-Energy - Certified- September 18, 2015  
Docket No. 2013-00387

In order to enable the Commission to conduct the Viability Assessment, the above listed projects must provide sufficient information to allow the Commission to determine whether a reasonable likelihood that commercial operation will be achieved within three years exists. This information must include at least an overall description of the status of the project and a timeline showing the critical path to reaching and the expected date of commercial operations. The greater detail and certainty provided by the projects regarding their path to commercial operation the more likely the Commission will be able to determine that they are reasonably likely to achieve commercial operations by December 31, 2018. Failure to submit information, or submission of incomplete information, may reflect against the project in the Viability Assessment. Accordingly, all projects are strongly urged to provide more detailed current status information and supporting documentation in the following areas:

1. Engineering and site analysis, equipment acquisition
  - Provide a description of the status of any engineering feasibility studies and resource assessment. Include copies of any studies conducted.
  - Describe the status of design and engineering activities, including the negotiation or execution of contracts to perform such work.
  - Describe the status of equipment purchase efforts and any anticipated delays or problems with equipment purchases.

- Provide the status of negotiations or execution of construction agreements
  - To the extent that activities are not yet complete, provide a timeline for completion and a description of the additional activities required for completion.
2. Approvals and Permitting
- What approvals or permits are required and what is the status of obtaining necessary permits?
  - Include local zoning and building requirements as well as state and federal requirements.
  - If required permits have not yet been obtained, provide a timeline for receipt and a description of necessary permits that have not yet obtained.
3. Utility Interconnection
- What is the status of interconnection efforts with the utility?
  - What ISO system impact work is required, what is the status and expected costs?
  - Has an interconnection agreement been negotiated or executed? Provide a copy.
  - To the extent the interconnection process is not complete, provide a timeline for completion describing the additional activities required for completion
4. Project Financing and Investors
- Describe the expected ownership and financing structure, including specific provisions of any expected debt or equity investments.
  - Provide the status of discussions with potential investors and challenges associated with completing financing arrangements.
  - Provide copies of any executed financing agreements, commitment letters, letters of interest, letters of intent or similar expressions of interest or commitment from investors.
  - Describe and provide supporting documentation of the project's economic feasibility analysis, including project cost data, revenue and expense projections, reliance on tax incentives (e.g. PTC, ITC, New Markets Tax Credits) and the status of obtaining the tax incentives.
  - To the extent financing arrangements are not complete, provide a timeline for completion describing the additional information necessary to complete project financing.

## 5. Other issues

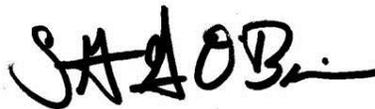
- Describe any resolved, expected or existing legal challenges that would delay commercial operations and, if applicable, the resolution of those challenges. Provide supporting documentation as appropriate.
- If executed, provide a copy of the power purchase agreement with the T&D utility.
- Describe O&M plans and provide copies of agreements as applicable.
- Describe the technical capability of the project developer and expected investors. Provide supporting documentation as appropriate.
- Describe the financial capability of the project developer and expected investors. Provide supporting documentation as appropriate.

In addition, projects are invited to submit any additional information they feel would be beneficial to the assessment of whether that project is reasonably likely to reach commercial operations by December 31, 2018.

All information requested above related to the Viability Assessment must be received by the Commission no later than the close of business on August 7, 2015. If after receiving the initial information the Commission has further questions or seeks additional information the Commission reserves the right to request that information for the individual project as warranted. The Commission anticipates completing the Viability Assessment in early autumn to allow sufficient time to complete the expedited request for proposals pursuant to section 5 of the Act before December 31, 2015.

Dated at Hallowell, Maine, this 13<sup>th</sup> day of July, 2015

BY ORDER OF THE PRESIDING OFFICERS



Stuart G. O'Brien



Leslie Raber