

December 22, 2015

MAINE PUBLIC UTILITIES COMMISSION  
Community-Based Renewable Energy Projects  
Request for Proposals (2015 Issuance)

ORDER – PART 1

VANNOY, Chairman; MCLEAN and WILLIAMSON, Commissioners

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## I. SUMMARY

By this Order – Part 1, and pursuant to 35-A M.R.S. § 3604, the Commission directs Central Maine Power Company to enter into long-term contracts for the energy output only with three Community-Based Renewable Energy Projects: Clear Energy, LLC and Cianbro Development Corporation, a 9.9 MW solar project in Monroe, Maine; Georges River Energy, LLC, a 7.5 MW biomass plant in Searsmont, Maine; and Mayo Mill, LLC, a 310 kW hydroelectric power plant and 85.68 kW solar array in Dover-Foxcroft, Maine. The Commission also directs Emera Maine to enter into a long-term contract for the energy output only with Shamrock Partners, LLC, a 1.0 MW wind facility in Limestone, Maine.

## II. BACKGROUND

### A. Order in Parts

Pursuant to Chapter 110, § 11(C)(2) of the Commission's Rules, the Commission may issue an order in two parts. This Part I Order describes the Commission's decision in the above-captioned proceeding. A Part II Order providing the background, analyses, and reasoning underlying the Commission's decision will be issued in the near future.

### B. Procedural Summary

During its 2009 session, the Maine Legislature enacted An Act to Establish the Community-based Renewable Energy Pilot Program (Act), P.L. 2009, ch. 329. Part A of the Act establishes a community-based renewable energy pilot program, to be administered by the Commission, to encourage sustainable development of community-based renewable energy. 35-A M.R.S.A. § 3602.

The projects chosen to participate in the pilot program must generate electricity from an eligible renewable resource, which includes fuel cells; tidal power; solar, wind and geothermal installations; hydroelectric generators; biomass generators fueled by wood, wood waste or landfill gas; and anaerobic

digestion of by-products of waste from animals or agricultural crops, food or vegetative material, algae or organic refuse. These projects must be “locally owned electricity generating facilities,” which means that 51% or more of the facility must be owned by “qualifying local owners.” The total installed generating capacity in the pilot program is limited to 50 MW.

On June 22, 2015 the Legislature adopted P.L. 2015 ch. 232, An Act to Amend the Community-Based Renewable Energy Program (Amendment). The Amendment makes several changes to the existing Community-based Renewable Energy Program. Among other changes, Section 5 of the Amendment directed the Commission to review all certified program participant projects that have not yet reached commercial operations to determine whether the projects are reasonably likely to achieve commercial operations within a 3-year period and, to the extent there is less capacity remaining than is allowed under Title 35-A, section 3603, subsection 2 after the removal of nonviable projects, to conduct an expedited request for proposals to select community-based renewable energy projects to become program participants and enter into long-term contracts.

The Commission completed its viability assessments and identified approximately 21 MW of capacity that is available for contract awards. On September 30, 2015, the Commission issued its 2015 RFP for community-based renewable energy projects.

The Commission received bids from multiple entities, totalling approximately 80 MW to fill the 21 MW of capacity available for contract awards. The projects were of varying sizes, different generator types, and are located in multiple regions of the state.

### **III. DECISION**

In determining which project proposals should be chosen to participate in the community-based renewable energy pilot program, the Amendment requires that the Commission select projects that provide the most benefit to ratepayers and that have contract pricing levels below \$ 0.10 per kilowatt hour within each contract year. In addition, the Amendment directs the Commission to select projects to provide for a total net generating capacity for all projects to meet the maximum allowance of 50 MW.

As noted, the Commission received proposals from projects that total well above the available capacity. The Commission is given broad discretion in determining which projects will bring the most benefit to ratepayers. In this instance, the Commission notes that given that this program is a pilot, a broad diversity of generation technologies and regional representation is especially beneficial. Additionally, the Commission took into account issues of viability and



## NOTICE OF RIGHTS TO REVIEW OR APPEAL

5 M.R.S. § 9061 requires the Public Utilities Commission to give each party to an adjudicatory proceeding written notice of the party's rights to review or appeal of its decision made at the conclusion of the adjudicatory proceeding. The methods of review or appeal of PUC decisions at the conclusion of an adjudicatory proceeding are as follows:

1. Reconsideration of the Commission's Order may be requested under Section 11(D) of the Commission's Rules of Practice and Procedure (65-407 C.M.R. 110) within **20** days of the date of the Order by filing a petition with the Commission stating the grounds upon which reconsideration is sought. Any petition not granted within **20** days from the date of filing is denied.
2. Appeal of a final decision of the Commission may be taken to the Law Court by filing, within **21** days of the date of the Order, a Notice of Appeal with the Administrative Director of the Commission, pursuant to 35-A M.R.S. § 1320(1)-(4) and the Maine Rules of Appellate Procedure.
3. Additional court review of constitutional issues or issues involving the justness or reasonableness of rates may be had by the filing of an appeal with the Law Court, pursuant to 35-A M.R.S. § 1320(5).

Note: The attachment of this Notice to a document does not indicate the Commission's view that the particular document may be subject to review or appeal. Similarly, the failure of the Commission to attach a copy of this Notice to a document does not indicate the Commission's view that the document is not subject to review or appeal.