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August 19, 2015

**Via FedEx**

Luly E. Massaro  
Commission Clerk  
Rhode Island Public Utilities Commission  
89 Jefferson Boulevard  
Warwick, RI 02888

**Re: In re: Solicitation for Proposals for Clean Energy Projects Pursuant to  
R.I. Gen. Laws § 39-31-1 (Docket No. 4570)**

Dear Ms. Massaro:

Please find enclosed for filing in the above-referenced matter an original and nine (9) copies of the following documents:

1. Entry of Appearance of Daniel J. Procaccini on behalf of New Hampshire Transmission, LLC
2. Motion for Intervention of New Hampshire Transmission, LCC
3. Comments of New Hampshire Transmission, LLC

Thank you for your attention to this matter. Please do not hesitate to contact me if you have any questions.

Very truly yours,

  
Daniel J. Procaccini

Enclosures

cc: RIPUC Dkt. No. 4570 Service List (electronically only)

**STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS  
PUBLIC UTILITIES COMMISSION**

IN RE: SOLICITATION FOR PROPOSALS )  
FOR CLEAN ENERGY PROJECTS PURSUANT ) Docket No. 4570  
PURSUANT TO R.I. GEN. LAWS § 39-31-1 )

**ENTRY OF APPEARANCE**

I, Daniel J. Procaccini, hereby enter my appearance as counsel for New Hampshire  
Transmission, LLC, in the above-captioned docket.

NEW HAMPSHIRE TRANSMISSION, LLC

By Its Attorney,



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Daniel J. Procaccini (RI Bar No. #8552)

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Dated: August 19, 2015

**STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS  
PUBLIC UTILITIES COMMISSION**

IN RE: SOLICITATION FOR PROPOSALS )  
FOR CLEAN ENERGY PROJECTS PURSUANT ) Docket No. 4570  
PURSUANT TO R.I. GEN. LAWS § 39-31-1 )

**MOTION FOR INTERVENTION  
OF NEW HAMPSHIRE TRANSMISSION, LLC**

New Hampshire Transmission, LLC (“NHT”) hereby moves the Public Utilities Commission (“PUC” or “Commission”) to be designated an intervenor in the above-captioned docket pursuant to Section 1.1 3(b) of the Commission's Rules of Practice and Procedure. In support of this Motion, NHT states as follows:

1. NHT is a Delaware limited liability company with its primary place of business at 700 Universe Blvd., Juno Beach, Florida and is an indirect, wholly-owned subsidiary of NextEra Energy, Inc. (“NextEra”). NHT is a public utility in New Hampshire for purposes of owning and operating the transmission substation at the Seabrook Station in Seabrook, New Hampshire (“Seabrook Substation”) and is an ISO New England Inc. (“ISO-NE”) Participating Transmission Owner (“PTO”).
2. NextEra is a leading clean energy company with revenues in calendar year 2014 of approximately \$17 billion and 13,800 employees as of December 31, 2014. NextEra’s principal businesses are Florida Power & Light Company (“FPL”), Florida’s largest electric utility serving approximately 4.8 million customer accounts, and NextEra Energy Resources, LLC (“NEER”), the largest generator of renewable energy from the wind and sun in North America. NextEra owns, through its subsidiaries, approximately 8,500 circuit miles of high-voltage transmission, 68,000 miles of distribution lines, 770

substations across North America, and more than 44,900 megawatts of generating capacity in 27 states in the U.S. and four provinces in Canada.

3. On June 26, 2015, Narragansett Electric Company d/b/a National Grid (“Narragansett”) filed its Request for Proposal (“RFP”) with the Commission for its review and approval pursuant to the Affordable Clean Energy Security Act, R.I. Gen. Laws § 39-31-1 *et seq.* (“the Act”). The RFP will solicit offers for clean energy and transmission to deliver clean energy. The Commission will be determining whether the proposed RFP is a reasonable, open, and competitive method of soliciting proposals from renewable energy developers pursuant to R.I. Gen. Laws § 39-31-6(a)(1) and whether it is consistent with R.I. Gen. Laws § 39-31-4, setting forth the options in which the State may participate.
4. On July 20, 2015, the Commission issued a Notice of Technical Record Session, Intervention Deadline, and to Solicit Comments and established a deadline of August 20, 2015 for interested persons to file Motions to Intervene in the instant proceeding and to file comments. In this Motion, NHT respectfully requests that it be designated an intervenor in this proceeding, with full participation rights.
5. Rule 1.13(b) of the Commission's Rules provides that “any person claiming a right to intervene or an interest of such nature that intervention is necessary or appropriate may intervene in any proceeding before the Commission.”
6. Rule 1.13(b)(2) explains that intervention is necessary or appropriate for a person when, for example, such person has “ [a]n interest which may be directly affected and which is not adequately represented by existing parties and as to which movants may be bound by the Commission's action in the proceeding.”

7. As a PTO and transmission developer in New England that has the ability to develop, construct, and own transmission, and as a company whose corporate affiliates also generate renewable electricity, NHT has unique interests in this proceeding that cannot be adequately represented by another party. As a result, NHT has interests that may be substantially and directly affected by the outcome of this proceeding. Furthermore, NHT's intervention and participation is in the public interest. Therefore, NHT should be permitted to intervene and fully participate in these proceedings, to the extent it deems appropriate.
8. NHT has not yet determined the nature of its participation in this proceeding, but reserves rights to fully participate.
9. All notices and correspondence should be directed to:

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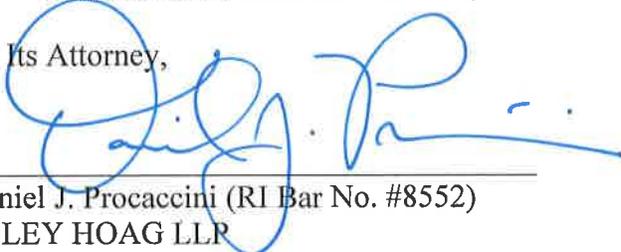
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WHEREFORE, for the foregoing reasons, NHT requests that it be designated a full party in Docket No. 4556.

Respectfully submitted,

NEW HAMPSHIRE TRANSMISSION, LLC

By Its Attorney,



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Dated: August 19, 2015

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing document was distributed to the Service List for Docket 4570 (set forth below) by email (or as otherwise set forth on the Service List) on August 19, 2015.

  
 Daniel J. Procaccini (RI Bar No. #8552)

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**STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS  
PUBLIC UTILITIES COMMISSION**

IN RE: SOLICITATION FOR PROPOSALS )  
FOR CLEAN ENERGY PROJECTS PURSUANT ) Docket No. 4570  
PURSUANT TO R.I. GEN. LAWS § 39-31-1 )

**COMMENTS OF NEW HAMPSHIRE TRANSMISSION, LLC**

**I. INTRODUCTION**

On July 20, 2015, the Rhode Island Public Utilities Commission (“Commission”) issued a Notice of Technical Record Session, Intervention Deadline, and to Solicit Comments in the above-referenced docket. In response to that request, New Hampshire Transmission, LLC (“NHT”) hereby submits comments regarding the Request for Proposals (“RFP”) authorized by the Commissioner of the Connecticut Department of Energy and Environmental Protection (“DEEP”), the Massachusetts Electric Distribution Companies (“EDCs”), and Narragansett Electric Company (“Narragansett”), collectively known as the “Soliciting Parties,” filed with the Commission on June 26, 2015, Docket No. 4570.

NHT is Delaware Limited Liability Company and is an indirect, wholly-owned subsidiary of NextEra Energy, Inc. (“NextEra”). NHT is a public utility in New Hampshire for the purpose of owning and operating the transmission substation at the Seabrook Station in Seabrook, New Hampshire, and is an ISO New England Inc. (“ISO-NE”) Participating Transmission Owner. NextEra is a leading clean energy company with revenues of approximately \$17 billion and 13,800 employees as of December 31, 2014. NextEra’s principal businesses are Florida Power & Light Company (“FPL”), which is Florida’s largest electric utility serving approximately 4.7 million customer accounts, and NextEra Energy Resources, LLC (“NEER”), which is the largest generator of renewable energy from the wind and sun in North America and also owns and operates various other types of generating facilities. NextEra

owns approximately 8,500 circuit miles of high-voltage transmission, 68,000 miles of distribution lines, and 770 substations across North America, and more than 44,900 MW of generating capacity in 27 states in the U.S. and four provinces in Canada.

NextEra has made significant investments in transmission lines designed to deliver renewable energy where it's needed. To that end, NextEra has always been supportive of initiatives to advance clean energy programs provided that they are done in a way that advances competitive offerings and protects consumers. NHT therefore provides the following comments in order to enhance the transparency and competitiveness of the process and thereby ensure that customers are getting the best possible projects that potential bidders have to offer.

## **II. COMMENTS OF NHT**

### **A. *Analysis and Review of Proposals***

#### **1. The Commission Should Require Certain Improvements in the Evaluation and Selection Process**

NHT appreciates the improvements that were made to the selection process from the initially-proposed RFP. NHT suggests the following modifications to further enhance the transparency and competitiveness of the process:

- a) The Commission should require the Evaluation Team (“which NHT understands will include the independent consultant”) to develop a report highlighting the results and rankings of each project, which should be filed, subject to confidentiality protection against public disclosure, with the EDCs’ requests for Commission review and approval of the PPAs. The report should include, at a minimum, the rationale for project selection and confirm that the RFP was conducted according to the Commission’s approved guidelines.
- b) Section 1.1 states that the Selection Team will consider the evaluation results and project rankings to determine projects for selection. Given the expansive nature

of both the quantitative and qualitative reviews done by the Evaluation Team, it is not clear how the evaluation criteria will be weighted and whether additional information not specified in the RFP will be considered. The Commission should require the Soliciting Parties to provide in advance a set of selection criteria and, following the Selection Team's decision, to file a report by the Selection Team, subject to confidentiality protection against public disclosure, with the EDCs' requests for Commission review and approval of the PPAs explaining the rationale for project selection to increase transparency of this step. This report should include, subject to confidentiality protection against public disclosure, the information provided by the Evaluation Team that was relied upon in the selection process. Given the considerable resources required to advance proposals, any concerns of the fairness of the process—real or perceived—could discourage participation of qualified bidders and lessen the benefits for ratepayers. These concerns should be mitigated by the increased transparency resulting from NHT's proposed changes to the Evaluation Team and Selection Team processes.

- c) Section 1.3 states bidders are prohibited from direct contact with individual members of the Evaluation Team or the Evaluation Team's consultant. In order for this requirement to be practical, the list of all members of the Evaluation Team and Selection Team should be published to the RFP website. In addition, if there are others from the EDCs who are not on either the Evaluation Team or Selection Team but who have signed the Standard of Conduct form for the RFP, their names should also be disclosed. Such disclosure will ensure potential bidders do not mistakenly engage with individuals who are part of the RFP process.

**B. Project Criteria**

**1. The Evaluation Criteria for Project Plan Selection Must Be Clearly Identified, Uniform, and Non-Discriminatory to All Participants**

NHT appreciates the revisions the Soliciting Parties made to Section 2.3 from the initial RFP to more clearly identify the criteria for project evaluations; however, NHT suggests the following enhancements to these sections will contribute to the analysis and justification for eligible projects.

- a) Section 2.3.1 suggests that there will be an early economic screening exercise that will narrow down proposals. It is unclear how this process might be executed and somewhat concerning that a well-developed proposal might be screened out too early in the process. NHT suggests more clarity be applied to the specific criteria that will be used, as well as a published list of those proposals screened out and those that remain after the conclusion of Stage 1.
- b) Section 2.3.1 states that *“If the consensus view of the Evaluation Team and the Evaluation Team’s consultant is that one or more bids are not economically competitive enough based upon an objective benchmark to be selected irrespective of qualitative evaluation results or indirect benefits, then such bids will not proceed to the quantitative evaluation. Bids that proceed to the quantitative evaluation will be evaluated based on a combination of their indirect economic benefits and direct contract price benefits where applicable.”* NHT assumes that the reference to “consensus view” indicates that the Evaluation Team and the consultant must both agree that the bid is not economically competitive. Based on this assumption NHT supports the proposal.
- c) Section 2.3.1 states that the quantitative evaluation will measure direct and

indirect economic benefits of the project, but fails to clarify how the direct and indirect economic benefits will be scored based on the 75-points allocated for quantitative benefits. Accordingly, greater specificity needs to be provided to allow participants to properly demonstrate the economics of proposals.

- d) Section 2.3.1.3 suggests that the Evaluation Team will evaluate the reasonableness of cost estimates and may modify costs. NHT believes that there would not be a reasonable basis to modify the costs of a project if the proponent has put forth a cost containment proposal, because, by definition, the estimate would be limited by the commitment.
- e) Section 2.2.12.2 states that “*fixed prices are encouraged for transmission projects.*” NHT recommends that cost certainty on transmission project submissions be heavily weighted in the decision criteria, as the estimated costs of the transmission bids are likely to be large and the uncertainty surrounding those cost estimates could be significant based on past experience with transmission cost overruns in New England.

### **C. *Product Analysis***

#### **1. The Commission Should Deny the Delivery Commitment Option**

The Delivery Commitment Option is not an appropriate or necessary means to procure incremental clean energy in this RFP. Section 1.2.3.3 and Appendix G detail the Delivery Commitment option under this RFP. While the additional clarity provided in the latest draft helps to clarify how this option should work, NHT believes it is an unnecessary option that is not supported by any procurement statute. NHT is concerned about this option for two reasons:

- a) First, it will be unavoidably difficult to compare proposals advanced as a Delivery Commitment to those that are proposed under power purchase agreements

(“Sections 1.2.3.1 and 1.2.3.2”). This incompatibility will unnecessarily complicate any analysis and may lead to years of challenges and delays before a project under this provision could provide benefits.

- b) Second, the Delivery Commitment option will be unnecessary if Massachusetts successfully passes proposed legislation that would enable the larger proposals that this Delivery Commitment is intended for. Accordingly, NHT strongly recommends this provision be removed from this RFP and that proponents wait until Massachusetts has a chance to pass additional legislation to support more incremental clean energy. Delivery Commitment will be a distraction in this RFP and may delay good projects from getting into service on time.

## **2. The Commission Should Expand Product Solicitation Options under the RFP for Balancing Energy**

The design for balancing energy is a technical component of the electricity markets that has been developed through extensive stakeholder involvement in New England with a historically single focus on secure system operation. Use of the balancing energy market, apart from the settlement of physical imbalances caused by operational contingencies, should not create uncertainty of market participants’ broader strategic goals. At the same time, the Commission should challenge respondents to advance proposals that utilize new and expanding technologies.

NHT would suggest that the Commission help to expand the allowable ways to improve upon an intermittent resources profile during peak times. The concept of electricity as a non-storable commodity that requires exact equilibrium at all times through operation of the bulk power system is being challenged by the development of battery storage technologies.

Additionally, balancing with existing hydro and nuclear energy are effective and efficient

alternatives that would similarly accomplish the policy goals of the Commonwealth. NHT suggests that the Commission consider these technology developments so that potential bidders can more effectively address the clean energy requirements, but also help to moderate peak system load.

***D. Public Review of Forthcoming Form PPAs***

NHT notes that the Form PPAs have not been provided for public review. The draft RFP emphasizes that “Eligible Bidders are discouraged from proposing material changes to the Form PPAs.” Stakeholders should be afforded the opportunity to comment on the Form PPAs before they are designated as final, particularly given the emphasis on bidders being discouraged from proposing material changes to the Form PPAs.

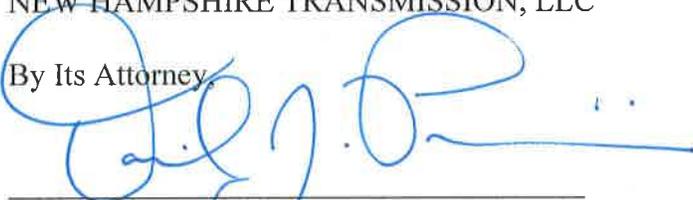
**III. CONCLUSION**

NHT appreciates the Commission’s request for comments and hope that our insight into competitive solicitations from across the country is helpful as the Commission is reviewing the RFP.

Respectfully Submitted,

NEW HAMPSHIRE TRANSMISSION, LLC

By Its Attorney,



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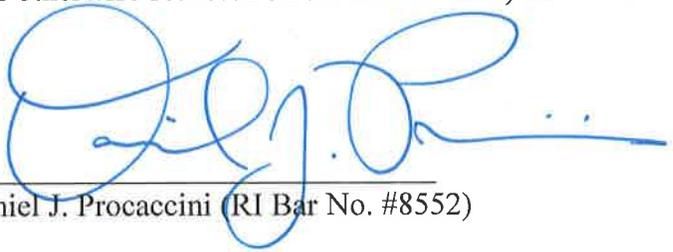
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Dated: August 19, 2015

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing document was distributed to the Service List for Docket 4570 (set forth below) by email (or as otherwise set forth on the Service List) on August 19, 2015.

  
 Daniel J. Procaccini (RI Bar No. #8552)

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