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January 8, 2016

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

**Via e-filing**

Re: Carbon Zero, LLC Application for RI RPS-New Qualification for Vermont Tissue Hydroelectric Facility. RI PUC Docket No. 4593

Dear Clerk Massaro:

Please accept as attached and enclosed for filing in the above-referenced matter, a copy of the application of A. Quincy Vale to be designated as the independent verifier for the generation of this facility. This information is being submitted on Appendix D of the standard Rhode Island RES Application forms as requested by reviewers on January 4, 2016.

Thank you in advance. If you should have any questions or comments, please do not hesitate to contact me at (617) 694-5181 or via email at qvale@aqvlaw.com.

Sincerely,

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Enclosure

**APPENDIX D**  
**(Revised 6/11/10)**  
**(Required of Applicants Seeking Eligibility for Customer-Sited and/or Off-Grid Generation Facilities and Associated Aggregations)**

**STATE OF RHODE ISLAND**  
**PUBLIC UTILITIES COMMISSION**

**RENEWABLE ENERGY RESOURCES ELIGIBILITY FORM**

**Pursuant to the Renewable Energy Act**  
**Section 39-26-1 et. seq. of the General Laws of Rhode Island**

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Customer-sited and Off-grid Generation Facilities located in Rhode Island may be certified as an eligible resource if their NEPOOL GIS Certificates are created by way of an aggregation of Generation Units using the same generation technology, and so long as the aggregation is certified by the Commission. Please complete the following and attach documentation, as necessary to support all responses:

- D.1 Please identify the location(s) in Rhode Island of each Generation Unit that is interconnected on the End-use Customer's side of the retail electricity meter in such a manner that it displaces all or part of the metered consumption of the End-use Customer, or not connected to a utility transmission or distribution system.

Not applicable directly, as the facility is located in Vermont. The facility's address is 1514 North Bennington Road, Bennington, VT

- D.2 Please see below for the proposed procedures under which the aggregate Generation Units will operate:

- (a) Name and contact information of the Aggregator Owner, to which these regulations and stipulations of certification shall apply, and who shall be the initial owner of any NEPOOL GIS Certifications so certified;

Carbon Zero, LLC  
Attn: William F. Scully, Manager  
PO Box 338  
North Bennington, VT 05257

- (b) Name, contact information, and qualifications of the Verifier. Qualifications shall include any information the applicant believes will assist the Commission in determining that the Verifier will accurately and efficiently carry out its duties. After receipt of the application, the Commission may require additional evidence of qualifications;

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Quincy Vale, of Vale Law pllc, is an approved independent verifier by the Massachusetts Department of Energy Resources, the New Hampshire Public Utilities Commission and the Connecticut Public Utilities Regulatory Authority. Quincy Vale has long experience with renewable energy generating systems, including photovoltaic, wind and hydropower systems. He has developed feasibility studies for projects, worked as a key component of project development teams, put together the legal and financing deals, monitors operations and helps to monetize the RECs. Quincy Vale's resume and project listing is available upon request.

- (c) A declaration of any and all business or financial relations between Aggregator Owner and Verifier, which the Commission will use to evaluate the independence of the Verifier.<sup>2</sup>

The only business and financial relationship between the Facility Owner and the Verifier is a lawyer-client relationship. A. Quincy Vale is an experienced energy lawyer and represents owners and operators of renewable energy generating facilities throughout the northeast. As the attorney for Carbon Zero, LLC, Mr. Vale is compensated hourly for his work. If and when Quincy Vale is affirmed as the independent verifier for the Vermont Tissue facility owned by Carbon Zero his only compensation be pursuant to his hourly retainer agreement. The compensation of Vale Law pllc and Quincy Vale is in no way contingent upon the number of RECs created by the generation unit. Neither Vale Law pllc nor Quincy Vale has any ownership stake in the generation unit nor in the entity that owns the generation unit.

(c.1) The Aggregation Agreement shall include a statement indicating under what circumstances the Verifier would not be considered sufficiently independent of the individual Generation Unit, and that Generation Units not meeting this independence test would not be allowed to participate in the aggregation;

Vale Law pllc and Quincy Vale can think of no situation in which they would be deemed to not be sufficiently independent to continue to serve as the IV, but if

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<sup>2</sup> Reasons for ruling that a Verifier is not sufficiently independent include, but are not limited to: i) If one entity owns, directly or indirectly, or if a natural person so owns, 10% or more of the voting stock or other equity interest in the other entity; ii) If 10% or more of the voting stock or other equity interests in both entities are owned, directly or indirectly, by the same entity or a natural person; or iii) If one entity is a natural person, and such entity or a member of such entity's immediate family is an officer, director, partner, employee or representative of the other entity.

such a situation should arise Vale Law pllc/Quincy Vale will report it to the Unit Owner and to RI PUC and resign the position in favor of another IV without such a conflict.

- (d) Type of technology that will be included in the aggregation, and statement that the aggregation will include only individual Generation Units that meet all the requirements of these regulations, for example physical location, vintage, etc. (All generators within the aggregation must be of the same technology and fuel type);

The only technology type included in this application is hydropower. If additional generating units are added, and this application becomes an aggregation, then all of the generating units within it will match this unit's technology and vintage.

- (e) Proposed operating procedures for the aggregation, by which the Aggregation Owner shall ensure that individual Generation Units in the aggregation comply with all eligibility requirements and that the NEPOOL GIS Certificates created accurately represent generation;<sup>3</sup>

Generation production data will be based on readings from revenue meters owned and maintained by Green Mountain Power and derived from the monthly utility billing records rendered by Green Mountain Power (the interconnecting utility) and recipient of all exported power. Vale Law pllc/Quincy Vale already has and maintains the necessary account with the NEPOOL GIS. Vale Law pllc/Quincy Vale will double check the data and compare the output to other hydropower systems he monitors for quality control before uploading data to the NEPOOL GIS. Vale Law pllc/Quincy Vale will also have the right and ability to stop by the facility at any time to verify the output and the functioning of the metering and data collection system.

- (f) Description of how the Verifier will be compensated for its services by the aggregator. In no instances will an aggregation be certified in which the Verifier is compensated in a manner linked to the number of NEPOOL GIS Certificates created by the aggregation; and

Please see response to Item C above.

- (g) Confirmation and a description of how, no less frequently than quarterly, the Verifier will directly enter into the NEPOOL GIS the quantity of energy

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<sup>3</sup> At a minimum, these procedures will: i) require a determination by the Aggregation Owner that the Generation Unit is in compliance with these Renewable Energy Standard regulations and the Aggregation Agreement as approved by the Commission, and an independent determination by the Verifier that the Generation Unit exists; ii) require a meter reading procedure that allows the Verifier to read meters on the Generation Units; meter readings may be manual or remote and via the aggregators own system or via an independent system, but in all cases shall comply with NEPOOL GIS Operating Rules regarding metering; iii) require confirmation that Verifier will be entering the quantity of energy production in to the NEPOOL GIS system as described in paragraph (g) for NEPOOL GIS to create NEPOOL GIS Certificates; and OL GIS Certificates; and ; iv) include a procedure for the Verifier to report to the Commission on the results of their verification process.

production in the applicable time period from each Generation Unit in the aggregation. The entry of generation data by the Verifier must be through an interface designated for this purpose by the NEPOOL GIS and in accordance with NEPOOL GIS Operating Rules applicable to Third-Party Meter Readers, and to which the Aggregation Owner shall not have access<sup>4</sup>.

The IV will report the quantity of energy produced by the generation unit at least quarterly to the NEPOOL GIS. Such data will be derived from the monthly utility billing records rendered by Green Mountain Power (the interconnecting utility) and recipient of all exported power. Vale Law pllc/Quincy Vale already has and maintains the necessary account with NEPOOL. Vale Law pllc/Quincy Vale will double check the data and compare the output to other hydropower systems he monitors for quality control before uploading data to the NEPOOL GIS. Vale Law pllc/Quincy Vale will also have the right and ability to stop by the facility at any time to verify the output and the functioning of the metering and data collection system.

D.3 Applicant must acknowledge that:

- (a) any changes to or deviations from the Aggregation Agreement will be considered a change in generator status, and will require recertification by the Commission;

← please check this box to acknowledge this requirement  
 N/A or other (please explain) \_\_\_\_\_  
\_\_\_\_\_

- (b) the Commission will be promptly notified of any changes to or deviations from the Aggregation Agreement; and

← please check this box to acknowledge this requirement  
 N/A or other (please explain) \_\_\_\_\_  
\_\_\_\_\_

- (c) in the event that notice of such changes or deviations is not promptly given, all Generation Units in the aggregation may be de-certified.

← please check this box to acknowledge this requirement  
 N/A or other (please explain) \_\_\_\_\_  
\_\_\_\_\_

D.4 Applicant must certify that:

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<sup>4</sup> Such generation data shall not include any generation data from previous time periods, except as provided for in this section. Output of less than one MWh by any single Generation Unit within the aggregation may be applied to the entire aggregation's generation, and generation of the aggregation less than one full MWh may be applied to the subsequent quarter in accordance with NEPOOL GIS Operating Rules.

If the Generation Unit (or aggregation of generation units) is a Customer-sited or Off-grid Generation Resource, as defined in Section 39-26-2.4 of the General Laws of Rhode Island and Section 3.26 of the RES Regulations, respectively, the associated Generation Attributes have not otherwise been, nor will be sold, retired, claimed or represented as part of electrical energy output or sales, or used to satisfy obligations in jurisdictions other than Rhode Island.

← please check this box to certify that this statement is true

N/A or other (please explain) \_\_\_\_\_

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