



For a thriving New England

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July 9, 2018

By First Class Mail and Electronic Mail

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

Re: Docket 4822 - Solicitation of Long-Term Contracts for Renewable Energy and Renewable Energy Certificates ("RECs"), Pursuant to R.I. Gen. Laws § 39-26.1-1 *et seq.*

Dear Ms. Massaro:

For filing in the above-referenced docket enclosed please find the comments of Conservation Law Foundation.

Thank you for your attention to this matter.

Sincerely,

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cc: Docket 4822 Service List (*via electronic mail*)

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

In re: Solicitation of Long-Term Contracts for Renewable Energy and Renewable Energy Certificates (“RECs”), Pursuant to R.I. Gen. Laws 39-26.1-1 et seq.

Docket 4822

COMMENTS OF CONSERVATION LAW FOUNDATION

Conservation Law Foundation (“CLF”) appreciates this opportunity to provide comment to the Public Utilities Commission (the “Commission”) on Narragansett Electric Company d/b/a National Grid’s (“Narragansett”) draft Request for Proposals for Long-Term Contracts for Renewable Energy and Renewable Energy Certificates (“Draft RFP”) pursuant to R.I. Gen. Laws 39-26.1-1 et seq.

I. INTRODUCTION

CLF is a nonprofit, member-supported advocacy organization that works to solve the environmental problems that threaten the people, natural resources, and communities of New England. CLF has a decades-long record of advocacy in support of clean and efficient energy production in New England. CLF’s advocates have deep expertise in renewable energy law and policy as well as mitigation of the environmental impacts of renewable energy development. CLF and its members have a strong interest in ensuring that the RFP is designed to ensure robust competition, applies fair and balanced criteria, and maximizes the clean energy potential of this solicitation at the best price for Rhode Island electricity consumers. The RFP and its associated procurement process is a key mechanism for achieving the greenhouse gas emissions reduction goals of the Resilient Rhode Island Act and advancing Governor Gina M. Raimondo’s goal of

facilitating the development of 1,000 MW of clean energy resources by 2020.¹ Furthermore, a well-designed RFP has the capacity to cultivate stakeholder support and send the necessary market signals to strengthen a sustained and vibrant renewable energy industry, which in turn has the potential to generate continuing economic and environmental benefits for Rhode Island. Therefore, it is critical that the RFP results in the fair and transparent selection and timely implementation of large-scale projects that bring clean energy to Rhode Island consumers as swiftly and cost-effectively as possible while also minimizing adverse impacts to the environment and stakeholders.

II. RECOMMENDATIONS

1. The RFP Should Specify Strong Environmental Mitigation Requirements and Prioritize Projects that Avoid, Minimize, and Mitigate Impacts.

CLF enthusiastically supports the utilization of clean energy resources to reduce greenhouse gas emissions and other air pollution, and to help reach Governor Raimondo's goal of facilitating the development of 1,000 MW of clean energy resources by 2020. CLF is confident that any renewable energy project implemented under the RFP can be developed in a manner that adequately protects valuable environmental resources and the stakeholders who depend on them. A well-designed procurement process can ensure that selected projects have a high likelihood of success in the separate, but related, processes for securing necessary federal and state permits and approvals. In considering procurement models that minimize developer risk and reflect the full value of renewable energy for Rhode Island, we recommend including a mechanism at the

¹ See Governor Gina M. Raimondo Press Release of February 5, 2018, "Raimondo Touts Goal to Make Energy System 10 Times Cleaner: Directs State Energy Team to Work with Utilities to Procure 400MW of Affordable, Clean Energy," available at: <http://www.ri.gov/press/view/32439>.

threshold evaluation stage that gives credit and preference to proposals with strong commitments to stakeholder engagement and environmental-impact mitigation.²

Specifically, the RFP should require proposals to identify all relevant stakeholders, including those who are active in the area (e.g., commercial and recreational fishermen, wildlife enthusiasts, tribes, utilities, research institutions, and others), those who live in adjacent communities, and any other interested parties, as well as any concerns raised by these stakeholders. Proposals should also describe practical measures to mitigate any significant impacts to these stakeholders. Furthermore, the RFP should require proposals to provide a *thorough* environmental characterization of the proposed project site—including potential environmental impacts and a detailed plan to avoid, minimize, and mitigate impacts to ecosystems and wildlife during site characterization, construction, and operations.

2. The RFP Should Specify a Project Operation Deadline, and Projects' Proposed Dates of Operation Should Be Meaningfully Considered in Evaluating Competing Bids.

The Draft RFP contains no deadlines for project operation, requiring only that eligible bidders provide a “reasonable schedule” including a commercial operation date.³ The RFP should set an operations deadline, which should: (1) be grounded in the best available projections and data from other markets regarding project development timelines; and (2) be designed to maximize the potential for this procurement to swiftly deliver benefits to ratepayers. Additionally, projects' proposed dates of operation should be meaningfully considered in evaluating competing bids. An earlier date of operation would mean earlier realization of the environmental and economic benefits associated with clean electricity—and also save ratepayers money. The Resilient Rhode

² Cf. Draft RFP § 2.2.3.

³ Draft RFP § 2.2.3.2.

Island Act sets forth ambitious greenhouse-gas-reduction targets for the State, which necessitate bold and aggressive action to transition Rhode Island’s economy to clean energy resources as soon as possible. Including this criterion can also have economic benefits for Rhode Island, as faster project development also means earlier availability and faster growth of associated clean energy jobs for Rhode Island residents.

3. Biomass Facilities Do Not Help Reduce Carbon Emissions and Should Not Be Selected.

To be an “eligible facility” under the RFP, an electric generation facility must qualify as an eligible renewable energy resource as defined under R.I. Gen. Laws § 39-26.1-2(4), § 39-26-5, and Section 3.16 of the Rules and Regulations Governing Long-Term Contracting Standards for Renewable Energy.⁴ While CLF does not wish to endorse any particular energy resource or technology, we strongly advise against the selection of projects utilizing biomass fuels. Biomass facilities are defined as an eligible renewable energy resource, but unlike other eligible sources biomass combustion produces carbon dioxide, as well as a host of other pollutants—particularly particulate matter and nitrous oxides. It is incontrovertible that smokestack emissions of greenhouse gases from wood combustion are equivalent to or higher than those from fossil fuel combustion.⁵ Any claim to greenhouse gas emission reductions from energy produced by burning biomass over those from a fossil fuel source depends entirely on a life cycle analysis that nets smokestack emissions and feedstock production emissions against forest regrowth and

⁴ Draft RFP § 2.2.2.2.

⁵ See Walker, T., et al., Manomet Center for Conservation Sciences, Biomass Sustainability and Carbon Policy Study, 95 (2010) (“per unit of useable energy biomass typically releases more CO₂ than natural gas, oil or coal.”); Smith, P., et al., Climate Change 2014: Mitigation of Climate Change, IPCC Working Group III Contribution to the IPCC Fifth Assessment Report, 11.13.4 at 877, (“The combustion of biomass generates gross GHG emissions roughly equivalent to the combustion of fossil fuels.”), available at https://www.ipcc.ch/pdf/assessmentreport/ar5/wg3/ipcc_wg3_ar5_chapter11.pdf.

predicted decomposition. The selection of biomass facilities under this RFP would therefore be inconsistent with the Resilient Rhode Island Act and its ambitious and necessary greenhouse gas reduction goals.

4. The RFP Should Place a Cap on Individual Projects but Should Select Projects Totaling the Full Procurement Amount of 400 MW.

The RFP sets an overall target procurement amount of 400 MW, with a minimum contract size of 20 MW and no maximum.⁶ CLF supports the recommendation of the Division of Public Utilities and Carriers (the “Division”) and the Office of Energy Resources (“OER”) that the RFP define a contract cap, potentially in the range of 200-300 MW in order to promote resource diversity.⁷ However, increased resource diversity must not come at the cost of decreased total procurement. CLF urges Narragansett to select renewable energy projects totaling the full allotted 400 MW. Doing so is critical if the State is to reach its goal of facilitating the development of 1,000 MW of clean energy resources by 2020, and achieve its greenhouse gas reduction targets under the Resilient Rhode Island Act. Relatedly, CLF applauds the State’s decision to back the construction of a 400 MW offshore wind farm,⁸ but urges that this separate procurement of renewable energy not be understood to have lessened the vital need for the 400 MW at issue in this RFP, or to have excluded offshore wind from the bidding process.

III. CONCLUSION

A successful, well-designed RFP is essential to strengthen a sustained and vibrant renewable energy industry, which in turn has the potential to generate continuing economic and

⁶ Draft RFP § 2.2.2.5.

⁷ Comments of Office of Energy Resources and the Division of Public Utilities and Carriers (June 22, 2018) at 2.

⁸ See Governor Gina M. Raimondo Press Release of May 23, 2018, “Rhode Island and Massachusetts Announce Largest Procurement of Offshore Wind in Nation’s History,” available at: <https://www.ri.gov/press/view/33287>.

environmental benefits for Rhode Island. For the reasons stated herein, and to ensure a successful solicitation, the Commission should incorporate the foregoing recommendations. Thank you for the opportunity to comment.

Respectfully submitted,

CONSERVATION LAW FOUNDATION

By its attorney,



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