



STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

PUBLIC UTILITIES COMMISSION
89 Jefferson Boulevard
Warwick, Rhode Island 02888
(401) 941-4500

Chairperson Margaret E. Curran
Commissioner Marion S. Gold
Commissioner Abigail Anthony

August 16, 2019

Via Electronic Mail

John P. Casey, Esq.
Robinson and Cole
88 Howard Street, Suite C-1
New London, CT 06320

RE: Non-compliance with the Rhode Island Renewable Energy Standard for Compliance Year 2018 (Docket No. 4964)

Dear Attorney Casey:

This letter is to inform you that your client, Agera Energy, LLC (Agera) is out of compliance with Rhode Island's Renewable Energy Standard (RES) for Compliance Year 2018. As you may be aware, the Rhode Island Public Utilities Commission (PUC) is responsible for implementing the state's RES.¹

During the PUC's review of Agera's RES Annual Compliance Filing for 2018 (Compliance Filing), the PUC noted a number of issues that Agera must cure to come into compliance. On August 2, 2019, PUC staff contacted Agera by email to identify the items that needed to be addressed and provide Agera an opportunity to revise its Compliance Filing and come into compliance as of today's date.²

On August 16, 2019, Agera filed a Revised Compliance Filing. The Revised Compliance Filing correctly reported Agera's obligation of [REDACTED] megawatt-hours (MWh) of Rhode Island-eligible New Renewable Energy and [REDACTED] MWh of New or Existing Renewable Energy. The Revised Compliance Filing also applied [REDACTED] NEPOOL-GIS Renewable Energy Certificates that were banked in Compliance Year 2017 to Agera's New Renewable

¹ Rhode Island General Laws § 39-26 *et seq.*

² The August 2, 2019 correspondence is attached to this letter.

Energy Obligation. The Revised Compliance Filing indicates an outstanding certificate balance of [REDACTED] MWh.

Pursuant to Section 2.10(A) of the PUC's Rules and Regulations Governing the Implementation of a Renewable Energy Standard (Rules), **this letter hereby serves as a warning letter with a stated date of Compliance of August 23, 2019 at 4:00 p.m.** If Agera fails to comply with the RES by August 23, 2019, this matter will be placed on the PUC's August 28, 2019 Open Meeting agenda to find Agera out of compliance with the RES for Compliance Year 2018, to demand the full amount of the Letter of Credit on file, and to refer the matter to the Division of Public Utilities and Carriers for revocation of Agera's license to operate as a nonregulated power producer in Rhode Island. Also be aware that under Section 2.10(B) of the Rules,³ the PUC has authority to impose sanctions in the form of financial penalties upon non-compliant obligated entities.

As of the date of this letter, the NEPOOL-GIS deadlines for generating, trading, and retiring eligible Renewable Energy Certificates for the purposes of meeting Rhode Island's RES for Compliance Year 2018 has passed. Compliance, therefore, can only be met through Alternative Compliance Payments to Rhode Island's Renewable Energy Development Fund at a rate of \$68.96 per MWh, for a total payment of \$[REDACTED]. The PUC requests proof of payment to the Renewable Energy Development Fund in the form of a receipt for said payment issued by the Rhode Island Commerce Corporation.⁴ Please supply this information along with a signed copy of the Revised Compliance Filing by August 23, 2019 electronically to RES.Filing@puc.ri.gov with a hard copy to follow.

Thank you for your attention to this matter.

Regards,



Todd A. Bianco
Principal Policy Associate
RI Public Utilities Commission

Cc: John Spirito, RI Div. of Public Utilities and Carriers *redacted*
Annie Ratanasim, RI Commerce Corporation *redacted*
Supria Ranade, Consultant, Agera Energy, LLC
Todd Sandford, COO, Agera Energy, LLC
Raima Jamal, Corporate Counsel, Agera Energy, LLC
Dana Horton, Robinson and Cole
Brian Calabrese, Robinson and Cole
Joey Lee Miranda, Robinson and Cole

1 att.

³ See also Rhode Island General Laws § 39-26-6(e)

⁴ Payment can be arranged by contacting Kathy O'Brien, Accountant, RI Commerce Corporation, (401) 278-9100, ext. 158 or by email at Kathy.O'Brien@commerceri.com.

Bianco, Todd (PUC)

From: Renewable Energy Standard
Sent: Friday, August 02, 2019 4:37 PM
To: Scott.albert@gdsassociates.com; WilsonFrias, Cynthia (PUC); Nault, Alan (PUC); Bianco, Todd (PUC); michael.woods@gdsassociates.com; Josh.Duckwall@gdsassociates.com
Subject: FW: Agera Energy - Rhode Island Annual Compliance Filing for Calendar Year 2018

From: Massaro, Luly (PUC)
Sent: Friday, August 2, 2019 8:37:16 PM (UTC+00:00) Monrovia, Reykjavik
To: Supria Ranade; Raima Jamal; jcasey@rc.com; Renewable Energy Standard
Subject: Agera Energy - Rhode Island Annual Compliance Filing for Calendar Year 2018

Hello Supria,

I'm confirming receipt of Agera Energy's 2018 Annual Compliance Filing by the RI Public Utilities Commission (RI PUC) on July 16, 2019. The filing included a Motion for Protective Treatment of Confidential Information. Please note that upon submission of a motion for protective treatment of confidential information pursuant to the Commission's Rules of Practice and Procedure and based on the representation made by company in its motion, the Chairperson will give preliminary approval of the motion. The confidential information will be kept from public disclosure.

During the Commission's review of Agera's 2018 Annual Compliance Filing, a number of items were identified that require attention and further action as follows:

1. The filing was submitted with no official signature. **← Please resubmit with appropriately signed pages**
2. ISO-NE Asset ID# does not align with last year's filing or Narragansett Electric's records (listed as ID [REDACTED] in 2018 Table 1 submittal, while records show the ID as [REDACTED]). **← Please reconcile this discrepancy to show the correct Asset ID #**
3. Reported load data does not match Narragansett-specified amount for this LSE ([REDACTED] MWh's overstated - should be [REDACTED] vs. [REDACTED] in current Table 1). This results in New and Existing RECs obligations of [REDACTED] and [REDACTED] respectively [REDACTED] and [REDACTED] RECs fewer than specified in current Table 1). **← Please revised Table 1 with the correct load and obligation data**
4. We have confirmed that no RI RECs (New or Existing) were procured through the NEPOOL GIS to meet Agera's 2018 obligations, nor was any of Agera's available [REDACTED] Banked RECs from the 2017 filing utilized. After applying all banked RECs, Agera's total New deficit should be [REDACTED]. **← Please revised Table 1 to apply banked RECs to Agera's New obligation**
5. Table I, Part Two is incomplete: **← Please complete Part two incorporating the revisions above**
6. **← Please submit a revised Table 1 for the RI PUC's review and verification (in both Excel spreadsheet and PDF formats) showing corrected Asset ID#, load data and associated REC obligations and compliance treatment.**
7. Agera's obligation balance requires a total Alternative Compliance Payment of \$ [REDACTED] (\$68.96 per REC x ([REDACTED] NEW + [REDACTED] Existing). The Alternative Compliance Payment (ACP), in the amount of \$ [REDACTED], should be wired directly to RI Commerce Corporation. For wiring instructions, contact Kathy O'Brien, Accountant, RI Commerce Corporation, (401) 278-9100, ext. 158 or by email at Kathy.O'Brien@commerceri.com. A copy of the APC receipt from RI Commerce Corporation will be required as verification of payment. **← Please complete your transaction with Commerce and provide verification of payment to the PUC**

In summary:

Please submit a signed, revised and complete 2018 Annual Compliance Filing in conformance with the items identified above by August 16, 2019. Submit the compliance filing to RES.Filings@puc.ri.gov. Should you have questions, send them to RES.Filings@puc.ri.gov.

Best,
Luly

Luly E. Massaro
Commission Clerk
RI Public Utilities Commission
89 Jefferson Blvd.
Warwick, RI 02888
401-780-2107
Luly.massaro@puc.ri.gov