

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

**IN RE: SOUTH COUNTY SOLAR 805 MAIN LLC** :  
**PETITION FOR WAIVER OF OUTPUT DEADLINE** : **DOCKET NO. 5029**  
**(PROJECTS OF 250 kW OR LESS ENROLLED IN THE** :  
**2018 RENEWABLE ENERGY GROWTH** :  
**PROGRAM YEAR)** :

**ORDER**

On May 4, 2020, South County Solar 805 Main LLC (Petitioner), developer of a solar project of less than 250 kW, with a Certificate of Eligibility for the 2018 Renewable Energy Growth Program Year, filed with the Public Utilities Commission (PUC) a request to waive the deadline to achieve 90% output. The Petitioner indicated that its good cause for requesting the waiver was a delay in the delivery of solar panels as a direct result of the current COVID-19 global pandemic. Petitioner related that it had attempted resolution with The Narragansett Electric Company d/b/a National Grid (National Grid), the administrator of the Renewable Energy Growth Program, but had been advised that the relevant tariff did not allow for an extension.<sup>1</sup>

The Renewable Energy Growth Program is a tariff-based program that is designed to provide a multi-year stream of payments to eligible renewable distributed generation projects for a term of years. Eligibility for the program and payments includes the condition that enrolled projects reach 90% of expected output within twenty-four months of the issuance of the Certificate of Eligibility.<sup>2</sup> The tariffs provide that commercial and large-sized projects pay a performance guarantee and can request extensions of time. There is no such corresponding provision for the medium and small projects, equal to or less than 250 kW.<sup>3</sup>

---

<sup>1</sup> Petition (May 4, 2020); <http://www.ripuc.ri.gov/eventsactions/docket/5029-SCSPetition%205-4-20.pdf>.

<sup>2</sup> R.I. Gen. Laws § 39-26.6-5(a).

<sup>3</sup> Tariffs RIPUC No. 2151 and RIPUC No. 2152.

On May 11, 2020, PUC staff conducted a procedural conference with Petitioner, National Grid, the Office of Energy Resources (OER), and the Division of Public Utilities and Carriers (Division). No participant objected to the concept of allowing a brief extension of time for affected projects. All acknowledged that there were no guidelines in place for the requested extension. PUC staff encouraged the parties to work together toward an agreement under these limited circumstances and set a schedule accordingly.

On May 21, 2020, National Grid developed a process and form, agreed to by all the parties, that would allow projects enrolled in the 2018 Renewable Energy Growth Program to request a COVID-19 related extension of time on achieving 90% of output. The form included the request; the reason the request was needed; and, if approved, would allow for a maximum 120-day extension.<sup>4</sup> According to National Grid, submission of a completed form would allow for an automatic extension of time.<sup>5</sup> Three projects with an output deadline of June 11, 2020 had already requested extensions of time. Three remaining projects had not requested extensions but would be eligible to request extensions under this agreement.<sup>6</sup>

At its June 4, 2020 Open Meeting, the PUC approved the Petitioner's request along with the unopposed process and form to allow projects to seek a maximum 120-day extension to the deadline for achievement of 90% of project output. The PUC considered that while the Renewable Energy Growth Program law does not specifically allow for an extension of time to achieve the necessary output, the existence of a global pandemic and its effects on the economy, supply chain, work rules, and permitting timelines represents an extraordinary event that would suggest the need

---

<sup>4</sup> Form to request an extension of time; [http://www.ripuc.ri.gov/eventsactions/docket/5029-NGrid-ExtensionAgree\(5-21-2020\).pdf](http://www.ripuc.ri.gov/eventsactions/docket/5029-NGrid-ExtensionAgree(5-21-2020).pdf); National Grid Response to PUC 2-1; [http://www.ripuc.ri.gov/eventsactions/docket/5029-NGrid-DR-PUC2%20\(5-26-2020\).pdf](http://www.ripuc.ri.gov/eventsactions/docket/5029-NGrid-DR-PUC2%20(5-26-2020).pdf).

<sup>5</sup> National Grid Response to PUC 2-2.

<sup>6</sup> National Grid Response to PUC 1-1; <http://www.ripuc.ri.gov/eventsactions/docket/5029-NGrid-DR-PUC1%205-27-20.pdf>.

for limited accommodations to meet the purposes of the Renewable Energy Growth Program. The Petitioner provided sufficient facts to support its request based on factors outside of its control resulting from the pandemic.

The form submitted by National Grid requires a requestor to identify the delays caused by COVID-19. The form does not allow for an extension for delays within the control of the requestor. Finally, the form was favorably reviewed by OER, suggesting the limited extension is consistent with state policy. It was also favorably reviewed by the Division in its capacity as ratepayer advocate, suggesting that the limited extension is in the interest of all ratepayers. Approval of the extension provides National Grid with assurance that it will not be penalized by the PUC for deviating from the relevant tariffs. Therefore, in light of the unique circumstances surrounding the request, the limited nature of the extension, the limited availability of the extension, and the limited number of projects and kW eligible for an extension, the PUC found that that the agreed form properly balances the interests of the RE Growth participants, the general body of ratepayers, and National Grid.

Accordingly, it is hereby

(23843 ) ORDERED:

1. South County Solar 805 Main LLC's Petition for a Waiver of the Output Deadline under the Renewable Energy Growth Program is hereby granted for a period up to 120 days from June 11, 2020.
2. The extension form and process explanation filed by The Narragansett Electric Company d/b/a National Grid on May 21, 2020 is hereby approved for projects enrolled in the 2018 Renewable Energy Growth Program Year.

EFFECTIVE AT WARWICK, RHODE ISLAND ON JUNE 4, 2020,  
PURSUANT TO OPEN MEETING DECISION ON JUNE 4, 2020. WRITTEN ORDER  
ISSUED JUNE 11, 2020.

PUBLIC UTILITIES COMMISSION



Margaret E. Curran, Chairperson

Marion S. Gold, Commissioner

Abigail Anthony, Commissioner

**NOTICE OF RIGHT OF APPEAL:** Pursuant to R.I. Gen. Laws §39-5-1, any person aggrieved by a decision or order of the PUC may, within seven (7) days from the date of the order, petition the Supreme Court for a Writ of Certiorari to review the legality and reasonableness of the decision or order.