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April 21, 2021

VIA EMAIL AND MESSENGER

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

Re: Energy Development Partners, LLC

Dear Ms. Massaro:

Enclosed for docketing, please find the original and five copies of Energy Development Partners, LLC's Petition for Declaratory Judgment.

Thank you for your assistance in this matter.

Yours very truly,



Christian F. Capizzo

CFC/tlc

Enclosures

cc: Laura Bickel, Esq.
Mr. John Kennedy
John K. Habib, Esq.
Mr. Jared Sousa
Jon Hagopian, Esq.
Jenn Hutchinson, Esq.
Patricia S. Lucarelli, Esq.
Cynthia G. Wilson-Frias, Esq.

4027116.1/16240-2

**STATE OF RHODE ISLAND
PUBLIC UTILITIES COMMISSION**

In Re:
ENERGY DEVELOPMENT
PARTNERS, LLC

Docket No.

ENERGY DEVELOPMENT PARTNERS, LLC
PETITION FOR DECLARATORY JUDGMENT

Petitioner Energy Development Partners, LLC (“EDP”), by and through its undersigned attorneys, hereby petitions the Rhode Island Public Utilities Commission (the “PUC”) for a declaratory judgment regarding its rights and obligations under the Narragansett Electric Company Standards for Connecting Distributed Generation, R.I.P.U.C. No. 2180 (the “Tariff”) and the Rhode Island General Laws. As and for its petition, EDP states and alleges as follows:

Introduction

This Petition arises from The Narragansett Electric Company (“NEC”) and its affiliate New England Power Company’s (“NEP”) (collectively, the “Company”) attempt to impose approximately \$30 million of plant costs, plus millions more in Direct Assignment Facility (“DAF”) charges, on EDP and four other renewable energy project developers whose combined projects total approximately 70 MW in Southern Rhode Island (the “70 MW Group”). The Company asserts that the 70 MW Group’s projects require the installation of a voltage regulating synchronous condenser at Tower Hill in North Kingstown, Rhode Island. The Company’s illegitimate demand for this massive additional infrastructure cost – which the Company knows full well will likely cause “*attrition*” among the affected projects, thereby

undermining the State’s renewable energy goals – fails to acknowledge a fact that NEP has known for at least a year: that an *even larger synchronous condenser is already being planned in North Stonington, Connecticut*. That larger synchronous condenser in Connecticut would almost certainly make the \$30 million Tower Hill synchronous condenser completely unnecessary for EDP’s projects. The Company’s actions are yet one more example of the Company’s failure to support the development of renewable energy projects in Rhode Island.

On April 12, 2021, NEC belatedly disclosed to EDP the allegedly “*new development*” of the planned North Stonington synchronous condenser. Remarkably, the Company has refused to investigate if that North Stonington condenser would alter NEP’s existing study results allegedly indicating that EDP’s projects would trigger a need for a new synchronous condenser at Tower Hill. It is likely that if the Company factored in the new North Stonington synchronous condenser, the study results would support eliminating the \$30 million Tower Hill synchronous condenser along with the associated DAF charges. Those massive savings would result in the projects of the 70 MW Group being economical.

Instead, EDP was advised that if the 70 MW Group unanimously agreed, and withdrew their existing PPA’s, the 70 MW Group would be allowed to join (at additional cost) a second group study expected to launch in June or July that already includes numerous other renewables projects. EDP was told that the 70 MW Group had to make its unanimous decision by **April 21** – less than ten days away. If the 70 MW Group did not unanimously agree to join the new study group by April 21, and withdraw their existing PPA’s, NEC advised that it would issue Interconnection Service Agreements to the 70 MW Group that included the \$30 million for the Tower Hill synchronous condenser plus millions of dollars of DAF charges benefitting NEP.

In essence, the Company was offering the 70 MW Group a “*Hobson’s choice*”. Pay for the unnecessary \$30 million synchronous condenser and go forward with the uneconomical projects or agree to a new study combined with an undisclosed number of additional projects with unknown MW totals that will cause delay and will result in an unknown cost impact. Missing from the options offered by the Company is the one that is most sensible, efficient, and in keeping with the Company’s responsibility to provide the most efficient and economical interconnection solution. That option is simply to factor in the impact of the North Stonington synchronous condenser on the Company’s existing study.

The Tariff and Rhode Island General Laws mandate that EDP and other renewables energy developers may only be charged for system modifications “*necessary for and directly related to the interconnection.*” See R.I. Gen. Laws § 39-26.3-4.1(a). The Tariff further requires that the need for system modifications must be determined in accordance with Good Utility Practice, which includes least cost principles. The Company’s failure to assess the impact of the North Stonington synchronous condenser on EDP’s Projects from the outset, and their coercive attempt to compel EDP on ten (10) days’ notice to either accept ISA’s that incorporate the unnecessary and excessive Tower Hill plant costs, or to withdraw EDP’s existing PPA’s in order to join a new study group at additional cost and delay, constitute bad faith and are a breach of the Company’s obligations under the law. The Commission should grant declaratory relief to protect and advance the State’s renewable energy goals and deter the Company’s egregious and unwarranted self-enrichment scheme.¹

¹ EDP is filing this petition for declaratory judgment rather than initiating the dispute resolution process under the Tariff in order to protect all of its rights threatened by the Company’s arbitrary and unreasonable April 21, 2021 deadline for the 70 MW Group to respond to the Company’s actions. EDP’s request for declaratory relief is without prejudice to EDP’s right to seek monetary damages from the Company in the appropriate forum at the appropriate time.

Parties

1. EDP, a renewable energy developer, is a Rhode Island domestic limited liability company with its principal place of business located at 260 West Exchange Street, #102A, Providence, Rhode Island, 02903.

2. The Narragansett Electric Company d/b/a National Grid (“NEC”) is an electric distribution company as defined in R.I. Gen. Laws § 39-1-2.

3. New England Power Company (“NEP”), an affiliate of NEC, is a wholly owned subsidiary of National Grid USA, a utility holding company with regulated subsidiaries engaged in the generation, transmission, distribution and sale of both natural gas and electricity in New England and New York State.

Jurisdiction

4. The PUC has jurisdiction over this matter pursuant to its authority “to hold . . . hearings involving the rates, tariffs, tolls and charges, and the sufficiency and reasonableness of facilities and accommodations of . . . electric distribution . . .” R.I. Gen. Laws § 39-1-3, and its authority to issue declaratory rulings “that interpret[] or appl[y] a statute administered by the agency, or state whether, or in what manner, a rule, guidance document, or order issued by the agency applies to the Petitioner.” R.I. Gen. Laws § 42-35-8. This Petition seeks a declaratory judgment interpreting EDP’s rights and the Company’s obligations under Rhode Island General Laws and the Tariff. Accordingly, EDP brings this petition pursuant to Rule 810-00-00-1.11(c) of the PUC’s Rules of Practice and Procedure.

Statement of the Case

5. EDP is developing two solar projects in Rhode Island (the “EDP Projects”). EDP’s Nooseneck Hill Road Hopkinton Solar project (NEP-21-G02-001) is a 4.95 MW solar project located at 561 Nooseneck Hill Road in Hopkinton. EDP’s Skunk Hill Road

Hopkinton Solar project (NEP-21-G02-004) is a 20 MW solar project located at 0 Lisa Lane in Hopkinton.

6. Beginning in April 2020, NEP performed a group system impact study of approximately 165 MW of planned western Rhode Island renewables projects, including the EDP Projects (the “ASO #2 Study”). The ASO #2 Study was completed in February 2021. The ASO #2 Study concluded that of the 165 MW studied, 70 MW triggered the need for a synchronous condenser to be installed at the Tower Hill Substation in North Kingstown, Rhode Island. The EDP Projects totaling approximately 25 MW were among the 70 MW allegedly triggering the need for the Tower Hill investment.²

7. On February 16, 2021, the NEPOOL Reliability Committee approved NEP-21-T02 which was described in its meeting agenda as “Transmission application from New England Power (“NEP”) on behalf of Narragansett Electric for the installation of a new 25 MVA (+25/-12.5 MVAR) synchronous condenser, a 115/13.8 kV transformer and in line circuit breaker at the Tower Hill Substation as included in the System Impact study for 165.2 MW DER in Western Rhode Island (“WRI ASO #2 study”) dated February 2021. Proposed in service date for the synchronous condenser is June 30, 2025.”

8. At the NEPOOL Reliability Committee meeting, an EDP representative asked the Company’s representatives specific questions concerning the assumptions, objectives, methodologies and metrics of the ASO #2 Study and whether alternative, less costly solutions other than those identified in the ASO #2 Study were considered, such as reactive power devices

² The other projects making up the combined 70 MW allegedly triggering the need for the Tower Hill investment are the Revity Energy Frontier Road Hopkinton Solar project (NEP-21-G02-015), a 15.13 MW project; the Kearsarge Solar Oak Hill Road North Kingstown Solar project (NEP-21-G02-014), a 3.06 MW project; the Blue Wave Solar Kingstown Road project (NEP-21-G02-008), a 19.60 MW solar project; the Direct Energy Solar Quarry Road Westerly Solar project (NEP-21-G02-016), a 2.38 MW project; and the Direct Energy Solar Boom Bridge Road Westerly Solar project (NEP-21-G02-010), a 4.88 MW project.

owned and incorporated by EDP and some of the other developers in the 70 MW Group into their solar projects.

9. The Company's responses to EDP's questions were evasive and not supported by the facts.

10. On March 3, 2021, ISO-New England ("ISO-NE") issued a letter to NEP re: "Western RI ASO#2 DER Cluster and Transmission Project – EDP Skunk Hill Road Hopkinton Solar, Proposed Plan Application (PPA) – NEP-21-G02-004" notifying EDP that pursuant to review under Section 1.3.9 of the ISO Tariff, it did not identify a significant adverse effect on the reliability or operating characteristics of its transmission facilities, the transmission facilities of another Transmission Owner or the system of any other Market Participant, related to EDP's 20.0 MW solar project. In addition, ISO-NE notified NEP that the proposed in-service date for EDP's project is June 30, 2025. **Exhibit 1.**

11. On March 3, 2021, ISO-NE issued a letter to NEP re: "Western RI ASO#2 DER Cluster and Transmission Project – EDP Noose Neck Hill Road Hopkinton Solar, Proposed Plan Application (PPA) NEP-21-G02-001" notifying EDP that pursuant to review under Section 1.3.9 of the ISO Tariff, it did not identify a significant adverse effect on the reliability or operating characteristics of its transmission facilities, the transmission facilities of another Transmission Owner or the system of any other Market Participant, related to EDP's 4.95 MW solar project. In addition, ISO-NE notified NEP that the proposed in-service date of EDP's project is June 30, 2025. **Exhibit 2.**

12. Immediately after the February 16, 2021 NEPOOL Reliability Committee meeting, NEC informed EDP of the alleged possible need for a synchronous condenser at Tower

Hill, at a cost of approximately \$30 million dollars, plus ongoing DAF charges that would be assessed to EDP.

13. EDP requested and was granted a meeting with the Company's Transmission Planning Team (the "TPT") which took place on or about March 26, 2021.

14. EDP requested the meeting to inquire and attempt to gain an understanding of the results of the ASO #2 Study including but not limited to the study assumptions, methodologies, objectives and conclusions.

15. At said meeting, EDP requested the TPT to grant access to certain information and documentation from the ASO #2 Study, to EDP's consultant, RLC Engineering.

16. RLC Engineering is an electrical engineering firm that has performed many transmission planning and interconnection studies for most if not all of the electrical transmission utilities in New England, including NEP, NEC, and ISO-NE.

17. On or about March 28, 2021, in order to verify the ASO #2 Study results, EDP requested that the Company provide RLC Engineering with access to TPT's study parameters and the Company's consultants that assisted with the ASO #2 Study and associated PSCAD Evaluation study. **Exhibit 3**, See Emails from EDP to NEC on March 28, 2021 and April 8, 2021, Re: Request.

18. On or about April 8, 2021, NEC responded to EDP's request via email and Microsoft Teams calendar invite, and scheduled a meeting with EDP and the 70MW Group on April 12, 2021 to "*review recent developments that involve the resulting Western RI ASO#2 Study transmission upgrades that are required to allow the interconnection of the 70MW out of 165MW that was studied and your project(s) is part of.*" **Exhibit 4**, See Email from Mr. John Kennedy, NEC dated April 8, 2021.

19. On or about April 12, 2021, the Company informed EDP of an alleged “new development” affecting the EDP Projects. EDP was informed that NEP had “realized” in March 2021 that a study entitled Eastern Connecticut 2029 Solutions Study (the “ECT study”) was “nearing completion.” At said meeting, NEC presented the National Grid WRI ASO #2 Study Update and Progression slides dated March 4, 2021 **Exhibit 5**, See National Grid WRI ASO #2 Study Update and Progression.

20. On or about April 12, 2021, an agent of the Company denied EDP’s request, claiming that “*NEP engineers are the best qualified individuals to accurately evaluate impacts and identify appropriate upgrades.*” **Exhibit 6**, See Email from Mr. DeSousa, NEC Energy Integration Consultant dated April 12, 2021. In other words, NEP refused to even consider alternatives provided by known and accepted industry experts. Under this approach, distributed energy generators such as EDP have no control over the design, efficiency or cost of these projects of extreme governmental importance, nor the ability to validate the Company’s study results.

21. The ECT study identified that a larger synchronous condenser was being recommended to be installed at the Eversource Shunock Substation in North Stonington, Connecticut.

22. Eversource is an electric distribution company as defined under Connecticut General laws.

23. In fact, the North Stonington synchronous condenser was not a “new development” at all. *NEP was a study participant in the ECT Study.* The North Stonington

synchronous condenser plan was first publicized to stakeholders at a May 20, 2020 meeting, but prior to that time the study participants, including NEP, were collaborating with ISO-NE and were aware of the planned solution to address long-standing voltage regulation issues affecting southeastern Connecticut.

24. Prior to May 2020, NEP was also aware that the North Stonington synchronous condenser would directly affect NEP's transmission system in southern Rhode Island, including the portions of the transmission system allegedly in need of upgrades triggered by the EDP Projects being studied in the ASO #2 Study that commenced in April 2020. NEP negligently and/or intentionally failed to address the North Stonington synchronous condenser in the ASO #2 Study.

25. NEC belatedly informed EDP on April 12, 2021 that in light of the ECT Study, there was potential for the larger Shunock synchronous condenser obviating the need for the Tower Hill synchronous condenser identified in the ASO #2 Study.

26. NEC informed EDP that this could only be confirmed by including EDP and the other developers in the 70 MW Group in a new study, the Western R.I. ASO #3 study ("ASO #3 Study"), that was about to be initiated on behalf of already designated renewable projects.

27. NEC indicated that the ASO #3 study would require EDP and the other developers in the 70 MW Group to voluntarily withdraw from the ASO #2 Study group and agree to be included in, and share in the cost of, the new ASO #3 Study about to be initiated.

28. According to NEC, the ASO #3 study will include an analysis of the base case study model, the Shunock synchronous condenser and all of the other transmission upgrades

identified in the ECT Study which NEC falsely claimed was not known to NEP at the time the ASO #2 study was initiated and/or underway.

29. NEC advised EDP that if it elected to be included in the new ASO #3 Study with a new and different group of projects, there was a risk that the results of the study would not eliminate the need for the Tower Hill synchronous condenser and could result in other unknown upgrade costs to EDP.

30. NEC demanded that EDP and the other developers in the 70 MW Group make a decision, by or before April 21, 2021 (ten days later), as to whether they wanted to be included in the ASO #3 Study. In addition, NEC informed EDP that the ASO #3 Study would close on April 23, 2021.

31. NEC remarkably also informed EDP that if the 70 MW Group did not unanimously agree to be included in the ASO #3 Study, NEC would issue ISA's to EDP and the other developers requiring that the Tower Hill synchronous condenser be installed at a cost of approximately \$30 million plus ongoing DAF charges. This is despite the fact that such an investment is likely unnecessary.

32. NEC's impending ASO #3 Study poses risks to the findings in the ASO #2 Study that could negatively impact the feasibility and unnecessarily delay the EDP Projects.

33. Adding EDP's and the other projects in the 70 MW Group to the ASO #3 Study poses risks to the renewable energy projects already assigned to the ASO #3 Study and could negatively impact the feasibility and timing of those renewable projects due to the increase of total megawatts from the 70 MW Group's solar projects, and may require additional transmission upgrades.

34. In order to avoid potential negative impacts and delays to the EDP Projects, EDP requested that the Company revise the ASO #2 Study base case to include the ECT Study upgrades, including the North Stonington synchronous condenser that NEP should have but negligently and/or intentionally failed to consider from the beginning of the ASO #2 Study, while also omitting the Tower Hill synchronous condenser from the study.

35. This reasonable and logical approach would protect the position and viability of the 70 MW Group projects and is consistent with the Company's responsibilities under the Tariff and Rhode Island General Laws.

36. The Company refused to address the North Stonington synchronous condenser, which NEP knew about for over a year, in a revised ASO #2 Study.

37. The Company refused to extend the unreasonable and coercive April 21, 2021 ten day deadline for EDP and the other developers in the 70 MW Group to elect to join the ASO #3 Study.

38. The Company refused to extend the unreasonable and coercive April 21, 2021 ten day deadline for EDP and the other developers in the 70 MW Group to withdraw their existing PPA's as a condition of joining the ASO #3 Study.

39. The Company has failed and refused to provide information about the ASO #2 Study, including but not limited to the study assumptions, methodologies, objectives and conclusions, that is needed for EDP to make informed decisions about the EDP Projects.

40. On April 21, 2021, NEC requested EDP to provide an answer "*by end of business today*" on its decision regarding joining ASO Study #3. **Exhibit 7**, See Email from Mr. Jared DeSousa, NEC Energy Integration Consultant to EDP dated April 21, 2020.

Statement of Claims

41. The Company has failed to exercise reasonable judgment in accordance with “Good Utility Practice” by not considering, assessing and/or including the results of the ECT study into the ASO #2 Study. *See* Tariff Section 3.4, subsection (e) (determination of system modifications must be made in accordance with Good Utility Practice).

42. Good Utility Practice is defined under the Tariff as the “*practices, methods and acts which, in the exercise of reasonable judgment in light of the facts known at the time the decision was made, could have been expected to accomplish the desired result at a reasonable cost consistent with good business practices, reliability, safety and expedition.*” *See* Tariff Section 1.2, Definitions. Good Utility Practice includes least cost system modifications.

43. The Company negligently and/or intentionally failed and refused to consider, assess or include the potential cost saving impacts that the ECT study results would have on the EDP Projects and the other renewable energy projects that were subject to the ASO #2 Study.

44. The Company’s negligent and/or intentional failure to assess the effects of the North Stonington synchronous condenser on EDP’s Projects violates the Company’s statutory obligation to only charge for system modifications that are “necessary for and directly related to the interconnection.” *See* R.I. Gen. Laws § 39-26.3-4.1(a). The Company is proposing system modifications after negligently and/or intentionally failing to take into account information that is necessary in order for the Company to determine that the modifications are specifically necessary for the EDP Projects as required by law.

45. The Company’s negligent and/or intentional failure to assess the effects of the North Stonington synchronous condenser on the EDP Projects is in violation of NEC’s duty

under R.I. Gen. Laws § 39-26.3 and the Tariff to provide good faith cost estimates for interconnection.

46. The Company has failed to use reasonable judgment, in accordance with Good Utility Practice, in light of the known facts contained in the ECT study including but not limited to the synchronous condenser proposed at the Shunock Substation in North Stonington Connecticut.

47. The Company has failed to use reasonable judgment, in accordance with Good Utility Practice, by not studying, assessing and/or considering reasonable and less costly alternatives to the Tower Hill synchronous condenser, including but not limited to reactive power devices owned and incorporated by EDP and some of the other developers in the 70 MW Group into their solar projects and/or the impact of the synchronous condenser proposed at the Shunock Substation in North Stonington, Connecticut.

48. The Company has acted arbitrarily, unreasonably and in bad faith by refusing to extend the unreasonable and coercive April 21, 2021 ten day deadline for EDP and the other developers in the 70 MW Group to elect to join the ASO #3 Study, which on information and belief will not commence until June or July 2021.

49. The Company has acted arbitrarily, unreasonably and in bad faith by refusing to extend the unreasonable and coercive April 21, 2021 ten day deadline for EDP and the other developers in the 70 MW Group to withdraw their existing PPA's as a condition of joining the ASO #3 Study.

50. The Company has acted arbitrarily, unreasonably and in bad faith by demanding that EDP and the other developers in the 70 MW Group desiring to participate in the ASO #3 Study make payment for additional study costs resulting from the Company's own

negligent and/or intentional failure to properly conduct the ASO #2 Study by considering the impact of the North Stonington synchronous condenser that NEP has known about for over one year.

51. The Company has acted arbitrarily, unreasonably and in bad faith by selecting system modifications without considering all of the available information and by refusing to respond to reasonable information requests about its study methodologies.

WHEREFORE, EDP respectfully requests for the reasons stated herein that the Commission issue a Declaratory Judgment that:

- A. The Tariff and General Laws require that the Company incorporate the synchronous condenser proposed at the Shunock Substation in North Stonington Connecticut, as a preferred transmission solution, into a revised ASO #2 Study model and require re-running the cases (and PSCAD Evaluation Analysis) to confirm whether the results eliminate the need for the Tower Hill synchronous condenser.
- B. The Tariff and General Laws require that, should the results of the ASO #2 re-study determine that the Tower Hill synchronous condenser is not needed, the Company shall amend the NEP-21-T02 to remove the Tower Hill synchronous condenser coincident with the PPA approvals of the ECT 2029 Solutions Study.
- C. The Tariff and General Laws require that, pending the ASO #2 re-study, the Company shall not issue Interconnection Service Agreements for the projects in the 70 MW Group, or take further action regarding NEP-21-T02.

- D. The Tariff and General Laws require that, pending the ASO #2 re-study, the EDP Projects and the other projects in 70 MW Group shall be included in the ASO #3 Study, at no additional cost, and without withdrawal, waiver of or prejudice to their existing PPA's.
- E. The Tariff and General Laws require that the Company shall provide to EDP and its consultants, under a confidentiality agreement, information about the ASO #2 Study, including but not limited to the study assumptions, methodologies, objectives and conclusions, that is needed for EDP to make informed decisions about the EDP Projects; and that the Company release EDP's independent study to the Division and Commission for review and appropriate action.
- F. The Tariff and General Laws require that the Company be financially responsible for the costs associated with the Tower Hill synchronous condenser if it is determined that it was not a legitimate requirement/charge to impose on the 70 MW Group for the subject projects.
- G. The Tariff and General Laws require or allow such other and further relief as may be just and reasonable.

ENERGY DEVELOPMENT PARTNERS,

By Its Attorneys,

PARTRIDGE SNOW & HAHN LLP



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DATED: April 21, 2021

4026207.1/16240-2

EXHIBIT 1



Alan McBride
Director, Transmission Services & Resource
Qualification

March 3, 2021

Mr. Joseph Dobiac
New England Power Company
40 Sylvan Road
Waltham, MA 02451

Subject: Western Rhode Island ASO #2 DER Cluster and Transmission Project – EDP Skunk Hill Road
Hopkinton Solar - Proposed Plan Application (PPA) – NEP-21-G02-004

Dear Mr. Dobiac,

This letter is to inform you that, pursuant to review under Section I.3.9 of the ISO Tariff, no significant adverse effect has been identified with regard to the following PPA:

NEP-21-G02-004 – Generation application from New England Power Company (NEP) on behalf of EDP for the installation of a 20.0 MW solar array in Hopkinton, RI on the 85T2 34.5 kV feeder to the Wood River Substation. The proposed in-service date is June 30, 2025. The Reliability Committee (RC) reviewed the materials presented in support of the proposed project and did not identify a significant adverse effect on the reliability or operating characteristics of its transmission facilities, the transmission facilities of another Transmission Owner or the system of any other Market Participant.

Having given due consideration to the RC review, ISO New England has determined that implementation of the plan will not have a significant adverse effect upon the reliability or operating characteristics of the Transmission Owner's transmission facilities, the transmission facilities of another Transmission Owner, or the system of a Market Participant. A determination under Section I.3.9 of the ISO Tariff is limited to a review of the reliability impacts of a proposed project as submitted by Participants and does not constitute an approval of a proposed project under any other provisions of the ISO Tariff.

Sincerely,

/s/ Al McBride

Alan McBride
Director, Transmission Services & Resource Qualification

cc: Proposed Plan Applications

EXHIBIT 2



Alan McBride
Director, Transmission Services & Resource
Qualification

March 3, 2021

Mr. Joseph Dobiac
New England Power Company
40 Sylvan Road
Waltham, MA 02451

Subject: Western Rhode Island ASO #2 DER Cluster and Transmission Project - EDP Noose Neck Hill Road Hopkinton Solar - Proposed Plan Application (PPA) – NEP-21-G02-001

Dear Mr. Dobiac,

This letter is to inform you that, pursuant to review under Section I.3.9 of the ISO Tariff, no significant adverse effect has been identified with regard to the following PPA:

NEP-21-G02-001 – Generation application from New England Power Company (NEP) on behalf of EDP for the installation of a 4.95 MW solar array in Hopkinton, RI on the 155F8 12.47 kV feeder to the Chase Hill Substation. The proposed in-service date is June 30, 2025. The Reliability Committee (RC) reviewed the materials presented in support of the proposed project and did not identify a significant adverse effect on the reliability or operating characteristics of its transmission facilities, the transmission facilities of another Transmission Owner or the system of any other Market Participant.

Having given due consideration to the RC review, ISO New England has determined that implementation of the plan will not have a significant adverse effect upon the reliability or operating characteristics of the Transmission Owner’s transmission facilities, the transmission facilities of another Transmission Owner, or the system of a Market Participant. A determination under Section I.3.9 of the ISO Tariff is limited to a review of the reliability impacts of a proposed project as submitted by Participants and does not constitute an approval of a proposed project under any other provisions of the ISO Tariff.

Sincerely,

/s/ Al McBride

Alan McBride
Director, Transmission Services & Resource Qualification

cc: Proposed Plan Applications

EXHIBIT 3

From: Frank Epps <frank@edp-energy.com>
Sent: Thursday, April 8, 2021 9:43 AM
To: Kennedy, John C. <John.Kennedy@nationalgrid.com>; DeSousa, Jared <Jared.DeSousa@nationalgrid.com>
Cc: maarten reidel <maarten@edp-energy.com>; Steve Garwood <SGarwood@powergridstrategies.com>; Rick Conant <Rick@rlc-eng.com>; Tom Saunders <tom@edp-energy.com>
Subject: EXT || Re: Request

John, Jared;

Is there a response to our request below?

Frank

From: "Frank A. Epps" <frank@edp-energy.com>
Date: Sunday, March 28, 2021 at 7:43 AM
To: John Kennedy <john.kennedy@nationalgrid.com>, "DeSousa, Jared" <Jared.DeSousa@nationalgrid.com>
Cc: maarten reidel <maarten@edp-energy.com>, Steve Garwood <SGarwood@powergridstrategies.com>, Rick Conant <Rick@rlc-eng.com>, Tom Saunders <tom@edp-energy.com>
Subject: Request

Jared, John:

Thanks for arranging the call with transmission planning last Friday. The conversation was helpful. We understand and appreciate that the study was performed within the parameters of the data known at the time the study was commissioned. There are several scenarios, however, that were not included in the parameters of ASO #2 that we would like to explore. As such, EDP has engaged RLC Engineering who has significant experience in doing both distribution and transmission system impact studies, including having done such studies for several of the offshore wind farms, National Grid, and ISO-NE.

Our ask is that RLC work directly with Eletranix to scope out these other scenarios, obtain the results of these new simulations, and evaluate other solutions to resolve the issues that are identified. This would not only allow us to get more comfortable with the ASO #2 study results, but it would provide a level of transparency that has been a topic of regulatory discussion.

EDP would be directly responsible for the cost of the work performed by RLC and any costs associated with Eletranix. The resulting study results will be made available to you.

EDP and RLC have active Non-Disclosure Agreements with National Grid and critical infrastructure clearances with ISO-NE.

We look forward to receiving a favorable reply and commencing the additional analysis soonest.

Thanks so much,

Frank

This e-mail, and any attachments are strictly confidential and intended for the addressee(s) only. The content may also contain legal, professional or other privileged information. If you are not the intended recipient, please notify the sender immediately and then delete the e-mail and any attachments. You should not disclose, copy or take any action in reliance on this transmission.

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EXHIBIT 4

From: **Kennedy, John C.** <John.Kennedy@nationalgrid.com>

Date: Thu, Apr 8, 2021 at 12:39 PM

Subject: WRI ASO #2 Study Update

To: sthompson@bluewavesolar.com <sthompson@bluewavesolar.com>, charles.kovacic@centrica.com <charles.kovacic@centrica.com>, abernstein@kearsargeenergy.com <abernstein@kearsargeenergy.com>, frank@edp-energy.com <frank@edp-energy.com>, ryan@revityenergy.com <ryan@revityenergy.com>, Mattiello, Joseph <Joseph.Mattiello@nationalgrid.com>, DeSousa, Jared <Jared.DeSousa@nationalgrid.com>, Matulaitis, Patricia <Patricia.Matulaitis@nationalgrid.com>, Neilsen, Nicholas <Nicholas.Neilsen@nationalgrid.com>, Perez-Perez, Carlos <Carlos.Perez-Perez@nationalgrid.com>

Good afternoon,

National Grid would like to review recent developments that involve the resulting Western RI ASO #2 Study transmission upgrades that are required to allow the interconnection of the 70MW out of the 165MW that was studied and your project(s) is part of. We look forward to speaking with you all on Monday and sharing this information.

Thank you,

John Kennedy

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EXHIBIT 5

National Grid WRI ASO #2 Study Update and Progression



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WRI ASO #2 Study: Background & New Developments

Background:

- Western RI ASO #2 Study resulted in a need for a +25/-12.5 MVar Synchronous Condenser to be installed at the Tower Hill Substation located in North Kingstown, RI.
 - Cost to construct: \$25M (+50/-25%). Time to Construct: 48 months.
- Of the 165MW studied 70MW triggered the need for the Synchronous Condenser to address reliability concerns in the WRI transmission system.
- The study results were presented at the February 2021 NEPOOL Reliability Committee Meeting and the associated project's Proposed Plan Applications (PPA) received formal approval from ISO-NE on March 4, 2021.

New Developments:

- It was realized by NEP in March 2021 that a PPA(I.3.9) Study for the Regional Eastern CT 2029 Proposed Projects is nearing completion. The Eastern CT 2029 Proposed Projects includes the installation of a +50/-25 MVar Synchronous Condenser at the Shunock Substation in North Stonington, CT located in southeastern Connecticut across the border from Westerly, RI. This is an Eversource project and would be funded and recovered through Regional Network Service (RNS) rates, with no specific cost assignment to individual DG projects.

Plan Forward

- Inform the five affected developers of the opportunity to move their projects into WRI ASO #3 Study which might alleviate their burden of paying for Tower Hill Synchronous Condenser
 - This would require consensus from all of the 70MW/five developers from WRI ASO #2 Study.
 - PPA's would be withdrawn
 - Retail Queue positions would be maintained
 - Retail Interconnection Service Applications would be placed on hold. Interconnection Service Agreements would not be executed until WRI ASO #3 Study is completed.
 - New ASO Study Fees would be assessed.
- If consensus is not achieved then the 70MW of projects in ASO #2 that received PPAs would proceed through the Interconnection process, and re-study may be warranted due to attrition.
 - Full attrition may not be realized until late July 2021.
 - If only a small percentage of 70MW/applications move forward by executing an ISA and making first payment the WRI ASO #2 Study may have to be revised.

Scenarios & Communication Plan

Scenarios

- Scenario 1: ASO #3 using the Connecticut Synchronous Condenser may alleviate the need for the Tower Hill Synchronous Condenser
- Scenario 2: ASO #3 analysis shows that the Tower Hill Synchronous Condenser is still required. Dependent on the resulting threshold, the cost would be spread amongst more participants, reducing the overall cost per developer. The 70MW from ASO #2 Study would retain their queue positions
- Scenario 3: ASO #3 results could require more upgrades with additional costs for all projects involved

Communication Plan / Next Steps

- Inform key stakeholders (OER, PUC, DPUC, ISO-NE) of National Grid's intended approach
- Inform the affected developer group, 5 in total, that account for the 70MW
- Inform DG community of our intent at the April 15, ASO Webinar

EXHIBIT 6

From: "DeSousa, Jared" <Jared.DeSousa@nationalgrid.com>
Date: Monday, April 12, 2021 at 2:45 PM
To: "Frank A. Epps" <frank@edp-energy.com>
Cc: maarten reidel <maarten@edp-energy.com>, Steve Garwood <SGarwood@powergridstrategies.com>, Rick Conant <Rick@rlc-eng.com>, Tom Saunders <tom@edp-energy.com>, John Kennedy <John.Kennedy@nationalgrid.com>
Subject: Re: EXT || Re: Request

Good Afternoon Frank,

The Company does not support providing model data or similar information for developers' consultants to perform their own independent analysis of NEP's system. The NEP engineers are the best qualified individuals to accurately evaluate impacts and identify appropriate upgrades because of their tenured experience with the system, detailed knowledge of system topography, and in depth understanding of standard construction & equipment.

An outside consultant that is not affiliated with NEP does not have the full breadth and depth understanding of existing system condition nuances, company standards, and future system projections to identify the best fit solutions. A simple review of models without the historic understanding that comes with years of experience managing the system leaves the consultant ill equipped to provide an accurate assessment. In addition, they would not be able to accurately identify costs based on contracted rates and material costs NEP has with established vendors, nor can NEP share costing information due to confidentiality requirements. Results from any such study would only be an opinion of the consultant of solution upgrades and associated cost that may not have basis in what can be acted upon.

As the utility that manages, operates, and plans the system, NEP is the best qualified to establish solution sets.

Regards,

Jared DeSousa

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EXHIBIT 7

From: "DeSousa, Jared" <Jared.DeSousa@nationalgrid.com>
Date: April 21, 2021 at 1:28:24 PM EDT
To: "'Frank Epps' (frank@edp-energy.com)" <frank@edp-energy.com>
Subject: ASO Study #2 Meeting Follow-Up- Decision for Joining ASO #3

Hi Frank,

Per our discussions last week, we would like to know what your decision regarding joining ASO #3. Please provide me an answer by the end of business today.

Let me know if you have any questions.

Regards,

Jared DeSousa

nationalgrid

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