



STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

DIVISION OF PUBLIC UTILITIES AND CARRIERS
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**IN RE: AGERA ENERGY LLC, RENEWABLE
ENERGY STANDARD COMPLIANCE**

Docket No. D-19-26

NOTICE OF PUBLIC HEARING
AND
SUSPENSION ORDER

Pursuant to R.I. Gen. Laws §§ §§ 39-1-1, 39-1-3, 39-1-15, 39-1-19, 39-1-20, 39-1-27.1, 39-1-38, 39-4-1 *et seq.*, 39-26.7-1 *et seq.*, and R.I. Code of Regulations Part 815-RICR-30-05-1, the Rhode Island Division of Public Utilities and Carriers (Division) will conduct a public hearing on **Tuesday, October 22, 2019, at 10:00 a.m., in Hearing Room B at the Division’s office** located at 89 Jefferson Boulevard, Warwick, Rhode Island.

At this hearing, the Division will consider whether or not Agera Energy LLC’s certification to sell energy within the State of Rhode Island as a nonregulated power producer should be rescinded in view of the recent decision of the Rhode Island Public Utilities Commission (Commission), issued in *In Re Agera Energy LLC Renewable Energy Standard Compliance*, Commission Order number 23659 dated and effective August 28, 2019, in Commission Docket No. 4964, holding that “Agera Energy LLC has failed to comply with the 2018 Renewable Energy Standard.” Commission Order number 23659 found that Agera Energy LLC’s Alternative Compliance Payment obligation to the State of Rhode Island Renewable Energy Development Fund far exceeded the Letter of Credit on file with the Commission and Division. The Commission Order also held that once demand was made for the full amount of the Letter of Credit and the funds released to the State, Agera Energy LLC would be out of compliance with the

Division's *Rules Applicable To Nonregulated Power Producers* (R.I. Code of Regulations Part 815-RICR-30-05-1).

In view of the Commission's finding in Order number 23659 that Agera Energy LLC has failed to comply with the 2018 Renewable Energy Compliance Payment Obligation, Agera Energy LLC is hereby placed on notice that its certification to sell energy within the State of Rhode Island is hereby suspended pending the Division's final order in this matter. Agera Energy LLC may not enter into new contracts to sell energy to consumers within the State of Rhode Island, nor may it renew existing contracts as they reach the end of the contract term while its certification is suspended. Existing energy contracts with Rhode Island consumers are not affected by this suspension during the original contract period.

In Re Agera Energy LLC Renewable Energy Standard Compliance, Commission Order number 23659 dated and effective August 28, 2019, in Commission Docket No. 4964, is on file for examination at the Division's office. Docket filings are filed at https://www.ripuc.org/eventsactions/docket/D_19_26.html. Reference is made to Chapters 39-1, 39-2, 39-4, 39-26.7 and 42-35 of the R.I. General Laws.

The Division of Public Utilities and Carriers is accessible to the handicapped. Individuals requesting interpreter services for the hearing impaired must notify the Clerk's office at (401) 780-2107 seventy-two hours in advance of the hearing date.

SUSPENSION ORDER

It is hereby

(23663) ORDERED:

1. That in view of the Rhode Island Public Utilities Commission's finding in its Order number 23659 that Agera Energy LLC has failed to comply with the 2018 Renewable Energy Compliance Payment Obligation, Agera Energy LLC is hereby placed on notice that its certification to sell energy within the State of Rhode Island is hereby suspended pending the Division's final order in Division Docket number D-19-26.
2. That Agera Energy LLC may not enter into new contracts to sell energy to consumers within the State of Rhode Island, nor may it renew existing contracts as they reach the end of the contract term while its certification is suspended.

3. That Agera Energy LLC's existing energy contracts with Rhode Island consumers are not affected by this suspension during the original contract period.

DATED AND EFFECTIVE AT WARWICK, RHODE ISLAND, SEPTEMBER 13, 2019



Kevin Lynch
Interim Administrator
Division of Public Utilities and Carriers
September 13, 2019

cc: Service List (attached)