

Acorn Energy Co-op Community Solar Update

This is an update on the status of AES2 in Shoreham for those of you who were unable to attend the Acorn Energy Co-op annual meeting on Thursday evening.

Back in November 2015, we submitted our first application to the Public Service Board (PSB) for a Certificate of Public Good (CPG) for our Shoreham project. But at that point, our application, along with dozens of others, encountered delays due to the fact that Green Mountain Power had reached its statutory 15 percent renewables cap.

Our application was eventually denied "without prejudice," meaning we were allowed to resubmit it at a later date under a new set of rules and regulations, PSB Rule 5.100 for net metered projects. While this new rule made the site location and CPG application process more involved, time-consuming, and expensive, it offered the opportunity to re-launch AES2 on the same Shoreham site.

Our second application

Consequently, after a lot of additional work, we resubmitted our application for permission to construct AES2 to the Vermont Public Utilities Commission (former PSB) on August 15, 2017.

We have secured funding for nearly half of the project costs from Co-operative Insurance Companies of Middlebury. We also received approval from the Vermont Department of Financial Regulations that allowed us to use the Vermont Small Business Offering Exemption (VSBOE) to market the project to local investors (the B investors) who will provide the remainder of the investment needed, and receive the project's energy credits on their Green Mountain Power bills, and ultimately take ownership of the project.

We have an agreement with the landowner on the site; and have been working with the design-build contractor, Aegis Renewable Energy of Waitsfield, to apply for regulatory approval to build the project. We also have received letters of support from the Shoreham Planning Commission and select board, as well as the Addison County Regional Planning Commission. Under the new rule 5.100, those letters of support helped us gain "preferred location" status for the project, which is essential for our receiving the CPG.

After we filed our Petition with the PUC, the landowners who own the undeveloped hill to the south of the AES2 site indicated that they opposed our project. This was the first time that we were aware of their opposition. Several other owners of undeveloped adjacent parcels of land later joined in this opposition. This triggered a lengthy and complicated legal and regulatory process. The project opponents asked the PUC for, and were eventually granted, a technical hearing.

Waiting for a decision

More than a year after we filed for the CPG, and after a lot of additional time-consuming and expensive legal process, the technical hearing finally took place on September 7, 2018 before a Hearing Officer of the Commission in Montpelier. As of today, nearly seven months later, we are still awaiting a Proposal for Decision from the Hearing Officer. This Proposed Decision is part of the process that eventually will lead to a Final Decision on our application for a CPG. However, the time frame for that final process is unclear as there are no specific deadlines that the PUC has to follow in making their Final Decision.

This CPG application process with the PUC has taken much, much longer than we had initially anticipated and has caused us to miss a number of important target dates for the project's financial closing as well as the start of construction, which we had hoped would all take place before the end of 2018.

Up until about a week ago, we thought that our ongoing lack of a CPG might cause yet another project delay associated with the presence of four old maple trees that need to be removed from the site before construction can begin. It was thought that those trees might be summer habitat for endangered Indiana bats and that the trees could not be cut after April 15 due to state wildlife regulations, effectively stalling the project until November 1.

However, we are pleased to report that we recently learned that the Vermont Agency of Natural Resources has determined that it is highly unlikely that the four trees in question are being used as habitat for the endangered bats. Consequently, the agency will allow us to remove the trees after April 15 without having to conduct an additional bat study, once we have received our CPG.

Still waiting

We have also recently learned that the CPG approval process for uncontested projects has been taking around six months, but that contested projects like ours, are taking much longer. That certainly has been our experience. Our PUC application process has now been ongoing for 590 days, and is one of the longest ongoing applications from 2017 still awaiting a final decision in the state.

Needless to say, all of this has been extremely frustrating, time-consuming-and expensive. Having said that, we continue to believe that AES2 has strong community support from the vast majority of local residents, and that we will eventually receive the CPG that is a prerequisite to moving ahead with the project. We're also grateful to Cooperative Insurance as well as our contractor, Aegis Renewable Energy, who have recently indicated their continued support of the project.

We recognize that getting across the finish line for this marathon will require a lot of additional patience on the part of everyone involved, and we apologize for the ongoing delays, over which we have no control. We remain hopeful about the project's chances for eventual success.

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