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ETtestimony@cga.ct.gov

Senator Doyle, Representative Reed, Senator Formica and Representative Ackert, I am Attorney Morris Borea and my remarks are on behalf of the Town of Rocky Hill. I would like to present the following written testimony in favor of SB 394, An Act Concerning Virtual Net Metering And Certain Low Emission Generation Projects.

As Town Attorney for Rocky Hill I was involved in the original drafting of the request for proposals to construct a solar facility on town owned land in early 2013. I was then chosen to serve on the committee which evaluated the proposals, interviewed the finalists and ultimately negotiated an agreement with Solar City for the purchase of all the power generated by the solar facility over at least a 20 year period. The process was a long and complicated one with a substantial commitment of time and resources by both the Town and Solar City. We then submitted three successful bids in the ZREC auction in 2014. During the entire process not once prior to receiving the bid was the Town informed that there was any issue with regard to the cap on the amount of credits which would be available pursuant to the virtual net metering program. The Town first became aware of the issue in 2015 when the Town appeared before PURA at a hearing regarding the VNM program.

Prior to this hearing the Town is not aware of any generally available public information which could have alerted the Town to this problem. All the information was in the hands of Eversource and UI. The

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process was not transparent enough to have put the Town on notice that it should consider the amount of available credits for the VNM program as it made decisions in its negotiations with Solar City. In particular, the Town's agreement with Solar City provides for the construction of the solar facility on town owned land with Solar City making lease payments for the use of the land. There is also an option for Solar City to lease another 40 acres of abutting land from the Town. The issues with the cap have resulted in not only the solar project becoming stranded but approximately 55 acres of town land also have become stranded since it has not been available for lease to any other party for the last three years and continues to not be available going forward until this is resolved.

The other issue that the committee should consider is the positive impact that the completion of these projects will have on the availability of power during peak periods of consumption like the summer months. In order to have a stable grid reliable sources of energy production are required. All of the stranded solar projects at issue here will probably have a number of schools that would be beneficial accounts and not require much power during the summer when the schools are shut down. The summer months are also the time when the solar facilities will be producing maximum output and when, historically, power consumption is at its highest. This will result in additional reliable capacity being added to the grid which benefits everyone. Please consider these comments as you deliberate on SB 394 and vote in favor of this fair and equitable resolution to this problem.

Thank you for your consideration.

Respectfully Submitted,

Morris Borea
Attorney for the Town of Rocky Hill