



Questions and Answers Log

Maine Public Utilities Commission

Distributed Generation Resources Procurement – Block 1

Version 10

Date of Last Update: May 4, 2020



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General Procurement Questions

Questions Regarding the NEB Consumer Disclosure Form

Q1: Per the requirements of the NEB Consumer Disclosure Form, submitting parties are supposed to fill out the facility specific information and customer sizing information (including estimated kWhs the Customer is to receive based on their size). At the point of subscription, submitting parties may not have all this specific information when a customer executes a contract (including the disclosure form). As an example, within some subscription processes: parties sign up customers into holding companies and then will assign the customers to a specific solar facility prior to interconnection, thus facility specific information for customers will not be known at point of subscription. May parties fill in the disclosure form with generic facility information and add a statement that the customer will be assigned to a specific facility at a later time? How much leeway do parties have to such changes to the form to address these types of scenarios?

A1: This procurement is related to Distributed Generation, not Net Energy Billing. Bidders are referred to the "Consumer Disclosure Form for Marketing Shared Distributed Generation Projects in Maine" for the required disclosures to subscribers and potential subscribers. This form is found on the Commission's webpage related to this procurement. The statute requires that prior to the sale of a subscription in a proposed shared DG project, the project sponsor must provide the potential subscriber with "a good faith estimate of the annual kilowatt-hours to be delivered by a shared distributed generation resource based on the size of as subscriber's interest." 35-A M.R.S. § 3486(7)(A). The statute also requires a developer to provide a "plain language explanation of the terms under which the bill credit will be calculated." 35-A M.R.S. § 3486(7)(B). If the developer has not assigned a subscriber to a particular facility at the time the subscription agreement is executed, the developer may fill in fields on the form with generic information with the notation that it will be updated once the subscriber is assigned to a specific facility.

Q2: In some instances, submitting parties do not have the customer's specific subscribed capacity and portion of the facility output when the disclosure form and customer agreement is executed. In such instances, after the customer signs the customer agreement, parties appropriately size the customer by looking at the customer's utility bill and ensuring that the sizing is done in accordance with Program rules. Parties could provide in the disclosure form the approximate way they will size customers, but it will not be a final size. This also affects the estimated kWhs they should expect and other parts of the disclosure form. Some of these fields may not have their specific information but rather an estimate based off of an average customer size. The final subscription size would be included in the updated disclosure form with the facility information. Would such an approach be acceptable?

A2: As set forth above, the statute requires a developer to provide a good faith estimate of what the subscriber will receive based on the size of the subscriber's interest, even in the stages of procurement. The approach suggested by the questioners is acceptable so long as the developer updates the disclosure for the subscriber once it has the facility information in final form.

Q3: Related to Q2, once a customer's specific solar facility and sizing is known, could update the previously submitted disclosure schedule to reflect the actual situation and attach the updated form to the original signed disclosure form. With such updates, parties may intend to have the customer re-



execute the updated disclosure form as no terms in the contract will have changed, parties would be just merely providing customers the final facility and sizing information. Can you please confirm that this approach is acceptable?

A3: The approach suggested by the questioner is acceptable. The statute is silent on whether a disclosure must be executed.

Q4: Can you indicate whether or not the RFP regarding sale of power to the Investor Owned Utilities in Maine is disrupting Community Solar projects in the state where a project owner would seek out off take on their own?

A4: Commission Staff and Enel X have no information or insight related to this question.

Q5: Is there a more detailed list of what are considered ministerial and non-ministerial permits and what are the required federal and state local approvals?

A5: The required state, local or federal permits are specific to a proposed project and its location. As such, there is no master list of what would be required. The bidder will be responsible for determining what permits and required approvals are applicable to its project(s).

Q6: What's the difference between this procurement and the Net Energy Billing Program?

A6: There are several key differences between this procurement and Net Energy Billing. Bidders and other interested entities are encouraged to review P.L. 2019 c. 478 and Chapters 312 and 313 of the Commission's rules (all of which are available through the Commission's website here <https://www.maine.gov/mpuc/electricity/renewables/index.shtml>) to understand these differences.

Q7: Does the executed interconnection service agreement have to be executed by the end of the project qualification window or a specific date prior to the bid offer period?

A7: The executed interconnection agreement must be submitted no later than the Project Qualification Remediation deadline of May 13, 2020 at 4:30 EPT. The executed interconnection agreement should be provided with the Project Qualification Application by April 17, 2020, if possible.

Q8: During the Bidder Qualification phase, does a Bidder need to provide the individual projects it intends to qualify for the procurement round 1? The slides from Bidders Seminar in early February state this as a requirement during bidder qualification, but there isn't anywhere on the actual application to complete this information.

A8: Detailed information regarding to-be-bid projects will be collected starting April 3, 2020 within the Project Qualification period. A list of projects does not need to be provided within the Bidder Qualification phase. There will be a separate Project Qualification Application provided to qualified Bidders on April 2, 2020. Please see below for a complete Procurement schedule as hosted on the [Procurement Website](#).



Procurement Announcement Issued	February 28, 2020
Bidder Qualification Submission Window Opens	February 28, 2020
Bidder Information Session--Webinar	March 4, 2020 at 2:00 PM EPT
Bidder Qualification Submission Window Closes	March 11, 2020 by 4:30 PM EPT
Bidder Qualification Remediation Notices Issued	March 19, 2020
Bidder Qualification Remediation Actions Due	March 26, 2020 by 4:30 PM EPT
Qualified Bidders Notices to Proceed Issued	April 2, 2020
Project Qualification Submission Window Opens	April 3, 2020
Project Qualification Submission Window Closes	April 17, 2020 by 4:30 PM EPT
Project Qualification Remediation Notices Issued	May 5, 2020
Project Qualification Remediation Actions Due	May 13, 2020 by 4:30 PM EPT
Qualified Projects Notices to Proceed Issued	June 5, 2020
Financial Security Due	June 11, 2020 by 3:30 PM EPT
Confirmation of Receipt of Financial Security Issued	June 17, 2020
Final Bidder Approval Issued	June 22, 2020
Bid Offer Rate Submission Window Opens	July 1, 2020 at 10:00 AM EPT
Bid Offer Rate Submission Window Closes	July 30, 2020 at 4:00 PM EPT
Notice of Award and Clearing Price Issued	August 31, 2020

Q9: Can a bidding entity submit one bidder qualification package and then bid individual projects through each of its individual project companies or does each project company need to submit their own bidder qualification package?

A9: To the extent that a bidder intends to structure individual projects so that they are located in a special purpose subsidiary or affiliate that will have no activities other than holding the proposed project, those can be included in an overall bidder qualification package. The bidder should clearly identify these entities in the Bidder Qualification Application. Otherwise, a project company must submit and obtain its own bidder qualification.

Q10: Are there any minimum bidder financial requirements?

A10: The intent of collecting financial information from Bidders is to assess the relative financial health of bidding organizations and the capacity of bidders to make financial assurance deposits at the time a contract is signed. There are not established minimum threshold requirements pertaining to the relative financial health of bidding organizations.

Q11: Is the intent of the financial requirement to confirm the financial viability of the long term owner / operator or the solar project developer?

A11: See A10.



Q12: Can we provide a check, ACH or wire for the bid fee or does it have to be a cashier's check?

A12: No. As stated in the February 28, 2020 procurement announcement, fee payments will only be accepted in the form of cashier's checks.

Q13: If a developer is uncertain they will have projects ready by the end of the project qualification period, will there be another opportunity to register ahead of Block 2 participation? Will registration for Block 1 carry over to subsequent Blocks?

A13: There will be distinct bidder and project qualification windows for each procurement block. Bidders need not register for Block 1 if they do not intend to qualify and participate within the Block 1 procurement. The Commission has not yet determined whether qualified Bidders will be permitted to carry-forward a qualification to subsequent rounds or what may be required to do so. The Commission will provide that information in subsequent procurement announcements.

Q14: Must all minimum requirements for project qualification (Sections 6.2 and 7.2 of PA) be submitted before the project qualification submission window closes on April 17? Or can bidders use the remediation period, ending May 13, to fully satisfy the minimum requirements for project qualification?

A14: All minimum requirements for project qualification should be submitted with the Project Qualification Application by April 17, 2020. Enel X and Commission staff will review all applications and issue remediation notices by May 5, 2020. Items identified in the remediation notice must be provided no later than the Project Qualification Remediation deadline of May 13, 2020 at 4:30 EPT.

Q15: What is the process for obtaining clearance letters from MDEP? Will an efficient process for obtaining these letters and point-of-contact be set up before the project qualification phase starts? Will the process for obtaining MDEP clearance letters differ depending on project permitting regimen—SLODA vs. non-SLODA?

A15: MDEP has a process in place and is prepared to issue clearance letters. For more information, please contact the Jim Beyer at the MDEP: James R. Beyer, Regional Licensing and Compliance Manager, Bureau of Land Resources, Maine Department of Environmental Protection at Jim.R.Beyer@maine.gov

Q16: Does an Environmental Review letter from IFW finding that "Our Department has not mapped any Essential Habitats that would be directly affected by your project" satisfy the clearance letter requirement for project attribute 4?

A16: No. IFW has a process in place and is prepared to issue clearance letters. For more information, please contact IFW at: IFWEnvironmentalreview@maine.gov

Q17: Does an Environmental Site Review from MNAP finding "no rare botanical features documented specifically within the project area" satisfy the clearance letter requirements for project attributes 5 and 6?

A17: No. With respect to attribute 5, MNAP has a process in place and is prepared to issued clearance letters. For more information, please contact Lisa St. Hilaire from the MNAP at: Lisa.St.Hilaire@maine.gov. With respect to attribute 6, please see Appendix A to the Procurement Announcement for acceptable documentation.



Q18: Regarding project attribute 6, what form of confirmation will the Commission require from the municipality to show that project is not located in a shoreland zone?

A18: A letter from a municipal official qualified and authorized to make this determination will satisfy the confirmation requirement for attribute 6.

Q19: Is a clearance letter from a forester necessary for all projects to demonstrate project attribute 7? What if the project is located in a field that has been under agricultural use for decades and there is abundant evidence from aerial imagery that the project area is not forested?

A19: If a project intends to claim attribute 7, that project must submit the documentation contained in Procurement Announcement Appendix A.

Q20: Will siting attributes (#1-9) and value-add attributes (#10-12) have equal weight amongst each other? For example, all other attributes being equal, will project paired storage (#11) gain the same amount of incremental attribute score as a project that is sited outside of the municipal shoreland zone (#6)?

A20: The evaluation and selection methodology is described in Section 11 of the Procurement Announcement.

Q21: Will the incremental project value provided by paired storage, trackers, or the value of benefits provided to the distribution system (#10-12) have any effect on the attribute score awarded to the project?

A21: Attributes 10-12 will be scored as described in section 11.2 of the February 28, 2020 Procurement Announcement. To qualify for attribute 10 the attribute must provide demonstrable benefits to the distribution system, and to qualify for attributes 11 and 12 the technology must materially enhance the value of the project.

Q22: How do you intend to compensate the projects for battery and tracker attributes? Is there any assurance that the positive effect on attribute score from the addition of batteries and/or trackers is not outweighed by the negative effect on bid offer rate score caused by bidding at a higher price to cover the project costs of supplying these attributes?

A22: All Bid Offer Rate submissions will be scored pursuant to section 11.2 of the Procurement Announcement. Projects awarded a contract pursuant to this procurement will be paid the Clearing Price which is the highest Bid Offer Rate of the projects selected in this Round 1. The Procurement Announcement contains no provision for additional compensation.

Q23: What constitutes a "bidder"? For example, if company intends to submit multiple projects into the procurement, but each project is in its own specific project company (Project I, LLC, Project II, LLC etc.), would the parent company need to submit Bidder Qualification Applications on behalf of all specific project companies or will one application for the parent company suffice?

A23: See A9.

Q24: Will a project-maturity-based queuing or ranking system to address the scenario of oversupply in Block 1 that will impact Block 2 and future blocks?



A24: Section 11.3 of the Procurement Announcement describes how oversupply in Block 1 will be addressed. The rules and processes related to subsequent blocks have not yet been determined.

Q25: What is the Commission's plan with respect to the opening of Block 2 and subsequent blocks?

A25: The Commission intends to comply with the provisions of the Act. The Commission will provide information about Block 2 once it is available.

Q26: How will system benefits be defined by the utility to meet this value-added attribute requirement? Is this expected to be contained within the System Impact Study established as part of Chapter 324 or some alternative mechanism with the utilities that needs to be established prior to Project Qualification?

A26: If a project intends to claim attribute 10, the project should provide a description of the claimed benefit in the Project Qualification Application, accompanied by confirmation from the interconnecting utility.

Q27: If a Bidder has significant experience developing, owning, and operating distributed generation projects (as evidenced in submitted Bidder Qualification Applications), although has less experience aggregating and managing subscribers of shared DG projects, as it relates to Section 6.2(5) of the Procurement Announcement, a potential strategy would be to contract with a service provider more equipped to aggregate and manage subscribers for to-be-bid projects. Will this approach be an acceptable response to 6.2(5)?

A27: Bidders should fully disclose how they intend to fulfill the requirement in Section 6.2(5) of the Procurement Announcement, including providing information regarding the proposed use of a contracted subscription service provider. Commission Staff and EnelX will evaluate proposals as part of the entire qualification process.

Q28: If a Bidder qualifies through the initial Bidder Qualification Round but after qualification either forms or acquires a new project SPV that the Bidder wants to submit during the Project Qualification phase, how should the Bidder handle that? In this case, the expectation is that the window for Bidder qualification has closed so the Project cannot qualify as its own Bidder. The effect seems to be that any Project that is not known by / formed by / owned by Bidder at the time of Bidder Qualification is disqualified from Project Qualification as a result? Is this intended?

A28: Please see Q&A 9 and Q&A 23.

Q29: Is it a conflict that Enel [X] sells in the green energy space, and is running Maine's "transparent and fair" output procurement?

A29: No. Please note that Enel X is a distinct and independent operating company from Enel Green Power (a renewable energy developer). Enel X does not have a renewable energy development arm or ability/intent to participate within its supported RFP processes. While both separate entities share part of a common name and holding company, there are no overlapping components between each entity and absolutely no preferential treatment(s), reciprocal or otherwise, given between Enel X and Enel Green Power.

Enel X, as an Independent RFP Administrator, does not, and will not share the sensitive information provided by bidders with affiliates of Enel or other Enel Group companies. Further, Enel X will conduct and manage all facets of its supported RFP processes with the utmost transparency while ensuring that all bidders are treated



fairly, equitably, and without bias (real or perceived). Enel X takes both our partners' and bidders' confidentiality and the establishment of a level playing field for all bidders seriously and has detailed protocols to ensure that all confidential information remains confidential and that all administered RFPs afford equal opportunity to every bidder.

Enel X employees must observe an obligation of confidentiality and neutrality while performing Independent RFP Administrator services, and may not disclose confidential information outside of Enel X (including to employees of other companies of the Enel Group, bidders, other customers, etc.) or provide preferential treatment to any bidder. For this purpose, Enel X has established:

- > Physical separation of databases belonging to different companies within the Enel group;
- > Regulation of access to the Enel X Procurement Platform; and
- > Signature of a specific confidentiality and neutrality declaration by each Enel X employee providing Independent RFP Administrator services in order to define a general duty of confidentiality and neutrality in the performance of their activities.

In addition to following protocols outlined above regarding the treatment of confidential information, Enel X is also willing to establish non-disclosure agreements with bidders to establish further safeguards around shared sensitive information.

Q30: Are bidder fees wise?

A30: The statute specified that the “the commission may by rule require a bidder to pay a reasonable bidding fee to defray administrative costs.” 35-A M.R.S. § 3484(4). Section 7(G) of Chapter 312 of the Commission’s Rules, which governs the procurement of distributed generation resources, allows for such fees. The use of bidder fees, which was favored by stakeholders to this procurement process, is an important means of ensuring that the projects that are bid into this procurement are binding. Section 8.1 of the Procurement Announcement explains the process for submitting a financial security deposit as part of the project qualification phase. This section makes clear that a deposit is refundable to a bidder whose proposal is not selected.

Q31: Has Enel done other procurements for the MPUC?

A31: No.

Q32: The following criteria is outlined as requirements for project qualification within the Procurement Announcement:

1. Site Control
2. Fully executed Interconnection Agreement
3. All federal, state, and local approvals have been obtained
4. Capacity to make Financial Assurance
5. Demonstration of experience fulfilling the obligations to subscribers of shared DG resources

It is also understood that the Project Qualification Submission window closes on April 17th at 4:30pm EPT.

With that; if by the time the project qualification window opens, a bidder has certainty that its projects will be in the utility queue, with feasibility studies and system impact studies underway – said bidder would be able to



show proof of progress. Under such circumstances, bidders may obtain interconnection agreements by April 17th, but could be a few days behind. In the event a bidder is late in obtaining interconnection agreements, will submitting the fully executed Interconnection Agreement during the project qualification remediation window (May 5-13) be acceptable?

A32: Please see Q&A 14.

Questions Regarding Chapter 312 Relevant to Procurement Announcement

Q33: In the definition of the "credit rate" on page 3 of Ch. 312 it states that the credit rate...shall equal the per kilowatt-hour price in the long term contract with that resource's project sponsor. Is the long term contract referenced in this statement the 20 year contract between the project sponsor and the utility?

A33: Yes. Please also refer to the provisions of the Standard Form Contracts issued as Appendices C and D to the Procurement Announcement.

Q34: On page 9, paragraph 3 of Ch. 312 it states that in the determination of monthly subscriber bill credits, the value of the credits will be calculated as the energy produced by the resource in the prior month in kilowatt-hours multiplied by the subscriber's percentage interest multiplied by the applicable contract rate. Is the contract rate referred to in this statement the 20 year contract between the project sponsor and the utility?

A34: Yes. Please also refer to the provisions of the Standard Form Contracts issued as Appendices C and D to the Procurement Announcement.

Q35: Regarding shared distributed generation projects, please verify that the following statements are correct or explain what isn't correct:

A prospective project sponsor will submit a bid rate. If the project is awarded a contract, the 20 year agreement between the sponsor and the utility will provide a stream of revenues paid by the utility to the sponsor calculated as the block rate multiplied by the delivered energy. This stream of revenues will be supplemented by revenues paid by subscribers to project sponsors under the power purchase agreements signed by the sponsor and its subscribers. In this simplified scenario, the net value of the savings accruing to subscribers will be the difference between the credits they receive on their utility bills and the payments made to their project sponsor under their power purchase agreement with the sponsor.

A35: Commission Staff believes that the statements in the first two sentences are correct. It is the understanding of Commission Staff that there are a number of different business models that may be reflected in the specific arrangements between the project sponsor and subscribers. Thus, Commission Staff could not comment on the remaining sentences. Please also see the responses to Q1, Q2 and Q3.

Q36: If a shared distributed generation project has a small industrial subscriber as well as residential subscribers does the power purchase agreement between the sponsor and the industrial subscriber



have to have the identical terms (price, duration, termination provisions, etc) as the power purchase agreements with the residential subscribers?

A36: Please see the responses to Q1, Q2 and Q3. Except as provided in the Standard Form Contracts issued as Appendices C and D to the Procurement Announcement and the consumer disclosure requirements, the agreements between a project sponsor and its subscribers are not within the jurisdiction of the Commission.

Q37: Is the Maine PUC and/or Enel X considering delaying the timeline of the Block 1 Procurement given the effects of the rapidly escalating coronavirus outbreak? As new restrictions accumulate, it seems certain that Bidders will all face massive disruptions in securing the minimum project requirements prior to the Project Qualification Application submission deadline on April 17, 2020.

A37: The Commission is keenly aware of and is closely monitoring coronavirus-related developments as they apply to the requirements for this procurement and will provide updates to the timing of Block 1 as they become available.

Q38: Does the attribute score calculation methodology described in Section 11.2 of the Procurement Announcement apply to both those attributes described as "siting attributes" and those described as "value-added attributes" in Appendix A of the Procurement Announcement?

A38: Yes.

Q39: After reviewing the DG procurement announcement and Chapter 312, would one be correct in interpreting that the only difference between a "Shared Project" and a "C&I Project" is that a C&I project can only have C&I subscribers?

A39: Please refer to the definitions in Chapter 312 of "Commercial or institutional customer distributed generation resource," "Shared distributed generation resource," and "Subscriber." A project for which the output is owned by, allocated to or otherwise shared by subscribers is a Shared resource. Subscriber is defined as a retail customer of an IOU without reference to its class of service. As noted in the February 28, 2020 Order Adopting Standard Contracts for the Output of Distributed Generation Resources (Dockets No. 2020-00014 and 2019-00219) at pages 16-17: "In describing how bill credits and payments to a C/I customer operate, the statute specifically refers to a commercial or institutional customer, not customers. As such, the C/I entity is entitled to a credit against its bill. It may then choose to have that credit distributed among its own multiple accounts, but it has no statutory authority to have subscribers. Thus, a C&I Project cannot have "subscribers" as such, but may allocate bill credits to more than one account if all such accounts are owned by the C&I customer.

Q40: Would a grassland pasture mowed more than twice per year be considered developed area per project attribute #1?

A40: Please see the description of the siting attributes and the method of verification contained in Appendix A to the Procurement Announcement. The determination of whether any specific fact pattern meets the description of the siting attribute will be made by DEP or LUPC.



Q41: Would an active hay field, potato farm, or corn field be considered either a developed area per project attribute #1 or “previously developed or impacted land” per pricing attribute #2?

A41: Please see the description of the siting attributes and the method of verification contained in Appendix A to the Procurement Announcement. The determination of whether any specific fact pattern meets the description of the siting attribute will be made by DEP or LUPC.

Q42: Must DG projects have gone through ME DEP Site Law in order to qualify for procurement? If Site Law review is in process, will that suffice when projects are being submitted for qualification?

A42: As required by the Act and in Sections 6.2 and 7.2 of the Procurement Announcement, demonstration that all required federal, state and local approvals and permits have been obtained is a minimum requirement to be qualified to submit a bid in this procurement. All documentation and permits should be submitted with the Project Qualification Application by April 17, 2020. Enel X and Commission staff will review all applications and issue remediation notices by May 5, 2020. Items identified in the remediation notice must be provided no later than the Project Qualification Remediation deadline of May 13, 2020 at 4:30 EPT.

Q43: Is there a list available that details what will be required for project submissions as it relates to holding “any required federal, state or local approvals and nonministerial permits”? This is a very general statement and we do not want to have any requirement unchecked.

A43: Please see Q&A 5. The required state, local or federal permits are specific to a proposed project and its location. As such, there is no master list of what would be required. The bidder will be responsible for determining what permits and required approvals are applicable to its project(s).

Q44: What is the deadline for a bidder to claim siting attributes? Clearance letters are not listed as a minimum requirement for qualification, so are clearance letters due when the bidding window closes on July 30?

A44: Pricing and Project Attributes claimed by a bidder should be identified and all verification documentation should be submitted with the Project Qualification Application by April 17, 2020. Enel X and Commission staff will review all applications and issue remediation notices by May 5, 2020. Items identified in the remediation notice must be provided no later than the Project Qualification Remediation deadline of May 13, 2020 at 4:30 EPT.

Q45: Is the PUC willing to use their discretion in awarding attribute points if the bidder makes a convincing argument that the findings of a clearance letter (or other demonstrating document) should be overturned?

A45: No.

Q46: Article IV of the Standard Contract sets forth obligations for wholesale market participation. The Procurement announcement indicates that any changes to 4.2 must be submitted at the time of Project Qualification. The Standard Contracts indicate that a Buyout option exists if an election is made 90 days prior to Commercial Operation Date. To be clear does the Bidder need to identify an election or buyout at the Project Qualification stage or does the standard contract language govern and the amount of the buyout will be incorporated per the terms of the contract when the buyout election is made?



A46: The bidder must identify whether, as the Project Sponsor, it will serve as the Lead Market Participant (LMP), or whether it will elect to have the Standard Buyer serve as LMP. If the bidder is planning to serve as LMP, it does not have to identify its plans with respect to a Buyout Option during the procurement process.

Q47: If a project is submitted during the DG procurement qualification window, opening on April 3, 2020, could that project sign a Net Energy Billing Contract after April 17, 2020 (the date the final NEB contracts are due) and continue through the DG procurement qualification and bid process so long as it cancels the NEB contract if its bid is accepted during the DG procurement and prior to executing the DG Standard Contract, or it elects not to execute the DG Standard Contract following the DG procurement award and bid results?

A47: The question appears to seek legal guidance with respect to the business transactions and bidding strategy of a bidder. Bidders should consult their own legal counsel for such guidance.

Q48: Can you please provide additional details on what type of financial security deposit will be allowed (ie: will you accept a bond, cash, and/or letter of credit)?

A48: That information will be included in the Addendum to the Procurement Announcement which the Commission expects to issue on April 2, 2020.

Q49: It is clear that Block 1 projects will be ranked and awarded based on a score that is 90% weighted on bid pricing, and 10% weighted on project attributes. How will Blocks 2-5 rank projects? This is a very important question because it impacts how and where developers are currently developing projects they do not expect to be fully ready by Block 1. It is unclear whether project attributes will help projects in Blocks 2-5, or whether projects will simply be allocated on a first-come-first-serve basis @ 97% of the previous block rate.

A49: The Commission has not yet determined the timing or ranking parameters for subsequent blocks. All information regarding Blocks 2-5 will be issued in subsequent Procurement Announcements.

Q50: Will projects that were submitted in to the competitively bid Block 1, but not awarded, be given any preference in subsequent blocks? We understand there will be a separate, discrete submission windows for Blocks 2-5, however, it is important for us to know if other projects that were previously bid into Block 1 will be given preference over projects we anticipate bidding into Block 2. Section 11.3 of the Procurement Announcement unfortunately does not address this question.

A50: No. Please also see A49.

Q51: If the effects of COVID-19 push out the Block 1 bid submission window, will Enel X consider extending Bidder/Project Qualification windows to allow companies/projects the further opportunity to bid into Block 1?

A51: The Commission issued a procedural order in Docket No. 2020-00014 modifying certain deadline dates in Block 1 of the Procurement. Additional modifications to the Block 1 schedule, if any, will be communicated through the Commission's Case Management System in Docket No. 2020-00014 and through the Enel X website.

Q52: What, if any, would be the penalties imposed on a project that is forced to downsize after winning a bid?



A52: As provided in Section 9.2 of the Procurement Announcement, all bids on the Procurement Platform at the close of the Bid Offer Rate submission window will be firm and final bids and will be binding on the Bidder. The Commission considers a project's bid to include all information about the project submitted during the Project Qualification phase, including the size of the project and all other properties and attributes, and intends to incorporate a complete project description that reflects the information provided by the bidder into any contracts executed.

Q53: I was told that there had been a change and that by April 17th a bidder has only to show application for local permits/approvals but the final approval or issued permit does not need to be provided until June 11th. Could someone clarify when town site plan approval and building permits are required?

A53: The Commission issued a procedural order in Docket No. 2020-00014 modifying certain deadline dates in the Block 1 Procurement. Bidders will be permitted to submit the copy of the application for permits by April 17th. Final permits must be submitted by June 11th.

Q54: What provisions should a letter of intent contain, at a minimum, to meet the requirement listed in Section 7.2.5 of the Procurement Announcement for qualifying a C&I resource?

A54: To be clear, Section 7.2.5 requires a signed agreement between the party making the bid and the customer receiving the bill credits. A letter of intent is not acceptable. At a minimum, the agreement with the C&I customer should identify all C&I customer accounts that will receive bill credits that includes: account name, account number, billing address and service address.

Q55: Given the impacts of COVID-19, obtaining physical cashier's checks (for the purpose of remitting project qualification application fees) is becoming increasingly more difficult and dangerous to complete. Can the MPUC make available electronic payment options (credit card, ACH, wire, etc.) or provide an extension to the application fee submittal date?

A55: Consistent with guidance received from the Office of the State Treasurer, the Commission is not able to provide an electronic payment option. It is the Commission's understanding that banking services are considered to be essential services and banks remain open. The required application fee may be delivered by mail at the address provided in Addendum 1 to the Procurement Announcement.

Q56: Will any consideration be given to projects who have a higher queue position (ie submitted interconnection documents to The Utilities first)?

A56: No.

Q57: With the new procedural order extending the date that ministerial permits will be required, will any consideration be given to projects who received all ministerial permits in advance of the original 4/17 date? Will there be any consideration for earlier permit dates in general?

A57: No. (We assume this question is regarding *non* ministerial permits.)

Q58: In the Project Qualification Remediation Notices will EnelX indicate which clearance letters and/or affidavits are adequately received so project sponsors know how many siting attributes they've successfully qualified for? There is some confusion around typical agency response letters and Clearance Letters.



A58: Projects should identify which siting attributes are being claimed in the Project Qualification Application and submit required verification documents. After review of the submissions by Enel X and Commission Staff, Projects will be notified in a Remediation Notice whether verification documents relative to a particular claimed attribute are missing or not accepted. Projects will have until May 13 to remediate any such deficiencies. The Project Notice to Proceed issued on June 5, 2020 will confirm whether the project attributes claimed in the Application have been verified.

Q59: In reviewing Q&A 5, and Q&A 43, it is not clear whether Enel X and/or MPUC Staff will be opining on whether a project has received all non-ministerials or whether they will be taking the bidder's word that they have received everything. Can you please clarify how Enel X and/or MPUC Staff is reviewing project qualifications in a manner that will ensure all entitlements are truly obtained, effectively reducing irresponsible bidding behavior?

A59: Projects are required to submit a list of all required permits in the Project Qualification Application and to swear through the required affidavit that all the information and supporting documents and materials are accurate, true and not misleading. In addition, all submitted materials will become part of the project description attached to and incorporated into any contract executed with a project and subject to the various provisions of the standard contracts, including all consequences if the project does not conform to the project description in the contract. Commission Staff does not intend to undertake an independent verification of the claims made in an application.

Q60: Are Clearance Letters only valuable for the purposes of claiming Project and Pricing Attributes from Appendix A? Do they influence Enel X's and/or MPUC Staff's method in determining if a project has successfully met all its required Minimum Requirements for (Project) Qualification?

A60: Clearance Letters and other forms of verification outlined in Appendix A of the Procurement Announcement are relevant only to the Project Attributes specified in Appendix A. They are not relevant to the Minimum Requirements for Qualification contained in PA Sections 6.6 and 7.6 of the PA. Documentation required to demonstrate Minimum Requirements are contained in Form 3 of the Project Qualification Application.

Q61: Regarding the Siting Attribute Affidavits that were provided to bidders, will changes or edits to those Affidavits be considered or do they need to be signed exactly as they were provided?

A61: The forms of the Affidavits closely track the definition of the relevant siting attribute(s) and contain statements relevant to determining whether the fact pattern required for any particular attribute has been met. Bidders should not make revisions to the forms of the Affidavits.

Q62: Regarding the Project Qualification Database Excel File – Project List tab; specifically what is being requested within the “Resource Type” column? Can the Commission provide a list of options to select from in order to complete this column? Also, what is being sought within the “Total Offer Capacity (MW)” column –DC or AC totals?

A62: “Resource Type” is intended to designate the type of generation resource(s) being developed (e.g. solar, solar + storage, CHPs, biomass, etc.). “Total Offer Capacity (MW)” should follow the definition of “Nameplate Capacity” as contained in Chapter 312, which means the installed or rated capacity of a distributed generation



resource in Alternating or Direct Current (AC/DC), as applicable to the resource. Bidders should clearly identify whether the Total Offer Capacity is expressed in AC or DC.

Q63: Regarding the Project Qualification Database Excel File – Attributes Claims tab and Project Attribute 9; Our Soil Scientist is unable to conduct the required field-based survey until the snow melts. As these attributes were first publicized in February, in middle of the winter, there was no way we, nor any developer, could have known about this attribute to be able to perform this required survey (unless the project is in a part of Maine where there is no snow on the ground in February and March). Would the Commission consider postponing the deadline for the affidavit for this particular attribute until ground conditions allow the required survey to be performed?

A63: Other than as issued by the Commission in a procedural order dated March 27, 2020 in Docket No. 2020-00014 and as reflected in Addendum 1 to the Procurement Announcement, the Commission has not modified the Block 1 schedule. Please see Q&A58.

Q64: Regarding the Project Qualification Application – Form 3; Explanation of relevant experience fulfilling obligations to subscribers – If Bidder has not selected a third party subscription agency yet, can Bidder include the agencies it is considering and select an individual agency later?

A64: If a bidder is considering more than one subscription agency at the time the Project Qualification Application is submitted, the bidder should explain the relevant experience for each of the potential agencies. A bidder may later choose from any agency that has been found to meet the minimum requirements.

Q65: Is the Q&A for the MPUC DG procurement still open?

A65: Yes. The formal Q&A window is still open. A formal close-date to the open Q&A process has not yet been established.

Q66: As a follow up to the Q47/A47, we would appreciate if Enel X or the PUC can confirm that the PUC will not deny a project Net Energy Billing (Ch313) qualification in the event that the same project either qualifies to bid, does actually bid, or does actually get offered an award under Ch312. There is not sufficient guidance in the regulations for our legal counsel to formulate an opinion on this, and even if they did, it remains up to the PUC to confirm or deny that opinion. This is a critical clarification and of course impacts every bidder's strategy or willingness to participate in the Ch312 procurement. Please advise.

A66: Please see Q&A47

Q67: Is a signed ISA required as part of the deliverables by the April 17th deadline?

A67: Yes. Please also see A7.

Q68: Can you please advise how Bidders can figure out if projects will be eligible to produce Maine RECs? I don't know why they would not be producing RECs, but can you please refer to legislation, or a particular database to take a look at.

A68: Please see Chapter 311 of the Commission's Rules available here:
<https://www.maine.gov/mpuc/legislative/rules/part3-electric.shtml>



Q69: For the Project Qualification Database (excel sheet), is the intent that a single Bidder would have just one Project Qualification Database sheet which it would submit for all of the projects it is qualifying (assuming the projects were added to the Bidder's application during the Bidder Qualification process)? Or is the intent that the Bidder would have separate PQD excel sheets for each individual application?

A69: Bidders may, and are encouraged to, group all to-be-proposed projects with a single Project Qualification Database. However, Bidders must submit an individual Project Qualification Application (Word template) and distinct document sets for each to-be-proposed project.

Q70: For C&I Projects, can the signed agreement with C&I customer be with the Bidder as the counterparty and does it need to specify the specific project being qualified?

A70: As provided in Section 7.2 of the Procurement Announcement, in order to be qualified to submit a bid offer rate, a project must meet certain minimum requirements, including that, if the C&I customer is not the party submitting the bid, the bidder must provide an agreement from the customer that would receive the bill credits. Commission Staff expects that the agreement would be between the bidder and the C&I customer. The agreement must specify the project from which the bill credits will result. An agreement may identify more than one project from which bill credits may potentially derive.

Q71: The affidavits for siting attributes need notaries. How can these be notarized given the limitations due to COVID 19? Many notaries are closed. Is there any flexibility on the notary requirement?

A71: On April 8, 2020 the Governor of Maine issued Executive Order 37 authorizing remote notarization. The Executive Order is available here: https://www.maine.gov/governor/mills/official_documents Commission Staff and Enel X are aware that not all bidders are located in the State of Maine but assume bidders will determine whether similar actions have been taken in their own jurisdictions.

Q72: The PUC issued a procedural order on 3/27/2020 that gives developers more time to show proof of having obtained permits as long as the developer can show proof that the permits have been applied for by 4/17/2020. How does this impact the project siting attributes? Are letters and affidavits showing that the project meets certain attributes still required to be presented on 4/17/2020 or will those be due June 11th with the final permits?

A72: Other than as issued by the Commission in a procedural order dated March 27, 2020 in Docket No. 2020-00014 and as reflected in Addendum 1 to the Procurement Announcement, the Commission has not modified the Block 1 schedule. Please see Q&A 58.

Q73: If a bidder registered several project level SPE's / LLC's in the bidder qualification phase and was approved can project qualification applications be submitted under the parent name or does each project need to submit under the individual SPE / LLC?

For project qualification remittance, can the parent submit a single check / remittance for all projects its hoping to qualify or does a separate check need to be submitted for each SPE / LLC?

A73: Each project must be submitted on a standalone Project Qualification Application (Word document), although projects may be grouped on the Project Qualification Database (Excel file). Bidders may submit a single check for all projects and must submit the required Project Fee Remittance form (available on the Enel X website) identifying ALL projects covered by the fee submitted.



Q74: Can a bidder withdraw a qualified project up until the close of the bid offer rate submission window on July 30? What is the latest date/milestone in the schedule that a bidder can withdraw a project from the procurement?

A74: Please see Section 9.2 of the Procurement Announcement which permits cancellation of bids during the time the bidding window is open. All bids on the Procurement Platform at the close of the Bid Offer Rate submission window (July 30, 2020 at 4:00 PM EPT) will be firm and final bids and will be binding on the Bidder.

Q75: Regarding the requested expected hourly output of proposed projects; What, if any, representations are the Commission and Enel X asking the Bidder to stand behind related to the expected hourly output? Is there any impact in the event the expected hourly output numbers change in the future?

A75: As part of the materials submitted in support of the Project Qualification Application, the expected hourly output data file is covered by the Form 5 Affidavit and is expected to be the bidder's good faith estimate of the expected hourly output consistent with the obligation to provide information that is accurate, true and not misleading. The Standard Contracts contain any provisions with respect to the impact of any failure to comply with the terms of this Procurement or the contracts.

Q76: Regarding required Project Qualification affidavits; can Bidders provide the un-signed and un-notarized affidavits by 4/17/20 as long as the signed and notarized copies are provided by 5/13/20? It will be a challenge to have these affidavits signed and notarized by 4/17 with the new remote notarization requirements per the Governor's executive order on 4/8/20.

A76: Please see Q&A 58.

Q77: Could you please elaborate on the first question on Form 2 of the Project Qualification Application (regarding FCM participation)? Is this question asking whether the Project intends to act as Lead Market Participant/exercise a capacity right buyout in the Standard Contract? If a Project intends to allow the Standard Buyer to act as LMP, then the Standard Buyer (and not the Project) would determine whether the Project should participate in the FCM.

A77: This question is seeking information about whether the project sponsor/bidder expects the project to be able to qualify, receive a capacity supply obligation, and receive capacity payments in the FCM, or otherwise receive monetary value for capacity. Please also see Q&A78.

Q78: Could you please elaborate on the information requested in Columns R and S of the Project Qualification Database ("Project List" spreadsheet)? A) Is Column R asking whether a Project could in the future qualify to bid into the FCM (rather than clear in the auction)? B) Won't the answer be the same for all new projects bidding into the DG procurement? C) For Column S, how could a project have capacity value outside the FCM – is this a reference to either the substitution auction or the possibility of receiving Pay for Performance payments (but not monthly base payments) for resources without FCM capacity supply obligations?

A78: A) Column R is seeking a yes or no answer as to whether the project sponsor/bidder expects the project to be able to qualify, receive a capacity supply obligation, and receive capacity payments in the FCM. Column S is seeking a yes or no answer as to whether the project sponsor/bidder expects to otherwise receive monetary value for capacity. See Q&A77.



B) Not necessarily.

C) Bidders are being asked in Form 2 of the Project Qualification Application to describe how a project would participate in the FCM and/or how a project would have value in a capacity market. Column S is asking a bidder to specify yes or no whether it expects to otherwise receive monetary value for capacity.

Q79: The evaluation criteria in the Procurement Announcement do not contain scoring for estimated Forward Capacity Market or REC value. How will the questions on Form 2 of the Project Qualification Application Factor into the evaluation of bids by Enel X and/or Commission Staff?

A79: Please see Section 11.3 of the Procurement Announcement. The questions on Form 2 regarding RECs and qualification in the FCM are for the purpose of obtaining general information about the project to assist in understanding the potential cost to the standard buyer. The information about RECs and capacity are not part of the evaluation methodology described in Section 11.2 of the PA but may be relevant if there are multiple bids at the same offer rate

Q80: Will the number / MW of projects that completed the qualification of the procurement be publically available prior to the July 1 bid window?

A80: No.

Q81: A) It appears that a solar project awarded a contract will be a Class II Renewable Resource under the 2019 RPS statute and produce Maine Class I RECs. Is that correct? B) As a follow-up; let's take the case where a project sponsor retains ownership of the solar equipment and subscribers sign a PPA and receive the output from their share. Can the project sponsor sell Maine Class I RECs to buyers in Massachusetts?

A81: A) Please see Chapter 311 of the Commission's rules which sets forth the qualification criteria for Maine Class 1, Class 1A, and Class II facilities. A given solar project will produce RECs associated with the Class (or Classes) for which the project meets the qualification criteria.

B) As specified in Section 2.3 of the PA, selected projects will convey to the standard buyer all output of the resource, including energy, capacity, renewable energy certificates and all other environmental attributes and market products that are or may become available. Given that all RECs and environmental attributes are to be conveyed to the standard buyer, it is not clear how any would be available for the project sponsor to sell separately.

Q82: Can you please provide guidance on what the Commission is looking for on Form 3 of the Project Qualification Application "Detailed proposed Development Milestones".

A82: Commission Staff is unable to specify project milestones in the abstract as those would be specific to the design and construction of an individual project. Milestones developed and proposed by the bidder could include items such as: execution of key materials and services agreements, typical construction schedule milestones, key milestones related to interconnection, and commercial operations date.

Q83: The Standard Contract references "Exhibit C" which sets forth the Project Milestones the Project Sponsor must adhere to. Can you please provide a copy of Exhibit C?

A83: As specified in Section 7.7.2 of the PA, projects must provide the proposed Exhibit C project milestones as part of the Project Qualification materials. Please see Q&A82.



Q84: The Project Qualification Database contains a field for “Pricing Node”. Does Enel X or the MPUC know specifically where bidders can obtain this information for their sites? If so, where? If not, what are the penalties associated with leaving this field blank?

A84: Pricing nodes are established by ISO-New England. More information regarding pricing nodes is available here: <https://www.iso-ne.com/markets-operations/settlements/pricing-node-tables/> To the extent there is no existing node that would be applicable to bidder’s project, it should so indicate and identify the node in closest proximity or otherwise most closely applicable to the project.

Q85: Under form 3 there is a requirement that a bidder provides an “Explanation of relevant experience fulfilling obligations to Subscribers. If using a third party, identification of the party responsible for fulfilling obligations to Subscribers and demonstration of relevant experience of that party (For Shared DG Projects Only).” Our company is still considering various organizations to help with this scope. In lieu of providing the information for the specific group handling this scope, can we provide general information about our process and how our eventual partner will handle subscriptions. This has been an approach that has been accepted by a number of different jurisdictions. Is this approach acceptable for the DG procurement for Shared DG projects?

A85: Please see Q&A64. Demonstration of experience fulfilling the obligations to subscribers of shared distributed generation resources is a minimum requirement for qualification as specified in the PA and the Act. General information about a project sponsor’s approach does not appear to satisfy this minimum requirement.

Q86: Can the notarized Form 5 be provided by the remittance date of May 13, 2020?

A86: Please see Q&A71 and Q&A14.

Q87: While some of the larger municipal jurisdictions have remained open and are processing permitting applications remotely, some of the smaller municipal jurisdictions do not have the resources to conduct business as usual. This could result in a situation in which there are not as many Block 1 projects spread out evenly across a diverse mix of municipalities. Is the Commission considering any type of delay in rolling out block 1 or providing extensions to discretionary permit requirements to even out the playing field?

A87: Please see Q&A58 and Q&A14.

Q88: Please confirm that qualification applications along with the various forms and affidavits must be emailed to dgprocurement.enelxnorthamerica@enel.com.

A88: Confirmed.

Q89: Please confirm that Bidders have until May 13, 2020 to cure all deficiencies within their application. What at a minimum must be submitted by April 17, 2020?

A89: Please see Q&A58 and Q&A14.

Q90: Are the qualification applications confidential files? Is there any avenue for our competitors to access our applications, like through a FOIA request?



A90: On March 11, 2020 the Commission issued Protective Order No. 1 in Docket No. 2020-00014 granting protection to bid materials submitted in connection with this procurement. Please see Section 13.2 of the Procurement Announcement and Q&A 29.

Q91: In Section 5.4 it states “Project Sponsor must make financial assurance deposit within 5 days of the effective date of this agreement” but the key dates in the overall schedule published on the website states “Financial Security is due June 11th”. Are these in conflict? or two separate deliverables?

A91: Please see Section 5 of the Addendum to the PA. The Financial Security Deposit and the Project Financial Assurance are two separate deliverables, due at different times and potentially different amounts. The Financial Security Deposit due June 11, 2020 is in the amount of \$5/kWh and is required before a project may submit a bid offer rate beginning on July 1. The Project Financial Assurance amount will be specified by the Commission in its Notice of Awards and is due within 5 days of the execution of the contract. The Deposit is similar to “earnest money.” It is refundable if a project is not selected and may be applied against the amount of the Financial Assurance required if a project is selected.

Q92: In review of the Distributed Generation Standard Agreement for Share Distributed Generation Agreements section 6.1.g obligates the Project Sponsor to verify that is has met the minimum subscription agreements set forth in section 6(B)(2) of Chapter 312 of the Commission’s rules. Chapter 312 section 6(B)(2) states a sworn affidavit submitted in accordance with the procurement announcement and the milestones or other requirement. Can you respond to the following question related to this:

- A. When must the project sponsor submit a sworn affidavit?
- B. When are the milestones set by the procurement and who sets the milestone dates?
- C. What is the obligation on the project sponsor to meet 100% of the subscription requirements during the 20 year tariff term? What is the remedy is 100% subscription is not maintained month to month due to subscriber churn?

A92: A. The timing for the delivery of the sworn affidavit regarding the minimum subscription requirements is covered in Section 5.2(e) of the standard contract for shared distributed generation. It is due at least 10 days prior to the commercial operations date.

B. Please see Q&A82 and Q&A83.

C. The project sponsors obligations with respect to subscriptions verification are contained in Section 5.2(g) of the standard contract. Failure to meet these obligations is an event of default as specified in Section 6.1(g) of the standard contract subject to the cure and termination provisions contained in the contract.

Q93. What is the disposition of the required Financial Security Deposit if a project receives an award from the Commission in the Notice of Awards but does not proceed to contract execution?

A93. Please see Q&A 74. Any project that receives an award and does not execute a contract with the standard buyer would forfeit the Financial Security Deposit.

Q94: Can you confirm that bidders will be allowed to claim project attribute 10 after we receive confirmation or denial from CMP? CMP issued guidance on this attribute on April 17, just hours before the closure of the project qualification window.



A94: A project that submitted a Project Qualification Application on April 17 claiming project attribute 10 may provide the required confirmation from the interconnecting utility by the Project Qualification Remediation deadline of May 19, 2020 at 4:30 EPT.

A project that did not claim project attribute 10 in its April 17 submission may claim attribute 10 and provide the required confirmation from the interconnecting utility by the Project Qualification Remediation deadline of May 19, 2020 at 4:30 EPT.

Q95: We have a municipality who has told us they are 100% shut down and are not considering any site plan review applications. We have made several requests that the town planning board consider our application virtually, but our appeals been unsuccessful thus far. We have no reason to think that the situation will change before the June 11 deadline. The application was marked as complete on February 20 and, prior to the emergence of COVID-19, was scheduled to go before the planning board with ample time to meet DG procurement block 1 project qualification deadline. Since we have done everything within our power to secure a timely approval from the town and the situation is now completely out of our control, can MPUC grant a deadline waiver to our project, or consider extending the deadline for non-ministerial permits?

A95: Pursuant to the Act, in order to submit a bid in the procurement, a project must meet certain minimum requirements, including a demonstration that all required federal, state and local approvals and nonministerial permits for the project have been obtained. It is not within the Commission's authority to grant a waiver of this statutory requirement

Q96: Regarding Project Qualifications for a Shared DG Resource; if a Project Qualification Application was submitted for a Shared DG Resource by a Bidder that was under contractual terms with the owner of the Shared DG Resource prior to April 17th, could the project owner continue as an independent Bidder, if all of the requirements [are met]?

Could the owner of the Shared DG Resource choose to transfer the Project Qualification Application to another Bidder in the Block 1 Procurement? Is there a limit on the timing of any changes contemplated above?

A96: Please see Q&A9, Q&A23 and Q&A28. Any changes such as the one described should have been submitted with the April 17 Project Qualification Application. No further changes will be accepted except as described in the above referenced Q&As.

Q97: Do Bidders have until June 11th to cure/obtain attribute related clearance letters if they are related to permitting (DEP letters/permits as an example)?

A97: Please see Procurement Announcement Appendix A for a description of the methods of verification of siting attributes claimed and Q&A44 for the timing of submission and remediation of supporting documentation for siting attributes. Please note that the Project Qualification Remediation deadline has been extended to May 19, 2020 at 4:30 EPT.

The March 27, 2020 Procedural Order extended the deadline for submission of required nonministerial permits only.



Submitting Questions

All questions regarding this PA should be submitted to the Procurement Email Address: dgprocurement.enelxnorthamerica@enel.com. All questions and answers of a non-trivial nature will be made anonymous and posted on Enel X's Procurement Website on a periodic basis.