



**Re: "ILLINOIS POWER AGENCY Indexed REC RFP: Stakeholder Request for Feedback"**

Dear IPA and Nera Staff,

Please find our comments to the LLINOIS POWER AGENCY Indexed REC RFP: Stakeholder Request for Feedback on the following pages.

Thank you for your time and consideration,

A handwritten signature in black ink that reads "Brennan Downes".

Brennan Downes,  
VP Development



### **Comment #1**

**Document:** “Spring-2022-Indexed-REC-RFP-Preliminary-Proposal-Requirements\_06-DEC-2021-posted”

**Table:** Draft Part 1 Proposal Requirements for Each Brownfield Site Photovoltaic Project

**Row:** Project Information

**Text:** “Other requirements: Project must be entirely contained within the Brownfield site”

### **Comment and Suggestions:**

There are many utility scale projects that might have parcels of land within its project boundary that are eligible under the brownfield rules. To ensure the resulting brownfield project bids aren’t as high as the original procurement rounds, the agency should consider allowing partial applicability.

We suggest that the project be able to “joint-bid” brownfield and non-brownfield bids in the indexed procurement RFP by applying the percentage of land that is within the project boundary (that qualifies as Brownfield) into the Brownfield RFP and the balance of the project is offered in the non-brownfield RFP. Priority would be given to these projects if the strike price is the same from both the brownfield and non-brownfield.

### **Comment #2**

**Document:** “Spring-2022-Indexed-REC-RFP-Preliminary-Proposal-Requirements\_06-DEC-2021-posted”

**Table:** Draft Key Contract Terms

**Row:** Delivery Terms

**Text:** “At least one (1) REC from the Project must be delivered by May 31, 2024, unless Seller posts additional performance assurance by May 31, 2024, to satisfy the increased collateral requirement, in which case the deadline for the delivery of one (1) REC is extended to May 31, 2025.”

### **Comment and Suggestions:**

Given the delayed status of both the PJM and MISO queue there is some uncertainty around being able to COD by 2025 (even for projects in older queue positions).

We suggest that the project be able to either 1) increase collateral even further to allow for a backstop of May 31, 2026, or 2) if the ISOs are unduly delayed, the project can claim force majeure resulting in a delayed start without penalty based on ISO queue delays.

### **Comment #3**

**Document:** “Indexed-REC-RFP-Request-for-Comments\_06-DEC-2021-posted”

**Topic #2: Brownfield Site Photovoltaic Project Definition and Requirements**

**Text:** “In regard to category (2), under the preliminary proposal requirements, projects



will be required to describe milestones in the development of the project that have been reached to date including the status of remediation of the project site. An interpretation of category (2) implies that to participate in the RFP, the clean-up and remediation obligations are required to have been completed. Is this interpretation unduly restrictive? If so, at what point in the closure activities, clean-up, or remediation process should sites be required to have reached?"

**Comment and Suggestions:**

We feel that the interpretation of the status of clean-up and remediation is unduly restrictive. To encourage use of as much formerly mined land as possible we suggest the following:

We suggest that the status of the land be such that if remediation and clean-up have not been completed that the "The current reclamation plan or a new reclamation plan can be modified to allow the installation of the project WHILE MAINTAINING GOOD STANDING WITH ALL APPLICABLE FEDERAL, STATE AND LOCAL ACTS AND RULES PERTAINING TO THE MINE"

We suggest that mines not subject to the "federal Surface Mining and Reclamation Act of 1977" but have followed the same requirements be grandfathered in and allowed to participate.

**Comment #4**

**Document:** "Indexed-REC-RFP-Request-for-Comments\_06-DEC-2021-posted"

**Topic #1: Project Maturity Requirement**

**Text:** "Please comment on the appropriateness of these requirements for demonstrating that a project is sufficiently advanced in its development to be eligible to bid, or suggest alternative criteria for consideration. If you propose alternative criteria, please explain your rationale in detail."

**Comment and Suggestions:**

We agree with the current project maturity requirements: "...either: (1) provide evidence that the project has reached a certain point along the interconnection process, or (2) demonstrate sufficient site control."

We suggest that the IPA keep the current Project Maturity requirements. Further, to allow for the natural course of project development in which land is sometimes swapped for other land due to numerous site-specific parameters, we suggest that if the point of interconnection is generally in the same location (within a mile), the land used for Project Maturity requirement does not constrain the final land used by the project.