STATE OF CONNECTICUT
PUBLIC UTILITIES REGULATORY AUTHORITY

July 30, 2020
In reply, please refer to:
Docket No. 16-03-08RE01
Motion No. 9

Vincent P. Pace, Esq.
Assistant General Counsel
Eversource Energy
P.O. Box 270
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Thomas Melone, Esq.
On behalf of Windham Solar LLC,
Ecos Energy LLC, and PLH LLC
1740 Broadway, 15th Floor
New York, NY 10019

Re: 16-03-08RE01 - Petition of Windham Solar LLC for Approval of a Power Purchase Agreement Between Windham Solar LLC and The Connecticut Light and Power Company d/b/a Eversource Energy – Voluntary Remand

Dear Attorneys Pace and Melone:

The Authority acknowledges receipt of the joint motion to approve a settlement agreement submitted by Connecticut Light and Power Company d/b/a Eversource Energy (Eversource) and Windham Solar LLC, Ecos Energy LLC, and PLH LLC (collectively, the Windham Affiliates) on June 5, 2020 (Motion No. 9). In Motion No. 9, Eversource and Windham Affiliates summarize a proposed settlement relating to three pending lawsuits before Connecticut courts and a pending rulemaking proceeding before the Public Utilities Regulatory Authority (Authority or PURA). The proposed settlement resolves pending court and administrative agency claims raised by the Windham Affiliates against the following defendants: Eversource, the Authority, and the Office of Consumer Counsel (OCC). For litigation-related reasons, Eversource and the Windham Affiliates requested that the Authority issue an initial letter order approving the material terms of the proposed settlement by July 30, 2020, and later receive and review a fully executed written settlement agreement. In response to Motion No. 9, the Authority issued interrogatories on June 23, 2020, and July 23, 2020, and a Notice of Request for Written Comments on June 24, 2020, in the above-captioned docket. The OCC fully supports the proposed settlement of the two matters to which OCC is a party. Written Comments dated July 8, 2020.

Pursuant to General Statutes of Connecticut § 16-19jj, the Authority, whenever it deems appropriate, encourages the use of proposed settlements produced by alternative dispute resolution mechanisms to resolve contested cases and proceedings. The Authority has fully reviewed Motion No. 9, the responses to Interrogatories EL-1 to EL-10, and the written comments received in this docket. The Authority deems the use of a proposed settlement agreement appropriate for the resolution of pending court and administrative agency claims raised by the Windham Affiliates.

As conditioned below, the Authority approves the material terms (Material Terms) of the proposed settlement that are summarized in Motion No. 9, Exhibit 1, and as more specifically articulated or clarified by Eversource or the Windham Affiliates in the public and confidential responses to the Interrogatories EL-1 to EL-10 issued in this docket. To the extent that the Material Terms are specified or clarified in public and confidential responses to the Interrogatories EL-1 to EL-10, the Authority expects that the fully executed settlement agreement (Settlement Agreement) will incorporate and be consistent with such specifications and clarifications. The Authority further expects that the Settlement Agreement will contain other customary, non-material settlement terms and conditions that are mutually acceptable to the parties and that certain compliance filings, including any executed contracts for the sale of energy from PURPA qualified facilities contemplated in the Settlement Agreement, will be filed in the appropriate dockets.

In Motion No. 9, Eversource and the Windham Affiliates request that the fully executed Settlement Agreement be submitted to the Authority and that the Settlement Agreement not take effect unless and until PURA issues an order accepting the Settlement Agreement. However, the Authority's status as a defendant in the litigation that is the subject of the Settlement Agreement and in other litigation commenced by the Windham Affiliates requires a different procedural approach than proposed in Motion No. 9.

To effectuate the terms of the Settlement Agreement and to ensure final resolution of all litigation commenced by the Windham Affiliates against the Authority, the Authority conditions its approval of the Material Terms on (1) the Authority being made a party to the Settlement Agreement, and (2) the Settlement Agreement requiring the withdrawal, dismissal, or waiver of all claims by the Windham Affiliates against the Authority in accordance with the Material Terms. Therefore, the Authority directs Eversource and the Windham Affiliates to work with the Office of the Attorney General, which represents the Authority in these litigation matters, to finalize the Settlement Agreement as approved herein.

Sincerely,

PUBLIC UTILITIES REGULATORY AUTHORITY



Jeffrey R. Gaudiosi, Esq.
Executive Secretary

cc: Service List