March 20, 2024

VIA EMAIL (HouseCorporations@rilegislature.gov)

Representative Joseph J. Solomon, Jr.
Chair, House Corporations Committee
Rhode Island State House
Providence, RI 02903
Rep-solomon@rilegislature.gov

Re: Support for H 7431; An Act Relating to Public Utilities and Carriers -- Net Metering

Dear Representative Solomon:

I write to you in your capacity as the Chair of the House Corporations Committee and with regards to H 7431, a bill pending before your Committee which would revise certain typographical errors contained in last session's "core forest" legislation (S 0684 and H 5853). I write in my capacity as Senior Legal Counsel for Revity Energy LLC and its affiliates ("Revity") and to express **Revity's support for H 7431**. Revity is a Rhode Island-based utility scale solar developer which has successfully developed over 158 megawatts, direct current (MWDC) of solar capacity in Rhode Island and Massachusetts and Revity has another 37.6 MWDC in various stages of construction and development in Rhode Island. These developments are projected to generate approximately 265,429,200 kilowatt hours of renewable electricity per year and produce enough renewable electricity to power approximately 38,125 homes.

Last year, the General Assembly passed critical legislation (S 0684 and H 5853) limiting solar developer's ability to develop within "core forests" which were defined as "unfragmented forest blocks of single or multiple parcels totaling two hundred fifty (250) acres or greater unbroken by development and at least twenty-five (25) yards from mapped roads * * *." Revity supported this legislation as a balanced approach to addressing significant concerns about solar development's responsibility for deforestation in the State. H 7431 simply corrects certain typographical errors contained in last year's legislation and Revity supports the correction of those errors.

Revity would, however, respectfully request that one additional revision be made to last year's "core forest" legislation through an amendment to H 7431. When S 0684 and H 5853 were originally introduced last session, R.I. Gen. Laws § 39-26.4-3(a)(1)(iii) read that "[f]or systems developed in core forests on preferred sites, no more than one hundred thousand square feet (100,000 sq. ft) of core forest shall be removed, **except** for work required for utility interconnection or development of a brownfield, in which case no more core forest than necessary for

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interconnection or brownfield development shall be removed." (Emphasis supplied). However, the legislation ultimately enacted by the General Assembly reads as follows: "[f]or systems developed in core forests on preferred sites, no more than one hundred thousand square feet (100,000 sq. ft) of core forest shall be removed, **including** for work required for utility interconnection or development of a brownfield, in which case no more core forest than necessary for interconnection or brownfield development shall be removed." (Emphasis supplied).

This language suggests that, for "preferred site" development, a developer can clear up to 100,000 square feet of core forest but that, for brownfield development (which is a unique subset of "preferred site" development),[1] the developer can only clear that "core forest" which is "necessary" not to exceed 100,000 square feet. One goal of last year's legislation was to push solar developers to brownfields and so to limit clearing necessary to develop a brownfield is counterproductive to that goal. This Committee is currently considering H 7616 which would create the "Renewable Ready Program" to assist in the funding of brownfield remediation for solar development. But brownfield solar development will be severely hampered if developers are limited to 100,000 square feet or less of tree clearing. These brownfield sites can be significant forest blocks which the Rhode Island Department of Environmental Management has determined are contaminated. Certainly, the General Assembly made manifest the importance of core forests to the State's environmental interests during last year's session; however, there is an equally compelling environmental interest in incentivizing developmental rejuvenation of forested brownfields which, through prior use (often misuse), have be contaminated and there is additional environmental interest in pushing renewable energy projects (for which this General Assembly has stressed a desire) away from core forests and onto previously contaminated brownfields. R.I. Gen. Laws § 39-26.4-3(a)(1)(iii), as currently written, does not meet that desire. Revity would ask that H 7431 be amended to revise R.I. Gen. Laws § 39-26.4-3(a)(1)(iii) as follows:

> (iii) For systems developed in core forests on preferred sites, no more than one hundred thousand square feet (100,000 sq. ft) of core forest shall be removed, ~~including~~ except for work required for utility interconnection or development of a brownfield, in which case no more core forest than necessary for interconnection or brownfield development shall be removed.

[1] R.I. Gen. Laws § 36-26.4-2(18) defines "Preferred Site" as "a location for a renewable energy system that has had prior development, including, but not limited to: landfills, gravel pits and quarries, highway and major road median strips, brownfields, superfund sites, parking lots or sites that are designated appropriate for carports, and all rooftops including, but not limited to, residential, commercial, industrial, and municipal buildings."

For these reasons, **Revity supports H 7431** but respectfully requests that the legislation be amended to include the aforementioned revision. If the Committee has any additional questions regarding the positions taken in this correspondence, please feel free to contact my office.

Regards

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Senior Legal Counsel
REVITY ENERGY LLC AND AFFILIATES

Copy:

Representative William W. O'Brien, First Vice Chair, House Corporations Committee
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