

Drinker Biddle

Working with Utilities in a  
Complex Regulatory Environment

Microgrid 2017

Boston, MA

November 8, 2017

C. Baird Brown

# The Grid

- The most **complex machine** ever devised
    - The source of tremendous **economic development**
    - Runs on coal – a **threat to the planet**
    - Operational risk – **cascading failure**
  - An electric power system with **common automatic controls** that:
    - **Balances** power from generation and imports with load
    - Maintains scheduled **interchange** with other control areas
    - Maintains the **frequency** of the electric power system
    - Maintains **operating reserves**
  - **Control areas** now are:
    - **Integrated utilities**
    - **Regional Transmission Organizations (RTOs)**
-

# The Grid of the Future

- A **self-healing grid** provides **resiliency**
    - The grid can separate into self-supporting **islands**
    - Each island is its own **semiautonomous** control area supplied by DER
    - The islands can support one another through distributed energy resource management systems (**DERMS**)
  - Microgrids provide **grid support services** when not in island mode
  - Smaller, local, diverse resources reduce grid risk
  - Utilities **invest in the platform**
-

# The Microgrid

A microgrid is a local electric system (**a local control area**) or combined electric and thermal system:

- that includes retail load and the ability to provide energy and energy management services needed to meet a significant proportion of the included load on a non-emergency basis
- that is capable of operating either in parallel or in isolation from the electrical grid
- that, when operating in parallel, is capable of providing energy, capacity or related services to the grid

## Microgrid Performance

- Cogeneration efficiency beats the grid 80 to 35%
- Microgrids integrate Variable Energy Resources with hybrid generation
- Smart, integrated management of thermal loads
  - Uses thermal storage including building mass
- Customers arbitrage fuels and time of day

Microgrids invest to meet own needs, can provide multiple services to the grid at favorable prices

---

# The Utility

- Retail distribution
    - Plans and manages the Distribution System
    - Bills for energy and wires
  - In an RTO
    - Maintains its transmission for RTO
    - Revenue requirement is wrapped by RTO tariff
  - Outside an RTO
    - Typically vertically integrated
    - Acts as control area operator
    - Provides open access to transmission
-

# Utility DER Concerns

- Risks to grid operation
    - Too many variable energy resources (VERs) requires additional ramping resources and reserves
    - DER are invisible and unresponsive
  - Risks to utility business models
    - DERs aren't paying costs of system – need large standby charges
    - Net metering is an unfair subsidy
    - DERs are destroying load and revenues (even if the utility doesn't own generation)
-

# Utility Constraints

- Must serve all customers fairly
    - Assets in rate base must be used to optimize grid for all customers.
  - Can't generally own assets behind the meter
    - Can't optimize customer energy use
  - State policies on generation ownership should be respected
  - Utility - Private Partnership
    - Take advantage of strengths of each party
-

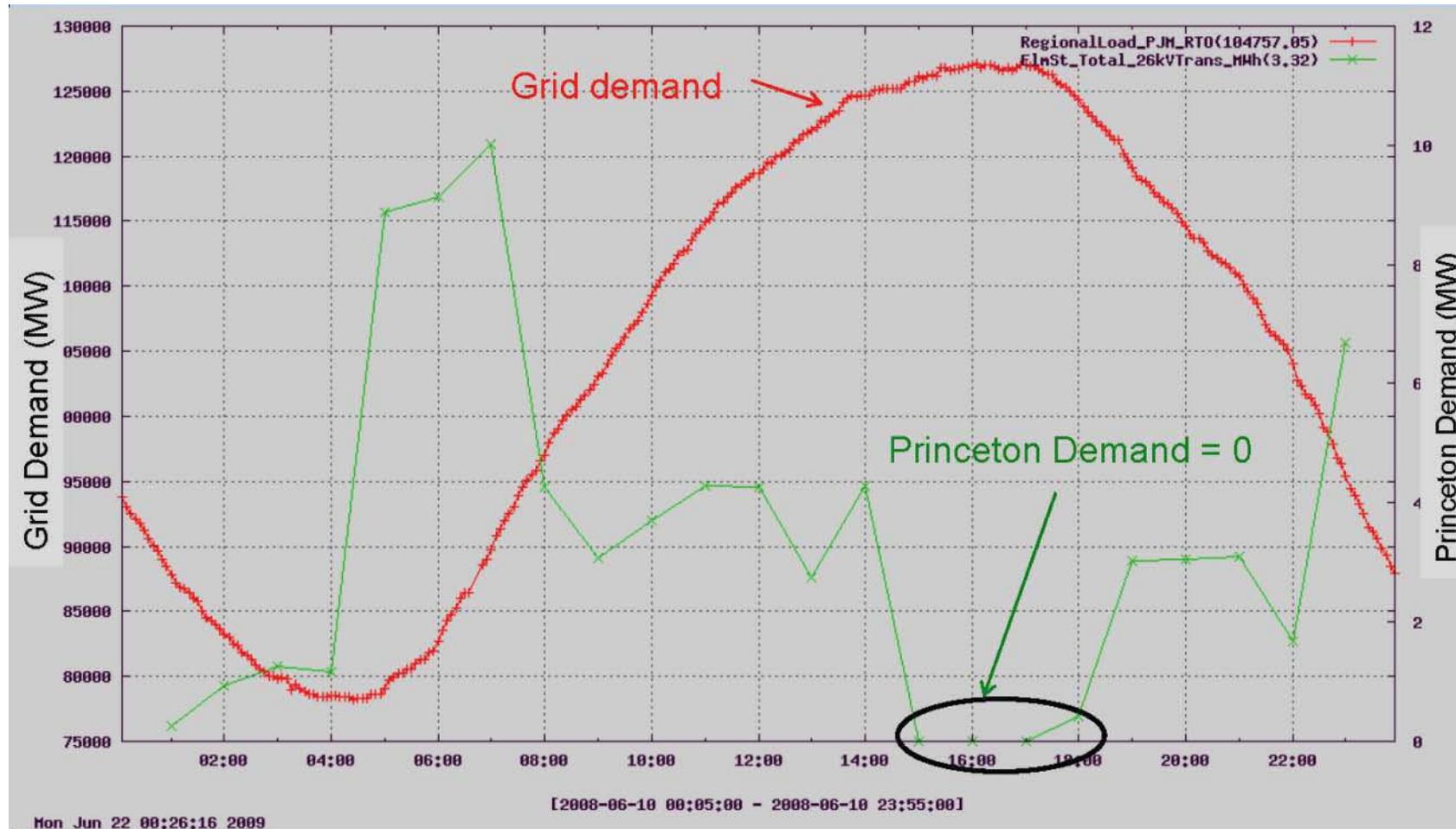
# Microgrid Constraints

- Is a Microgrid a utility?
    - Can it sell at retail?
    - Can it own wires?
  - Self Generation is usually permitted
    - Most states allow a third party supplier on site
  - Some states exempt multiple local customers
    - New York Qualified Facility exemption
  - Other regulatory options
    - Retail electric supplier, Community Choice Aggregation
    - Utility/Private Partnership
-

# Princeton Microgrid

- Includes:
    - 15 MW cogeneration
    - 4.5 MW solar
    - 400 MWh Thermal Energy Storage
    - Advanced building controls
    - Advanced grid interface
  - Survived Hurricane Sandy as an island
  - Sells demand response and frequency regulation
  - Arbitrages thermal storage and fuel diversity
  - Supports critical research power quality needs
  - Few regulatory hurdles
-

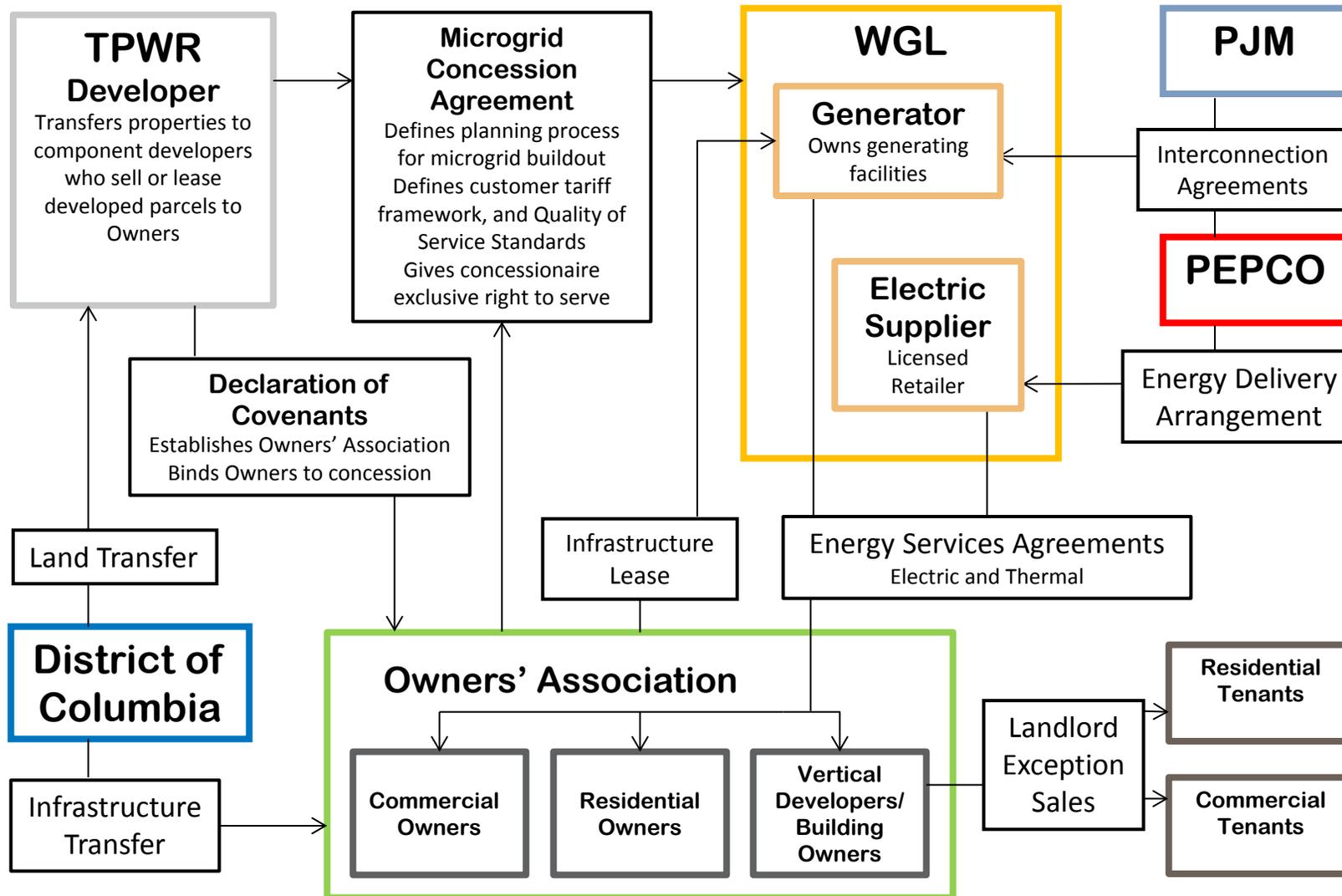
# Princeton Load Shape



## The Parks at Walter Reed

- Multiuse development on former Army site
  - DC defines utility by wires ownership
    - Exception for self supply
  - Owners association (OA) owns the wires
    - Collective self supply
  - Concession agreement with microgrid operator
    - OA leases wires to operator
    - Developer leases generating sites to operator
    - OA enforces the concession agreement
-

The Parks at Walter Reed – Microgrid Structure



# Brooklyn Microgrid

- Benefit Corporation will run a market for excess power generated by rooftop solar in a Brooklyn neighborhood
  - Block-chain technology implemented through smart meters will set “peer to peer” price for solar
  - Brooklyn Microgrid is a retail electric supplier
  - Solar owners are “qualified facilities” under PURPA
  - Utility bills customers based on Brooklyn Microgrid’s settlement
  - Future submarket microgrids will use cogeneration
    - Need to own wires or partner with utility to permit island operation
  - Retail electric supply regulations form initial basis for partnership without additional negotiation
-

# Duke University

- Duke Power proposes to install a new cogeneration facility on the Duke University campus.
  - The electric generation is owned by Duke Power, it is financed in rate base and is operated to optimize the utility distribution system
  - The utility is permitted to own generation and there are no RTO power markets, only the utility
  - Generation is paid for by ratepayers and operates for ratepayer benefit
  - Duke University gets low cost thermal energy, and its payments reduce the cost for utility ratepayers
  - Duke University can't use generation to optimize its system
-

# Borrego Springs

- San Diego Gas and Electric serves an isolated community at the end of a long feeder
  - The community experienced repeated outages
  - The utility installed islanding switchgear on the feeder and batteries in the community
  - Other generation was added with third party ownership
  - No “special services” are provided – the project allows the utility to provide reliable service
  - Utility improvements are included in rate base
-

# PEPCO Maryland Proposal

- PEPCO agrees in merger to do public purpose microgrids
  - Prince Georges County proposal would include County building, medical center, pharmacy, gas station and grocery store
  - PEPCO will install islanding switchgear and controls
  - PEPCO will issue RFP for included generation to be built and operated by third parties – will pay for some services
  - Customers continue to have retail choice when the microgrid is not in island mode
  - Proposed microgrid includes solar, batteries and gas generation
  - No cogeneration proposed
    - Can RFP respondent's propose cogeneration and offer thermal services?
-

# Services to the Grid

- Wholesale markets
    - **Energy, capacity, ancillary services**
    - EPSA v. FERC has given FERC clear authority
    - Aggregators are the real market participants
    - Market sets the price
    - Resources must be visible and responsive
    - Bids not baselines
  - Distribution support services
    - Avoid upgrading wires or substations, local peak support
  - California PUC DER Planning Process
    - Map the locations on the **Distribution System** where DER can contribute
-

# Contracts and Pricing

- Conduct **Requests for Proposals** for DER solutions
    - Virginia unsolicited proposal model for transportation projects
  - Distribution company enters long-term performance-based contract that serves as (partial) basis for financing
    - Penalties for failure to deliver
  - Alternative is a fixed tariff or resilient resource credit rewarding resilient resources
  - Hughes v. Talen Energy Marketing
    - States have broad power; can't interfere with wholesale market
    - Zero Emissions Credits upheld in courts
-

# New Utility Incentives

- Decoupling
    - Utility does not automatically earn all customer charges
  - Incentive Ratemaking
    - Utility earns extra return for meeting specific goals:
      - **Reducing load**
      - **Interconnecting DER**
  - Rate base treatment for DER contracts
    - Contract is a **“regulatory asset”** that earns a rate of return
    - Making the Utility indifferent
  - Integration with wholesale markets
-

# Questions?

C. Baird Brown

Drinker Biddle & Reath LLP

215-988-3338

[baird.brown@dbr.com](mailto:baird.brown@dbr.com)

---