



## **TOWN OF FALMOUTH**

### **ORDER NO 126-2020**

#### **AUTHORIZE SOLAR POWER PURCHASE AGREEMENT**

**WHEREAS**, pursuant to Title 35-A, Section 3209-B and Chapter 313 of the Maine Public Utilities Commission's rules, a commercial and institutional utility customer, such as a municipality, with a financial interest in a renewable energy generation facility may participate in net energy billing and thereby receive, for electricity delivered on the customer's behalf to the electric grid from the renewable energy generation facilities, utility bill credits based on a tariff rate set by the Maine Public Utilities Commission ("Net Energy Billing Credits"); and

**WHEREAS**, the Town of Falmouth (the "Town"), after considering the speculative nature of purchasing electric energy from a renewable energy generation facility on a long-term basis and the variables that can affect electricity costs and the value of Net Energy Billing Credits (including the risk of electricity rate fluctuations, increases or decreases to the output of the renewable energy generation facility, and changes to the Town's electricity usage), desires to enter into a long-term agreement to purchase Net Energy Billing Credits generated by a solar distributed generation facility to be sited on Town-owned property at the Falmouth Transfer Station (the "System"), in order to, among other things, achieve anticipated electric energy cost savings arising from its purchase of Net Energy Billing Credits; provide long-term predictability with respect to its electric energy costs; and obtain benefits arising from the acquisition of a financial interest in a renewable energy generation facility.

**NOW, THEREFORE, BE IT HEREBY ORDERED THIS 27TH DAY OF MAY 2020 BY THE FALMOUTH TOWN COUNCIL, FALMOUTH MAINE, IN TOWN COUNCIL ASSEMBLED:**

1. That the Town Manager is authorized to execute and deliver to TES Presumpscot Solar 23 LLC, or its designee (the "Supplier"), a solar power purchase agreement in the name and on behalf of the Town to (a) grant the Supplier an easement and a long-term lease for the purpose of designing, procuring, installing, constructing, operating, and maintaining the System at the Falmouth Transfer Station, and (b) purchase 100% of the electricity and related Net Energy Billing Credit generated by the System, at a total purchase price not to exceed \$0.079 per kilowatt hour, for a term of 20 years, on such terms not inconsistent herewith as the Town Manager may approve (the "PPA"); and

2. That the Town Manager is authorized to grant, execute, and deliver on behalf of the Town such other easements, contracts, documents, and certificates as may, in the Town Manager's judgment, be necessary or convenient to effect the transactions authorized by this Order, including without limitation to amend the Town's existing electricity supply agreements, execute any consents to collateral assignment, and grant any easements and execute and deliver any documents necessary to interconnect the System to the utility grid and establish net energy billing; and
3. That if the Town Manager or any other officer or official of the Town is for any reason unavailable to, as applicable, approve, execute, or attest the PPA, net energy billing documents, amendments to the electricity supply agreements, or any related documents, the person acting in any such capacity, whether as interim, successor, assistant, deputy, or otherwise, is authorized to act for such officer or official with the same force and effect as if such officer or official had performed such act; and

**Attest:** \_\_\_\_\_

**Ellen Planer**  
**Town Clerk**