

To: Middlebury Selectboard members

From: Middlebury Energy Committee

Subject: Recommendation for Bristol solar array resolution issue

The Middlebury Energy Committee discussed, in a special meeting on November 9, the issue regarding an unanticipated 12% reduction in the expected production of electricity from the Bristol solar array in which the Town of Middlebury has a 15% share as a Series B member. This was due to a reconfiguration of the panels to account for the landfill slopes. The installer of the array, Aegis Renewable Energy, neglected to inform Acorn Renewable Energy Co-op of the reduction after layout was changed. As a result, Aegis Renewable Energy and Acorn Renewable Energy Co-op proposed an offer to financially compensate the Series B members to offset 70% (in net present value) of the lost credit Series B members will receive.

In discussion, the members of the Energy Committee concluded steps taken by Aegis and Acorn to offset 70% of the losses with contingency funds and foregoing maintenance fees demonstrates an intent to minimize the loss to the Series B members. Any alternative including legal action could be costly and not result in any better resolution. The overall savings through the life of the array is still expected to be significant. It is also assumed the distribution of funds from the settlement and the elimination of maintenance costs will result in a positive cash flow over the life of the array.

The recommendation from the Energy Committee is to accept the agreement offered by Aegis Renewable Energy and Acorn Renewable Energy Co-op.