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NEWTON M. GALLOWAY
TERRI M. LYNDALL

Via Alternative Electronic Filing

September 17, 2020

Mr. Reece McAlister
Executive Secretary
Georgia Public Service Commission
244 Washington Street, 1st Floor
Atlanta, Georgia 30334

RE: Capacity and Energy Payments to Cogenerators Under PURPA
Docket No.: 4822

Georgia Power Company's Green Energy Program
Docket No.: 16573

Biomass Gas & Electric, LLC's Petition to Establish Docket Regarding
Forsyth County Renewable Energy Plant
Docket No.: 19279

Dear Mr. McAlister:

Please find included herewith for filing an original and sixteen (16) copies of the Petition for Leave to Intervene of Heelstone Renewable Energy, LLC ("Petition") in the above reference matter. The Petition is being filed with the Commission by means of its Alternative Electronic Filing Procedures. Please return a file-stamped duplicate to me. We have also enclosed a CD containing the filing in Microsoft Word.

Should you have any questions, please do not hesitate to contact our office.

Sincerely,

GALLOWAY & LYNDALL, LLP


Newton M. Galloway

NMG:dln
Enclosures

cc: All Parties of Record

BEFORE THE PUBLIC SERVICE COMMISSION

STATE OF GEORGIA

In Re: :
:
CAPACITY AND ENERGY PAYMENTS : DOCKET NO.: 4822
TO COGENERATORS UNDER PURPA :
:
GEORGIA POWER COMPANY’S : DOCKET NO.: 16573
GREEN ENERGY PROGRAM :
:
BIOMASS GAS & ELECTRIC, LLC’S : DOCKET NO.: 19279
PETITION TO ESTABLISH DOCKET :
REGARDING FORSYTH COUNTY :
RENEWABLE ENERGY PLANT :
:
:

**PETITION FOR LEAVE TO INTERVENE
OF HEELSTONE RENEWABLE ENERGY, LLC**

Comes now, HEELSTONE RENEWABLE ENERGY, LLC (“HEELSTONE”) and pursuant to the provisions of O.C.G.A. §§ 50-13-14, 46-2-59 and Commission Utility Rule 515-2-1-.06, files this Petition for Leave to Intervene in the above-styled docket. In support hereof, HEELSTONE shows the Commission, as follows:

1.

HEELSTONE is a limited liability company organized and existing under the laws of the State of Delaware, maintaining its principal place of business at 1414 Raleigh Road, Suite 210, Chapel Hill, North Carolina 27517. HEELSTONE develops solar electricity generation facilities, and it sells the electricity generated therefrom to investor owned utilities and others. HEELSTONE is a leading utility-scale solar developer, having developed a diverse portfolio of solar projects in various locations and in different sizes. HEELSTONE has developed and

achieved commercial operation on more than sixty (60) solar projects with an aggregate generation capacity exceeding 500 MW.

2.

In 2018, HEELSTONE entered the Georgia market seeking to develop utility scale solar generation facilities as a Qualify Facility (“QF”) pursuant to the Public Utilities Regulatory Policies Act, 16 U.S.C. § 2601, *et. seq.* (“PURPA”). HEELSTONE, through wholly-owned special purpose entities, entered into six (6) separate Power Purchase Agreements with Georgia Power Company (the “Company” or “Georgia Power”), each styled: “Standard Contract for the Purchase of Non-Firm Energy from a Qualified Facility” for six (6) different projects across Georgia (collectively, the “HEELSTONE PPAs” and individually, a “HEELSTONE PPA”). Each HEELSTONE PPA is the pro forma standard contract (“Standard QF Contract”) approved by this Commission.¹

3.

Under each HEELSTONE PPA, HEELSTONE will sell electricity generated by its utility scale solar generation facilities to the Company, and the Company will pay Heelstone for such generation pursuant to the methodology and computation formula which were approved by the Commission.² The Company makes an annual filing on Avoided Cost projections, using the methodology approved in the Pricing Order.³

¹ “Order Approving Standard Contracts;” *In re: Capacity and Energy Payments to Cogenerators Under PURPA*; Docket 4822 (January 21, 2003)(the “PPA Order”).

² Final Order;“ Docket 4822 (October 11, 1994)(the “Pricing Order”).

³ e.g., “Letter from Mr. Kyle Leach Re: Georgia Power’s 2019 Avoided Cost and Solar Avoided Cost Projections;” Docket 4822 (December 19, 2019).

4.

On August 20, 2020, the Commission issued the Procedural and Scheduling Order (“PSO”) in these Dockets. The PSO identified several issues to be resolved in this proceeding, including a review of the methodology and pricing calculations under the Standard QF Contract.⁴ Additionally, the issue of whether the Commission should approve modifications of the terms and conditions of the Standard QF Contract will also be considered.⁵

5.

HEELSTONE has made material capital expenditures towards the development and construction of its projects in Georgia. Upon information and belief, HEELSTONE may be the only utility scale solar energy developer that has made such material capital expenditures towards the development and construction of utility scale solar generation projects under Standard QF Contracts in Georgia. HEELSTONE’s business interests thereunder may be significantly affected by any decision rendered by the Commission in these Dockets. Further, its rights and interests cannot be adequately represented by any other party, and its intervention in this Docket is required.

6.

HEELSTONE requests that it be granted leave to intervene and participate fully as a party in these proceedings, including the right to present testimony and exhibits, cross-examine witnesses, and file briefs.

⁴ Issues 1-2 (PSO), p. 3.

⁵ Issue 3 (PSO), p. 3.

7.

All notices, correspondence and service copies of pleadings and documents filed herein should be addressed to the following, each of whom should be placed upon the official service list in this proceeding:

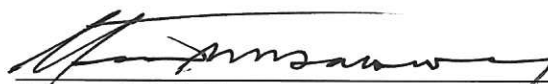
Mr. Newton M. Galloway
Ms. Terri M. Lyndall
Galloway & Lyndall, LLP
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WHEREFORE, HEELSTONE prays that:

- a. Its Petition for Leave to Intervene be read and considered;
- b. The same be granted; and
- c. It be permitted to intervene in the above-referenced docket.

This 17th day of September, 2020.

GALLOWAY & LYNDALL, LLP
Counsel for Intervenor,
HEELSTONE RENEWABLE ENERGY, LLC



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STATE OF GEORGIA,

SPALDING COUNTY:

VERIFICATION

Personally appeared before me, the undersigned officer duly authorized to administer oaths, NEWTON M. GALLOWAY, who upon being sworn deposes and states that the information contained in the within and foregoing PETITION FOR LEAVE TO INTERVENE OF HEELSTONE RENEWABLE ENERGY, LLC is true and correct.

This 17th day of September, 2020.

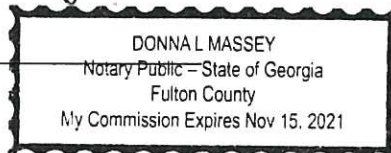

NEWTON M. GALLOWAY

Sworn to and subscribed before me
this 17th day of September, 2020.



Notary Public

My commission expires: _____



CERTIFICATE OF SERVICE

I certify that I have this day served a copy of the foregoing PETITION FOR LEAVE TO INTERVENE OF HEELSTONE RENEWABLE ENERGY, LLC upon the following persons by causing electronic copies of the same to be transmitted to each interested party that has supplied a valid email address, and all other parties to be served via first class mail with adequate postage affixed thereon and deposited in the United States Mail addressed as follows:

Mr. Reece McAlister
Executive Secretary
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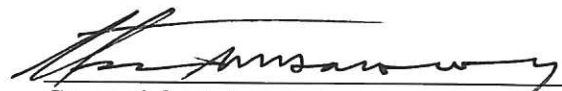
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This 17th day of September, 2020.



Counsel for Intervenor